

**CHARTER INSTITUTE**

A Division of Charter College

WE WORK TO GET YOU TO WORK.

**2022**

**Campus Safety & Security Annual Report  
Drug – Free Campus/Workplace Report**

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**State of New Mexico**

*Campus Location:*

Farmington

*Published September 28, 2022*

## TABLE OF CONTENTS

|   |           |
|---|-----------|
| TABLE OF CONTENTS .....   | 0         |
| CAMPUS SECURITY .....   | 1         |
| <b>GENERAL EMERGENCY RESPONSE AND EVACUATION PLAN .....</b>   | <b>1</b>  |
| Emergency Communications .....  | 2         |
| Active Shooter.....   | 2         |
| <b>BIOHAZARDOUS MATERIALS .....</b>   | <b>3</b>  |
| <b>BLOODBORNE PATHOGENS .....</b>   | <b>3</b>  |
| Bomb Threat .....   | 3         |
| <b>CHILD ABUSE AND NEGLECT REPORTING .....</b>  | <b>4</b>  |
| Earthquakes .....   | 4         |
| Evacuation.....   | 5         |
| Fire .....  | 5         |
| Hostage Situation.....  | 6         |
| <b>INFECTIOUS DISEASES .....</b>  | <b>6</b>  |
| Lockdown .....  | 7         |
| <b>MEDIA CALLS .....</b>  | <b>7</b>  |
| Medical Emergencies .....   | 7         |
| Risk Assessment.....  | 8         |
| Reporting Crime .....   | 8         |
| Sexual Assault .....  | 8         |
| Shelter-in-Place.....   | 8         |
| Student in Distress .....   | 9         |
| Tornado/Severe Weather .....  | 9         |
| <b>TRAINING.....</b>  | <b>10</b> |
| Weapons .....   | 10        |
| <b>SECURITY AND ACCESS TO FACILITIES .....</b>  | <b>10</b> |
| <b>CRIME AWARENESS &amp; PREVENTION .....</b>   | <b>10</b> |
| <b>CRIME PREVENTION .....</b>   | <b>11</b> |
| SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS .....  | 11        |
| <b>PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT<br/>    AND STALKING .....</b>                          | <b>12</b> |
| POLICY STATEMENT ADDRESSING PREVENTING AND RESPONDING TO DATING VIOLENCE,<br>DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING ..... | 13        |
| <b>DOMESTIC VIOLENCE .....</b>  | <b>13</b> |
| <b>DATING VIOLENCE.....</b>   | <b>13</b> |
| <b>STALKING.....</b>  | <b>13</b> |
| <b>SEXUAL ASSAULT AND RAPE .....</b>  | <b>14</b> |
| <b>BYSTANDER INTERVENTION.....</b>  | <b>15</b> |
| <b>RISK REDUCTION AND ONGOING AWARENESS.....</b>  | <b>15</b> |
| Retaliation Prohibited.....   | 15        |
| PROCEDURES TO FOLLOW WHEN A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE,<br>SEXUAL ASSAULT AND/OR STALKING OCCURS.....            | 15        |

|  |    |
|--|----|
| <b>ASSISTANCE FOR VICTIMS - RIGHTS AND OPTIONS</b> .....   | 16 |
| <b>ADJUDICATION OF VIOLATIONS</b> .....  | 16 |
| NOTICES AND TRAINING .....   | 25 |
| <b>ACCOMMODATIONS AND PROTECTIVE MEASURES AVAILABLE FOR VICTIMS</b> .....  | 27 |
| <b>RIGHTS OF VICTIMS AND THE INSTITUTION’S RESPONSIBILITIES FOR ORDERS OF PROTECTION, “NO-CONTACT” ORDERS, RESTRAINING ORDERS, OR SIMILAR LAWFUL ORDERS ISSUED BY A CRIMINAL, CIVIL, OR TRIBAL COURT OR BY THE INSTITUTION</b> . | 28 |
| <b>CONFIDENTIALITY</b> .....   | 28 |
| <b>TYPES OF DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT &amp; STALKING</b> .....  | 29 |
| <b>FALSE REPORTS</b> .....   | 29 |
| <b>CONTACT INFORMATION</b> .....   | 29 |
| <b>SEX OFFENDERS</b> .....   | 29 |
| <b>REPORTING CRIMES</b> .....  | 30 |
| <b>SANCTIONS</b> .....   | 30 |
| <b>CRIME STATISTICS</b> .....  | 31 |
| CAMPUS SECURITY AUTHORITY REPORT .....   | 31 |
| DRUG-FREE CAMPUS AND WORKPLACE.....  | 31 |
| <b>ALCOHOL &amp; DRUG POLICY</b> .....   | 31 |
| DRUGS OF ABUSE/USES AND EFFECTS .....  | 33 |
| DRUGS OF ABUSE/USES AND EFFECTS .....  | 34 |
| <b>NEW MEXICO DRUG AND ALCOHOL PUNISHMENT</b> .....  | 35 |
| Selling Alcohol.....   | 35 |
| Purchasing Alcohol.....  | 35 |
| Driving and Alcohol.....   | 35 |
| <b>NEW MEXICO STATE LAW – CONTROLLED SUBSTANCES (DRUGS)</b> .....  | 37 |
| New Mexico Controlled Substances Act: Chapter 30, Section 31, Parts 1-41 .....   | 37 |
| <b>MARIJUANA LAWS</b> .....  | 38 |
| FEDERAL TRAFFICKING PENALTIES .....  | 39 |
| DRUG AND ALCOHOL COUNSELING .....  | 40 |
| NATIONAL AGENCIES .....  | 40 |
| STATEMENT OF INSTITUTION SANCTIONS .....   | 40 |
| DRUG & ALCOHOL ABUSE PROCEDURES FOR EMPLOYEES .....  | 40 |
| REVIEW OF PROGRAM .....  | 41 |
| QUESTIONS? .....   | 41 |
| COMMUNITY RESOURCES.....   | 42 |
| <b>FARMINGTON</b> .....  | 42 |
| FARMINGTON CAMPUS SECURITY REPORT .....  | 43 |
| CLERY ACT PROCEDURES .....   | 44 |

## CAMPUS SECURITY

The purpose of this publication is to: share information regarding emergency preparedness and planning, including evacuation procedures; provide the Charter College community (which includes Charter Institute, a Division of Charter College) with an overview of how to report crimes and suspected crimes, occurring on or near their respective campuses; share crime statistics required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as recently amended by the 2013 Campus Sexual Violence Elimination Act; and inform current and prospective students, staff and visitors about the College's policies designed to keep them safe.

The College will not tolerate any retaliatory actions taken against a student or employee that makes a good faith report of criminal or illegal activity. Anyone found engaging in retaliatory activity will be subject to immediate disciplinary action up to and including expulsion or termination.

Each year an email notification regarding the availability of this report is made to all enrolled students providing the website to access the report. Faculty and staff receive a similar notification via their email.

### GENERAL EMERGENCY RESPONSE AND EVACUATION PLAN

Clear communication is essential during an emergency. Multiple methods must be used as no one system alone can transfer information. As decisions are made, appropriate communications must be developed and distributed in a timely manner to all key audiences: students, faculty, staff, and the general public.

Should an event occur, either on or off campus, which, in the judgment of the Campus Manager, constitutes a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community (an "Emergency"), a campus-wide notification would be issued. A message notification is sent to employees, students, and designated persons in the larger community in the event of an Emergency. In the event of an Emergency, the Campus Manager would craft a notification containing a basic description of the time and form of the Emergency. In addition the Campus Manager may, if warranted, make an Emergency announcement using the College's emergency notification system.

Prior to making an Emergency announcement, the Campus Manager will determine (1) whether, in his or her judgment, the information suggesting that an Emergency has occurred is credible, and (2) whether issuing a notification or making an announcement would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the Emergency. If the Campus Manager is unable to carry out the duties described above, they will be carried out by the manager on duty.

In the event that an Emergency announcement is made directing an evacuation, all persons on campus should exit the building immediately by way of the nearest exit, marked with a lighted red exit sign, and follow the signs, exiting to the outside and quickly proceeding to the parking lot in front of the building. If the nearest exit is blocked by smoke, individuals should use another exit. Please see posted evacuation routes for each office or classroom space. In the event of an Emergency, persons should *not* use any elevator while evacuating. It is the responsibility of all able staff to assist any persons with disabilities in descending the stairwell quickly and safely.

Those persons who exit the building first must position themselves far enough away from the street to enable everyone to stand clear of emergency vehicles. The street must be kept clear at all times, so as not to hamper the movement of emergency vehicles into the area.

Once outside the building, the Campus Manager or designee will confirm that appropriate emergency personnel have been contacted, congregate everyone in the designated parking lot in front of the building and confirm that everyone is out of the building, and meet with emergency personnel at the front entrance to provide additional information. Staff members trained in CPR and rescue breathing should survey the individuals outside to determine if anyone is in need of first aid and provide such aid as needed.

Once outside, nobody should re-enter the campus building for any reason until it is declared safe by the appropriate emergency personnel and the Campus Manager has agreed to permit persons to re-enter.

Should an Emergency occur, either on or off-campus, which, in the judgment of the Campus Manager, constitutes an ongoing or continuing concern, follow-up information would be issued to the campus community as needed. This information would be issued through the College's e-mail and text messaging system to students, faculty, and staff. Related information also would be posted in classrooms, student bulletin boards, and student lounges as appropriate.

Students and staff will undergo emergency drills and review emergency procedures to prepare building occupants for an organized simulation of emergency conditions. Drills will be announced and unannounced to simulate the conditions that can occur in an actual emergency. A test of the College's Plan is publicized and conducted at least once annually. Documentation of any such test is maintained at the College, and includes a description of the exercise, the date and time at which it occurred, and whether it was announced or unannounced.

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## EMERGENCY COMMUNICATIONS

One or more of the following methods may be used to notify the campus community of various emergency events that may impact students, staff, faculty, and visitors at Charter College:

- Charter College website: [www.chartercollege.edu](http://www.chartercollege.edu)
- Charter College social media pages (e.g., Facebook)
- Student and faculty portals
- Broadcast emails and/or text messages

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## ACTIVE SHOOTER

Quickly determine the best way to protect your life.

### RUN.

- Have an escape route and plan in mind.
- Leave your belongings behind.
- Keep your hands visible to responding police officers.

### HIDE.

- Hide in an area out of the active shooter's view.
- Block entry to your hiding place and lock doors.
- Silence mobile phones.

## **FIGHT.**

- As a last resort and only when your life is in imminent danger.
- Attempt to incapacitate the shooter.
- Act with physical aggression. Throw items at the shooter, if possible. If available, discharge the fire extinguisher aiming at the shooter's eyes and nose.

**CALL 911 AS SOON AS IT IS SAFE TO DO SO.**

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## **BIOHAZARDOUS MATERIALS**

Part of learning to be a health care professional will be learning to deal with biohazardous materials. Charter College laboratories are designed to simulate a health care facility and deal with biohazardous materials accordingly. All federal, state and local laws are complied with, sharps containers and biohazardous disposal bins are available at appropriate locations in the labs. In the event of exposure on campus the student will report the incident to the Lead Instructor, or in the case of exposure while on externship the student will report the incident to the site supervisor and Lead Instructor, to file an incident report.

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## **BLOODBORNE PATHOGENS**

Bloodborne pathogens are viruses that can be transmitted through contact with blood and other body fluids. The most important viruses affecting health care workers exposed to blood and body fluids are Hepatitis B, HIV and Hepatitis C. For students enrolled in programs that may include exposure to bloodborne pathogens, the curriculum includes information about personal protective equipment and how to limit exposure.

While on campus should a needle stick or any incident occur exposing a student to potentially infective blood and body fluids, the student will report the incident to the Lead Instructor to file an Incident Report. In the case of exposure while on externship, the student will report the incident to the site supervisor and Lead Instructor to file an Incident Report.

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## **BOMB THREAT**

Bomb threats usually come by telephone. If you receive a bomb threat call, remain calm and obtain as much information as possible from the caller:

- When will the bomb explode?
- What kind of bomb is it?
- What will cause it to explode?
- Where is it right now?
- What does it look like?
- Did you place the bomb? If not you, then who?
- Why did you place the bomb?
- How many bombs are there?
- What is your name and address?
- Call 911 and inform the Campus Manager immediately. Describe the caller's voice, any background noises you heard, and the exact wording of the message.

- Do not touch suspicious packages. Inform the police of any suspicious packages, items, or people in the area.
- Follow instructions from first responders in regards to evacuation.

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## CHILD ABUSE AND NEGLECT REPORTING

Charter College strongly believes that protecting children in danger is everyone's responsibility. The Child Abuse and Neglect Reporting Act is designed to protect children from suffering harm. Protecting the child may also provide the opportunity to protect other children in the home. The report of abuse may be a catalyst for bringing about change in the home environment, which in turn may lower the risk of future abuse.

Should an employee of Charter College be made aware of a child or student under the age of 18 being directly or indirectly abused by another student and/or family member of a student, that employee must report the information to their supervisor/Campus Manager/Campus Leadership and the appropriate authorities within the county. Failure to do so could result in disciplinary action and/or legal actions outside the school.

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## EARTHQUAKES

Taking the proper actions, such as "Drop, Cover and Hold On", can save lives and reduce the risk of injury. In most situations, you will reduce your chance of injury if you:

**DROP** where you are, onto your hands and knees. This position protects you from being knocked down and also allows you to stay low and crawl to shelter if nearby.

**COVER** your head and neck with one arm and hand. If a sturdy table or desk is nearby, crawl underneath it for shelter. If no shelter is nearby, crawl next to an interior wall (away from windows). Stay on your knees; bend over to protect vital organs.

**HOLD ON** until shaking stops. Under shelter: hold on to it with one hand; be ready to move with your shelter if it shifts. No shelter: hold on to your head and neck with both arms and hands.

**INDOORS:** *Drop, Cover and Hold On.* Avoid exterior walls, windows, hanging objects, mirrors, tall furniture, large appliances and cabinets with heavy objects or glass. However, do not try to move more than 5 to 7 feet before getting on the ground. Do not go outside during shaking! The area near the exterior walls of a building is the most dangerous place to be. Windows, facades and architectural details are often the first parts of the building to break away. If seated and unable to drop to the floor, bend forward, **Cover** your head with your arms, and **Hold On** to your neck with both hands.

**OUTDOORS:** Move to a clear area if you can safely do so; avoid power lines, trees, signs buildings, vehicles and other hazards. Then **Drop, Cover and Hold On.** This protects you from any objects that may be thrown from the side, even if nothing is directly above you.

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## EVACUATION

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized College official.
- If time permits, stabilize lab procedures and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit in a safe and orderly manner. Take personal belongings with you if time permits.
- Once outside, stay a minimum of 100 feet away from the building. Stay out of the traffic lanes. Notify emergency responders of any trapped, especially anyone with a physical disability who cannot evacuate.
- Do not enter the building for any reason until emergency responders, police, or College officials deem it safe to reenter.

## EVACUATING THE DISABLED

- **Pre-Planning is Important.** If you may need assistance evacuating in an emergency, advise your Campus Manager.
- Evaluate your need to identify yourself as someone who requires assistance. Some people who may need assistance have no visible disability.
- Master the skill of giving quick information on how best to assist you. Be clear and concise. If you have difficulty speaking, consider using a carry-with-you preprinted message.
- Establish a personal network consisting of people who are regularly in the same area as you. Do not depend on just one person as they may not always be available. Assess your own abilities and communicate your capabilities and limitations to those in your network.
- Determine all evacuation options and prioritize them (e.g., consider the pros and cons of being carried, etc.). Plan for a variety of conditions (e.g., how to evacuate if you and/or your helpers are injured, etc.).

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## FIRE

### *IN THE EVENT OF A FIRE ON CAMPUS:*

- Activate the fire alarm system by pulling a fire alarm station on your way out of the building.
- If time permits, take your personal items with you.
- If time permits, stabilize lab procedures and unplug or disable any device that could make a dangerous situation even worse.
- Leave the building via the nearest exit. Warn others as you leave.
- Close doors behind you as you leave.
- If trapped, keep the doors closed and place cloth under them to keep out smoke.
- Once outside, stay a minimum of 100 feet away from the building. Stay out of the traffic lanes. Notify emergency responders of any trapped, especially anyone with a physical disability who cannot evacuate.
- Do not enter the building for any reason until emergency responders, police, or the Campus Manager deems it safe to reenter.

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## HOSTAGE SITUATION

### *IF YOU HEAR OR SEE A HOSTAGE SITUATION*

Immediately remove yourself from any danger and call 911. Provide them with the following information:

- Location and room number of the incident.
- Number of possible hostages and hostage takers.
- Physical description and name of hostage takers, if known.
- Any weapons the hostage takers may have.
- Your name, location, and phone number.

### **IF YOU ARE TAKEN HOSTAGE**

- Remain calm, be polite, and cooperate with your captors.
- DO NOT attempt to escape unless there is an extremely good chance of survival. It is safer to be submissive and obey your captors.
- Speak normally. DO NOT complain and avoid being belligerent or argumentative.
- DO NOT draw attention to yourself with sudden body movements, statements, comments, or hostile looks.
- Observe the captors and try to memorize their physical traits, voice patterns, clothing, or other details that can help provide a description later.
- Avoid getting into political or ideological discussions.
- Try to establish a relationship with your captors and get to know them. Captors are less likely to harm you if they respect you.
- If forced to present terrorist demands to authorities, either in writing or on tape, state clearly that the demands are from your captors. Avoid making a plea on your own behalf.
- Try to stay low to the ground or behind cover from windows or doors, if possible.

### **IN A RESCUE SITUATION**

- DO NOT run. Drop to the floor and remain still. If that is not possible, cross your arms, bow your head, and stay still. Make no sudden moves that a responder may interpret as hostile or threatening.
- Wait for instructions and obey all instructions you are given.
- Do not be upset, resist, or argue if a rescuer is not sure whether you are a terrorist or a hostage.
- If you are handcuffed and searched DO NOT resist. You will be taken to a safe area where proper identification and status will be determined.

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## INFECTIOUS DISEASES

Students in clinical rotations or externship may be asked to care for patients with communicable infectious illnesses. A student may not refuse this assignment unless a physician's note specifically excluding this type of care is written and received by the Instructor and Program Manager/Lead Instructor. Appropriate personal protective equipment (PPE) should be used in any situation, regardless if the presence of an infectious disease is known or not.

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## LOCKDOWN

An imminent threat of violence may be cause for a lockdown on all or part of the campus. The orderly lockdown of a building during an emergency depends on early warning and student, faculty, and staff awareness of proper lockdown procedures. The goal is to limit exposure of students, faculty, and staff to danger by preventing dangerous persons from entering the building.

### IF A LOCKDOWN IS ORDERED:

- Stay inside! Do not leave the building unless an imminently dangerous situation arises inside. If outside, seek shelter in the nearest building.
- Take shelter in a lockable room, if possible. If the office or classroom does not lock, the occupant(s) should barricade the door with a secure object (i.e., desk, etc.) until given the “all clear”.
- Avoid being seen from the outside, if possible, and turn out all lights.
- Monitor text and email alerts for updates and further instructions. A description of the threat will be disseminated as soon as possible using these methods.
- Report any emergency or unusual condition to the Campus Manager.
- Use discretion in admitting anyone into a secured building. Require all backpacks and other bags be left outside at least 30 feet from the building. Require all persons seeking shelter to open all outer garments for visual inspection before allowing entry.
- Do not leave a secure location until receiving an “all clear” from a police officer, emergency responder, or the Campus Manager.

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## MEDIA CALLS

The Chief Marketing Officer (CMO) serves as the point of contact for all media inquiries. During an emergency situation, it is especially important that reporters be directed to the Chief Executive Officer at the Corporate Office. The CEO speaks on behalf of Charter College and has the most accurate and up-to-date information. In addition, the CEO works closely with emergency responders to coordinate what information can or should be released to the general public.

When receiving any calls from media representatives, please take the following steps:

- Direct all media inquiries to the Campus Manager. The Campus Manager will:
  - To assist the CEO in responding as quickly as possible, obtain the following information and forward to the CEO:
    - The reporter’s name and phone number.
    - The media organization he/she represents.
    - The type of information he/she is seeking.
    - The reporter’s deadline.
  - Regardless of the situation or what the media questions might be, never say “No Comment.” A better response is “Thanks for calling. Allow me to refer you to our CEO who handles media questions and they will be able to assist you.”
  - Never talk “off the record” with the media. Always assume that they will use any and all information they obtain in their report.

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## MEDICAL EMERGENCIES

- Do not move a seriously injured person unless there is a life-threatening situation.
- Dial 911 and give your name, location, and telephone number.

- Give as much information as possible regarding the nature of the injury or illness (e.g., whether or not the victim is conscious, etc.).
- Do not hang up until directed to do so by the emergency operator.
- Return to the victim; administer first aid (if you know how); keep the victim as calm and comfortable as possible.
- Remain with the victim.
- Notify the Campus Manager.

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## RISK ASSESSMENT

Charter College provides a variety of resources to assess and mitigate risks.

1. The College provides risk education during orientation of new students. During orientation, staff and students review the *Emergency Preparedness Plan* which spans a variety of topics including, but not limited to, emergencies on campus, how to respond, and how to communicate during emergencies. Visit the *Emergency Preparedness Video* available at <https://www.chartercollege.edu/new-student-resources> for more information.
2. Throughout the year, Charter staff and students participate in a variety of drills to practice the action needed and effective communication necessary during an actual emergency.
3. Annually, the College assesses risks via the Campus Safety & Security Annual Report. This report includes in-depth information on campus security, a drug-free campus and workplace, and other topics. More information is available at <https://www.chartercollege.edu/campus-crime-security>.

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## REPORTING CRIME

All crimes should be reported to the Campus Manager. Charter College personnel will respond and will call local police for assistance when necessary.

If you witness a crime in progress, dial 911. Give your name, location, and phone number. Do not hang up until the dispatcher tells you to do so. Remain at the location until police arrive on scene, unless it is not safe to do so.

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## SEXUAL ASSAULT

Victims of a sexual assault or rape are strongly encouraged to report the incident in order to deter these assaults and to ensure that victims receive the services they need. Steps should be taken to help deal with the physical and emotional trauma:

- Go to a safe place; go somewhere to receive emotional support
- Report a sexual assault on campus to the Campus Manager
- Report the assault to the police. If requested, Charter College will assist with notification
- Preserve all physical evidence

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## SHELTER-IN-PLACE

Shelter-in-place is designed to keep you safe while indoors if dangerous environmental conditions exist, such as extreme weather or a hazardous materials release.

If a Shelter-in-Place is ordered:

- Seek shelter in an interior room with few windows.
- Close and lock all exterior doors, windows, and any other openings to the outside.
- Avoid overcrowding by using several rooms, if necessary.
- Monitor Charter College notification systems (student/faculty portals, and social media).
- Report any emergency or unusual conditions to the receptionist and Campus Manager.
- Do not leave the building until receiving the “all clear” from police, emergency responders, or a Charter College authorized official.

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## STUDENT IN DISTRESS

If you are in contact with a student who appears to be an immediate threat to his or her own safety or that of others, contact the Campus Manager and/or 911 immediately.

### Quick Reference for helping Students having difficulties:

#### Recognize Symptoms

- Significant change in academic performance or classroom conduct.
- Unusual behavior or appearance.
- Traumatic event or change in relationships.
- Reference to suicide, homicide, or death.

#### Respond to the Student

- Speak privately with the student.
- Directly and candidly discuss your observations and concerns.
- Offer support and assistance.

#### Refer the student to a Mental Health Professional

- Be caring, firm, and straight-forward in your referral.

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## TORNADO/SEVERE WEATHER

- A **tornado watch** is issued by the National Weather Service when tornadoes are possible in the area.
- A **tornado warning** is issued by the National Weather Service when a tornado has been sighted, or indicated by weather radar, in the area.
- Monitor local TV stations and weather websites for severe weather updates.
- Be prepared to take shelter if a tornado warning is issued.
- DO NOT PULL THE FIRE ALARM TO ALERT OTHERS, USE THE INTERNAL EMERGENCY NOTIFICATION SYSTEM.
- Stay away from windows and exterior doors.
- Move to an interior hallway for shelter
- Wait for an all-clear notification prior to returning to your work area or classroom
- If outdoors, lie in a ditch, low-lying area, or crouch near a building if shelter is not available or there is no time to get indoors.

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## TRAINING

Students and staff will undergo emergency drills and review emergency procedures to prepare building occupants for an organized simulation of emergency conditions. Drills will be announced and unannounced to simulate the conditions that can occur in an actual emergency.

Disabled individuals and the Campus Manager will collaborate to create a plan for evacuation. To learn more, please refer to *Evacuating the Disabled* listed in the *Emergency Preparedness Plan*.

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## WEAPONS

For the safety of everyone, all types of weapons are prohibited on campus. This includes, but is not restricted to, firearms, knives, ammunition, explosives of any kind, gas or spring-loaded guns, crossbows, bows and arrows, spring-type guns, slingshots, TASERS, firecrackers, fireworks or other weapons capable of threatening or producing bodily harm. Anyone possessing or using any of these weapons can and will be subject to disciplinary action or arrest.

## SECURITY AND ACCESS TO FACILITIES

1. Each campus limits access to all campus facilities to authorized personnel, students, and visitors.
2. Unauthorized persons will be considered “trespassers” and will be dealt with accordingly.
3. Adequate lighting is provided at all campus locations, especially in outside areas. Certain school staff and faculty are always on campus during business hours.
4. Only authorized vehicles are allowed to park in the designated parking areas.
5. Persons may be employed as security personnel at each campus. They may represent the campus or property manager and are instructed to enforce campus security policies.
6. Security personnel is defined as any individual who is responsible for monitoring entrance into campus property, an individual or organization specified in a campus security policy as an individual or organization to which students and employees should report criminal offenses, or an official of a campus who has significant responsibility for student and campus activities. The security personnel do not have powers of arrests.
7. Such persons have the authority to evict unauthorized persons from the campus premises and will notify local authorities of all actual or suspected criminal activities, including trespassing.
8. The campus maintains its relationship with local police through collection of statistical data. In addition, the campus works with local law enforcements as necessary to report or investigate crimes.
9. Charter College does not maintain residential facilities.

## CRIME AWARENESS & PREVENTION

All new campus employees and students are instructed on crime awareness during orientation, including the description of campus security measures and procedures for reporting any criminal activity or emergency. Students are required to follow campus security guidelines for their own personal and property safety and are encouraged to report any suspicious activity.

Prospective students and employees are provided with a summary of the campus measures to prevent crime on campus, with details for acquiring the complete policies and procedures package from the campus via the campus website or at the residential campus location. This information on crime

awareness is readily available upon request and will be updated and re-distributed to all existing students and staff on an annual basis.

The campus conducts in-service programs designed to heighten awareness of crime and its prevention. These in-service programs may be conducted by local law enforcement or other qualified officials.

The campus does not maintain any off-campus student organizations.

Students performing externship or off-campus clinical practice are expected to practice safety and security procedures as if the site were an extension of the campus. Sites providing externship and/or clinical practice typically provide students with their safety management plan and phone numbers to call in case of emergency.

## CRIME PREVENTION

Often people contribute to crimes of opportunity by needlessly placing themselves or their property at risk. Prevention efforts can be effective in reducing the opportunities for criminal activity. The following list is a compilation of tips devoted to crime prevention:

- Do not prop open campus doors.
- Do not leave personal property unattended.
- Report suspicious individuals to security.
- Keep your room locked at all times.
- At night, always walk in groups of at least two.
- Stay on main walkways.
- Remove valuables from your car and lock it.
- Engrave your initials into your valuables.
- Attend college-sponsored programs led by law enforcement officials.
- Always carry your picture ID.
- Be aware of your surroundings and what is going on around you.

If you assume responsibility for your own safety first and encourage others to do the same, the opportunities for crime are drastically reduced.

## SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

During student orientation sessions and new employee orientation sessions, students, faculty, and associates are informed of services offered by Charter College. Crime Prevention, Security Awareness and Sexual Assault Prevention Programs are developed and presented on an annual basis. Periodically, the Title IX Coordinator will present crime prevention and security awareness sessions on a variety of timely topics specific to the campus or surrounding community. The common theme of all security awareness and crime prevention programs is to encourage students, faculty and staff to be aware of their shared responsibility with the college for their own security and the security of others. In addition to these sessions, crime prevention information is disseminated to students, faculty and staff through crime prevention awareness posters, security alert posters, displays, and social media outlets.

## PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that address:
  - a) How the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) as those terms are defined later in this document
  - b) Explains the definitions of domestic violence, dating violence, sexual assault and stalking in the applicable jurisdiction definitions of these terms
  - c) Incorporates what actions constitute consent, in reference to sexual activity
  - d) Describes safe and positive options for 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.
  - e) Provides Information on risk reduction. 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.

The College also provides written information regarding:

1. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault or stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault or Stalking Occurs” elsewhere in this document)
2. How the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document)
3. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services/resources available for victims in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document). Student financial assistance may be available at the college.
4. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document).
5. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document)

## POLICY STATEMENT ADDRESSING PREVENTING AND RESPONDING TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

Charter College prohibits domestic violence, dating violence, sexual assault, and stalking. Charter maintains a ZERO TOLERANCE policy for the above offenses. Toward that end, Charter College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

Charter College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. Each of these offenses are defined as follows:

### DOMESTIC VIOLENCE

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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crimes of violence occurred, 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 the jurisdiction in which the crime of violence occurred.

### DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

For purposes of this definition -

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

### STALKING

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.

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual activity requires consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know -- or reasonably should know -- to be incapacitated constitutes sexual misconduct.

Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and you are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward but serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

**Consent Reminder:** Once consent is withdrawn, the sexual activity must stop immediately.

**New Mexico does not specifically define "consent"**. However, New Mexico defines "force or coercion" as:

- (1) the use of physical force or physical violence;
- (2) the use of threats to use physical violence or physical force against the victim or another when the victim believes that there is a present ability to execute the threats;
- (3) the use of threats, including threats of physical punishment, kidnapping, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute the threats;
- (4) the perpetration of criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act; or
- (5) the perpetration of criminal sexual penetration or criminal sexual contact by a psychotherapist on his patient, with or without the patient's consent, during the course of psychotherapy or within a period of one year following the termination of psychotherapy.

Physical or verbal resistance of the victim is not an element of force or coercion. New Mexico Statutes §30-9-10.

## BYSTANDER INTERVENTION

If you are the bystander to domestic violence, dating violence, sexual assault or stalking, below are some options for the bystander:

1. If you witness sexual violence, get support from people around you. You do not have to act alone.
2. Practice with friends and family about what you would say and how you would say it.
3. When intervening, be respectful, direct and honest.
4. Contact your local sexual assault center to see if they offer resources or training on bystander intervention [Bystander Intervention Resources | National Sexual Violence Resource Center \(NSVRC\)](#)
5. If you see or hear something and you do not feel safe, contact the police.

## RISK REDUCTION AND ONGOING AWARENESS

Charter College provides risk reduction and ongoing awareness through orientation of new staff and prospective and ongoing students. In our orientation program, staff and students are provided information on general crime prevention, how to interrupt situations of harm and the appropriate notification system when an act occurs.

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## RETALIATION PROHIBITED

Employees and students are protected by law from retaliation for reporting alleged unlawful harassment or discrimination or for otherwise participating in processes connected with an investigation, proceeding or hearing conducted by the College or a government agency with respect to such complaints. The College will take disciplinary action up to and including the immediate termination or expulsion of any employee or student who retaliates against another employee or student for engaging in any of these protected activities. If you believe you have been retaliated against, you should promptly notify the Campus Manager, your supervisor, Human Resources or the Title IX Coordinator.

## PROCEDURES TO FOLLOW WHEN A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND/OR STALKING OCCURS

Victims of a sexual assault or rape are strongly encouraged to report the incident in order to deter these assaults and to ensure that victims receive the services they need. Steps should be taken to help deal with the physical and emotional trauma:

- Go to a safe place; go somewhere to receive emotional support
- Report a sexual assault on campus to the Campus Manager
- Report the assault to the police. If requested, Charter College will assist with notification
- Preserve all physical evidence
- Go to the hospital for medical care. Injuries should be treated and an examination completed to document and collect physical evidence of the assault.

Evidence of a sexual assault should be preserved as soon as possible after the incident, even if the reporting individual is unsure about reporting or filing criminal charges. A Sexual Assault Forensic Examination (SAFE) will preserve evidence and may be done up to 84 hours after an assault. A SAFE may be done regardless of whether or not the student receiving the examination wants to pursue criminal charges. The individual does not need to provide his/her name to police to have the exam and for the

evidence to be preserved. Preserving evidence, including from a SAFE, does not obligate the student to pursue criminal charges or appear in court. Steps to preserve evidence:

- Do not shower or douche
- Try not to urinate. Urinating may reduce the ability to detect “date rape” drugs
- If there was oral contact, do not smoke, eat, or brush teeth
- Do not change clothes. If you have already changed your clothes, place them in a paper bag (plastic may destroy evidence) If you haven’t changed, keep the original clothes on and bring an extra set to wear home from the hospital
- Go to a hospital with the capability of providing a SAFE exam and request the exam. The cost of a SAFE examination is paid for from a state fund

## ASSISTANCE FOR VICTIMS - RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of his/her rights regardless whether the offense occurred on or off campus. Such written information will include:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the institution will protect the confidentiality of victims and other necessary parties;
- A statement that the institution will provide written notification to students and employees about victim services such as existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available within the institution and in the community;
- A statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- An explanation of the procedures for institutional disciplinary action

## ADJUDICATION OF VIOLATIONS

Prospect Education/Charter College (the “College”) is committed to providing a work and educational environment free of unlawful harassment, discrimination and retaliation. In accordance with Title IX of the Education Amendments of 1972, the College does not discriminate on the basis of sex in its education programs or activities, which extends to admission and employment. The College also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities. The College will comply with both federal and state specific requirements but will follow federal requirements where they conflict.

If you believe that you have experienced or witnessed other incidents of sexual misconduct or discrimination, please follow the procedures outlined in the College’s Student Anti-Discrimination and Sexual Harassment Policy or the Employee Anti-Discrimination and Sexual Harassment Policy.

If you believe that you have experienced or witnessed Sexual Harassment (including Sexual Violence), discrimination or retaliation, the College encourages you to notify the Title IX Coordinator as soon as possible after the incident.

The College reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent government regulations or holdings.

### Title IX Coordinator

The Title IX Coordinator coordinates the College’s efforts to comply with its Title IX responsibilities. A Title IX Coordinator is available for each College campus—contact information is available below by campus.

| Name   | Campus/Location             | Contact Information   |
|--|-----------------------------|---|
| Tammy Wilhelm<br>Campus Manager                        | Farmington                  | Tammy.wilhelm@chartercollege.edu;<br>505-793-8087<br>3030 E 20 <sup>th</sup> Street<br>Farmington, NM 87402 |
| Susan Hamilton<br>Vice President of Human<br>Resources | Reno, Nevada<br>Sandy, Utah | shamilton@prospecteducation.com<br>750 Sandhill Rd. Suite 100,<br>Reno, Nevada 89521                        |

The Title IX Coordinator is responsible for implementing the College’s Title IX policy, intaking reports and Formal Complaints of Sexual Harassment, providing supportive measures and accurately reporting Clery Act crime statistics.

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

### Key Definitions

**Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning educational benefits or participation on an individual’s participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s Education Program or Activity; or
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as “Sexual Violence”)\*:
  - **Sexual Assault:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation<sup>1</sup>.
  - **Dating Violence:** As defined in 34 U.S.C. 12291(a)(10), means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim;

<sup>1</sup> The FBI’s Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of “without the consent of the victim.”

and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and, the frequency of interaction between the persons involved in the relationship.

For purposes of this definition – Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(8), 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 the jurisdiction receiving grant monies, 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 the jurisdiction in which the crime of violence occurred.
- **Stalking:** As defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.  
\* Please note: In accordance with the Violence Against Women Reauthorization Act of 2013 ("VAWA"), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent may vary from the definitions above. VAWA crimes are reported in the ASR based on the definitions above.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Parties:** include the Complainant(s) and Respondent(s) collectively.

**Advisor:** An individual chosen by a party to accompany the party to meetings related to the resolution process, to advise the party on that process and to conduct cross-examination for the party at any hearing, if any. If a party does not have an Advisor at the hearing portion of the Grievance Process, the College will appoint an advisor.

**Formal Complaint:** A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the College's education Program or Activity with which the Formal Complaint is filed.

**Program or Activity:** On or off campus locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

**Mandatory Reporter:** Designated College employees who must share knowledge, notice and/or reports of Sexual Harassment, discrimination and/or retaliation with the Title IX Coordinator.

**Discretionary Reporter:** All College employees who may, with the Complainant's consent, report instances to the Title IX Coordinator. See Reporting Requirements – Confidentiality Request for additional information on Complainants Confidentiality.

**Clery Act:** Meaning the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46). In accordance with the Clery Act, the College publishes required crime statistics and policy statements in its Annual Safety and Security Report (ASR) on or before October 1<sup>st</sup> of each year. The College's most recent ASR is located <https://www.chartercollege.edu/campus-crime-security>.

**Clery Geography:** As defined in the Clery Act, includes (A) buildings and property that are part of the College's campus; (B) the College's non-campus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus.

**Consent:** is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

**VAWA:** Meaning the Violence Against Women Act (34 CFR Part 668).

**Duty to Respond:** The College must respond to sexual harassment, including off campus incidents if there is "any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education."

The College must respond to incidents actually, or that reasonably should be, known to the College. With the exceptions, the College is presumed to have known of an incident if a responsible employee knew or, in the exercise of reasonable care, should have known about the incident.

#### **Procedure for Reporting**

If you believe that you have experienced or witnessed Sexual Harassment (including Sexual Violence), discrimination or retaliation, the College encourages you to notify the Title IX Coordinator as soon as possible after the incident.

A report may be made to either or both the police and the Title IX Coordinator. The criminal process is separate from the College's process. It is the College's policy not to notify local law enforcement when Sexual Violence occurs, unless a Complainant wishes or there is an emergency threat to health or safety. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, the College will assist a victim of Sexual Violence in contacting the police. A Complainant is not required to contact the police in order to pursue the College's grievance process.

Regardless of whether or not a complaint has been filed under the College's grievance procedures, if the College knows, or reasonably should know, about possible sexual harassment involving individuals subject to the College's policies at the time, the College will promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the College determines that an investigation is not required. If the College determines that the alleged conduct more than likely than not occurred, it will immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects.

The College does not issue orders of protection. Orders of protection, restraining orders, injunctions or similar lawful orders may be obtained through the court system and can be enforced by the College. Individuals who have obtained an order of protection are encouraged to provide a copy to the Title IX Coordinator as soon as possible. Although the College does not issue orders of protection, information on how to obtain a protective order is located in applicable section of the ASR.

## **Reporting Requirements**

In order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting College resources. The College does not have confidential reporting resources on campus, such as pastoral or professional counselors. Outside confidential resources you can contact for assistance are located in the Community Resource section of the ASR.

The College will keep confidential the identity of the Complainant, Respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Title IX Grievance Process.

### *Confidentiality Request*

In evaluating the confidentiality request, the College may consider various factors:

- whether there are multiple or prior reports against the respondent;
- whether a weapon, physical restraints or battery was involved;
- whether the respondent was a faculty or staff member with student oversight;
- the power imbalance, if any, between the parties;
- the safety of complainant; and
- whether a thorough investigation can be completed while maintaining the request for confidentiality.

If the complainant's identity will be disclosed, the complainant must be informed prior to making the disclosure or initiating the investigation. When a complainant's identity is disclosed against their request, the College shall take immediate steps to provide for the safety of complainant when appropriate.

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. The College does not have confidential reporting resources, such as pastoral or professional counselors on campus. Crisis, mental health and victim resource hotline information is available in the Community Resource section of the ASR located. Information shared with confidential resources will not be shared with the College (including the Title IX Coordinator) or anyone else without express, written permission of the individual seeking services unless required by law or court order.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

## **Supportive Measures**

The Title IX Coordinator will provide Supportive Measures as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect safety or deter prohibited conduct. Supportive Measures are available, as appropriate, to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course-related adjustments, modifications to work or class schedules, campus escort services, restrictions on contact between the Parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodation.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change

over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Victims of Sexual Violence will also be provided with written notification about existing counseling, health and/or mental health services, victim advocacy, legal assistance, visa and immigration assistance, safety planning, timely warnings, student financial aid and other services available to victims within the College and in the community.

Once the Title IX Coordinator receives a report, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

The College will keep confidential the identity of the victim of Sexual Violence and any accommodations or Supportive Measures provided, to the extent that maintaining such confidentiality will not impair the College's ability to provide the accommodations or Supportive Measures. See Reporting Requirements regarding confidentiality.

### **Dismissal of a Formal Complaint**

Dismissal of a Formal Complaint may occur under several circumstances. The College must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in the College's education Program or Activity, or did not occur against a person in the United States.

The College may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by the College; or if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.

If a Formal Complaint is dismissed, the Parties will be provided written notice of the dismissal outlining the reason(s) for dismissal. A dismissal does not preclude action by the College under the Student Anti-Discrimination and Sexual Harassment Policy or Employee Anti-Discrimination and Sexual Harassment Policy.

### **Grievance Process**

The College utilizes a prompt, equitable and impartial Grievance Process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinator, Investigators, Decision-Makers, individuals who facilitate Informal Resolution process) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent or witness.

Both Parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the alleged offense. Both Parties will be afforded equitable rights and access during the Grievance Process. Both Parties will be given an opportunity to identify witnesses and other evidence to assist the College in determining whether a policy violation has occurred and will be informed that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing. The Respondent is presumed not

responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.

Generally, the Grievance Process consists of a Formal Complaint, investigation, Live Hearing, determination, Disciplinary Actions, Remedies and appeal (if applicable). The Grievance Process, barring extenuating circumstance, will conclude within ninety (90) days from the date a Formal Complaint is filed.

### ***Advisor***

A party may be accompanied by an Advisor of their choice during the Grievance Process. The Parties may choose Advisors from inside or outside the College community. If the Complainant or Respondent does not have an Advisor present at the Live Hearing, the College will select and provide an Advisor, without fee or charge, to conduct cross-examination of witnesses on behalf of that party. A party may reject a College appointed Advisor and choose their own Advisor, but they may not proceed without an Advisor. The Complainant and Respondent may not conduct cross-examination.

Choosing an Advisor who is a witness in the Grievance Process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Grievance Process. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address College officials in a meeting or interview unless invited to. An Advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a Live Hearing, during cross-examination. If an Advisor is disruptive or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

### ***Investigation of Formal Complaints***

The College will investigate Sexual Harassment allegations in a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator. The Title IX Coordinator will respect the Complainant's wishes as to whether the College investigates an allegation of Sexual Harassment, unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the College community. The College may consolidate Formal Complaints where the allegations arise out of the same facts.

Upon receipt of a Formal Complaint, written notice will be sent to the Parties. The Notice of Investigation will include:

- details of the allegations (including identities of the Parties involved),
- specific section of the policy alleged to have been violated,
- the conduct that would be considered Sexual Harassment,
- the date of the incident(s) and
- the location of the incident(s);
- a statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to the College's Grievance Process,

- a statement that the Parties may have an Advisor of their choice, and
- a reminder of the expectation of truthfulness including consequences for submitting false information.
- The Parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include:
  - the date,
  - time,
  - location,
  - participants and
  - purpose of the investigative interview or meeting.

Formal Complaints involving employees will also be referred to Human Resources and simultaneously evaluated under employee conduct policies and procedures.

During the investigation, the Title IX Coordinator or his/her designee (“Investigator”) will conduct interviews and gather evidence. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties will be provided an equal opportunity to present fact and expert witnesses or other evidence. The Parties (and their Advisors) will be provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the Parties before issuing the investigative report.

Once the investigation has concluded, the Investigator will draft an investigative report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative report will be sent to the Parties (and their Advisors) at least 10 days prior to a Live Hearing. The Parties may provide a written response to the investigative report.

### ***Informal Resolution***

If the Complainant and Respondent voluntarily consent in writing, Formal Complaints can be resolved through Informal Resolution, such as mediation. The Title IX Coordinator will facilitate an appropriate Informal Resolution process depending on the nature of the allegations, the Parties involved, and the overall circumstances. Informal Resolution will be conducted by a facilitator, who may or may not be the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue the College’s Grievance Process. At any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the Grievance Process. Informal Resolution is unavailable to resolve allegations that an employee sexually harassed a student.

### ***Live Hearing***

If a Formal Complaint is not or cannot be resolved through Informal Resolution, the College will conduct a Live Hearing. Live Hearings are facilitated by the designated Decision-Maker, separate from the Title IX Coordinator or Investigator. The Decision Maker will be selected by the Title IX Coordinator.

Live Hearings will be conducted directly, orally, and in real time by the party’s Advisor and not by a party personally. The Decision-Maker will permit each party’s Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party’s Advisor asking cross-examination questions any decision to exclude a question as not relevant.

Rape shield protections are applied to Complainants, deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.

At the request of either party, the College will provide for the entire Live Hearing (including cross-examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. Live Hearings may be conducted with all Parties physically present in the same geographic location or, at the College's discretion, any or all Parties, witnesses, and other participants may appear at the Live Hearing virtually. An audio or audiovisual recording, or transcript, of any Live Hearing will be created and maintained for seven (7) years.

During the Grievance Process, the College will not use, rely on or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The College will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent.

### ***Standard of Evidence***

For all Formal Complaints of Sexual Harassment (including where employees are Respondents), the College utilizes the preponderance of the evidence standard, meaning the College will evaluate whether it is "more likely than not" that the alleged conduct occurred.

### ***Disciplinary Actions and Remedies***

Disciplinary Actions against the Respondent will not be imposed before completion of the College's Grievance Process. Following a determination of responsibility, appropriate corrective action will be taken, and the College will take steps to prevent recurrence. Disciplinary Actions taken will be determined on a case-by-case basis. Factors considered when determining Disciplinary Action may include but are not limited to:

- Nature, severity of, and circumstances surrounding the violations(s)
- Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- Need for disciplinary action to bring an end/prevent future reoccurrence of the violation
- Need for disciplinary action to remedy the effects on the Complainant and the College community
- Impact on the parties
- Any other information deemed relevant by the Decision-Maker.

Any employee determined by the College to be responsible for an act of Sexual Harassment will be subject to appropriate Disciplinary Action, up to and including termination. Employees are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process. Disciplinary Action for student-related claims may include, but are not limited to, additional training, a restriction on contact, warning, suspension, or termination. Disciplinary action will be placed in a student's permanent academic file and an employee's permanent personnel file. These documents are securely maintained.

Failure to abide by imposed Disciplinary Actions (whether by refusal, neglect or any other reason), may result in additional Disciplinary Action, including suspension or termination.

Remedies are provided to a Complainant whenever a Respondent is found responsible. Remedies are implemented by the Title IX Coordinator and may be disciplinary and punitive. Student Remedies are

designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and may include supportive measures.

Individuals who make a materially false statement in bad faith in the course of a Title IX Grievance Process will be subject to the College's Student Conduct Policy or the Employee Discipline and Standards of Conduct.

### ***Written Determination***

The Decision-Maker will issue a Written Determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, a description of the procedure from Formal Complaint through the Live Hearing, Disciplinary Actions imposed on the Respondent and whether Remedies will be provided to the Complainant. The determination will be sent simultaneously to the Parties along with information on how to file an appeal.

### ***Appeal***

Both Parties have the right to appeal a determination regarding responsibility, the College's dismissal of a Formal Complaint or any allegations therein if:

- (1) procedural irregularity affected the outcome of the matter,
- (2) there is newly discovered evidence that could affect the outcome of the matter; and/or
- (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

An appeal must be submitted in writing to the Title IX Coordinator within 30 days of the delivery of the Written Determination. Both parties will be informed in writing and simultaneously of any change to the results that occur prior to the time that such results become final and when such results become final.

### **Retaliation Prohibited**

Both Title IX and the Clery Act provide protections for individuals who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of Sexual Harassment, for cooperating in the Grievance Process is prohibited.

If you believe you have been retaliated against, you should notify the Title IX Coordinator.

### **Bias/Conflict of Interest**

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Vice President of Human Resources, [shamilton@prospecteducation.com](mailto:shamilton@prospecteducation.com) or another Title IX Coordinator. Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator.

### **Notices and Training**

A notice of nondiscrimination is disseminated to all

- Employees
- Volunteers who regularly interact with students, and
- Individuals or entities under a contract involving regulator interaction with students

The College ensures that its Title IX personnel have adequate training.

The Title IX Coordinator and Investigators are trained on;

- the definition of Sexual Harassment,
- the scope of the College's Education Program or Activity,
- how to conduct an investigation,
- the College's Grievance Process (including Live Hearings, Appeals, and Informal Resolution processes, as applicable) and
- how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-Makers are trained on;

- the definition of Sexual Harassment,
- the Live Hearing process,
- technology to be used in Live Hearings, and
- issues of relevance (including how to apply the rape shield protections provided for Complainants).

Informal Resolution facilitators are trained on;

- the Informal Resolution process.

In addition to the above, Title IX personnel receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and how to conduct an investigation and grievance process that protects the safety of the victim and promotes accountability as required by the Clery Act. Materials used to train Title IX personnel are posted on the College's website at <https://www.chartercollege.eud/student-consumer-information> listed under Title IX.

### **Clery Act Reporting**

College administrators will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASR.

### **Emergency Removal**

The College can remove a Respondent entirely or partially from the Education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical or safety of any student or other individual justifies removal. The risk analysis is performed by the Title IX Coordinator in conjunction with Vice President of Academic Operations or Vice President of Human Resources.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student’s or employee’s access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

**Disability Accommodations**

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College’s Grievance Process. Anyone needing an accommodation should contact the ADA Coordinator listed below for their campus to request an accommodation.

| Name  | Campus/Location             | Contact Information   |
|---|-----------------------------|---|
| Tammy Wilhelm<br>Campus Manager                     | Farmington                  | Tammy.wilhelm@chartercollege.edu;<br>505-793-8087<br>3030 E 20 <sup>th</sup> Street<br>Farmington, NM 87402 |
| Susan Hamilton<br>Vice President of Human Resources | Reno, Nevada<br>Sandy, Utah | shamilton@prospecteducation.com<br>750 Sandhill Rd. Suite 100<br>Reno, Nevada 89521                         |

**Additional Information**

Students and employees may contact the Title IX Coordinator, Director of Regulatory Affairs or Vice President of Human Resources with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the Parties. For more information, visit the OCR website at <https://www.hhs.gov/ocr/> 122. To the extent that an employee or contract worker is not satisfied with the College’s handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

**ACCOMMODATIONS AND PROTECTIVE MEASURES AVAILABLE FOR VICTIMS**

Upon receipt of a report of domestic violence, dating violence, sexual misconduct and/or stalking, Charter College will provide written notification to students and employees about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations.)

At the victim’s request, and to the extent of the victim’s cooperation and consent, the College will work cooperatively to assist the victim in obtaining accommodations. The College is obligated to comply with a

victim's reasonable request to make changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, campus, etc. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Title IX Coordinator. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the Title IX Coordinator.

## **RIGHTS OF VICTIMS AND THE INSTITUTION'S RESPONSIBILITIES FOR ORDERS OF PROTECTION, "NO-CONTACT" ORDERS, RESTRAINING ORDERS, OR SIMILAR LAWFUL ORDERS ISSUED BY A CRIMINAL, CIVIL, OR TRIBAL COURT OR BY THE INSTITUTION**

Victims have the right to seek legal protections such as orders of protection, no contact orders, restraining orders, or other lawful orders of criminal, civil, or tribal courts. The College cannot apply for a legal order of protection, no contact order or restraining order for a complainant from the applicable jurisdiction(s). The College will comply with the lawful orders issued by such a court as they apply to the College and will make modifications to educational and/or workplace environments to comply with the terms of such lawful orders.

Charter College WILL: only notify your parents, spouse or significant other if you ask us to; treat you and your concerns with courtesy, sensitivity, dignity, understanding and professionalism; openly listen with no prejudice; consider your case regardless of your gender, gender identity, sexual orientation, or the gender or status of the suspect; assist you in arranging for any medical needs; assist you with information for advocacy support, private counseling, and/or other available resources; assist you in contacting law enforcement and filing a police report; and continue to be available to answer your questions and concerns.

## **CONFIDENTIALITY**

If the Complainant reports to the College and requests confidentiality or asks that the complaint not be pursued, the College will take all reasonable steps to respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that his/her name or other identifiable information not be disclosed to the Respondent, the College's ability to respond may be limited. If the Complainant continues to ask that his or her name not be revealed, the College will take all reasonable steps to respond to the complaint consistent with the party's request as long as doing so does not prevent the College from responding effectively to the harassment and preventing harassment of other parties. At the same time, the College will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all persons.

Education records are maintained in accordance to Family Educational Rights and Privacy Act of 1974 (FERPA). All documentation related to a student's complaint, investigation, and resolution is protected by FERPA and not available to the public. Non-identifying information may be used in order to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. A Complainant's name will never be published. Persons may request that directory information on file be removed from

public sources by request. To request removal of directory information, students should contact the College Registrar or Title IX Coordinator. The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

## **TYPES OF DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT & STALKING**

The College only uses one type of disciplinary proceedings for domestic violence, dating violence, sexual assault and stalking allegations by using a Live Hearing model. The steps and the decision-making process are outlined in a previous section titled, “Live Hearing.”

The victim of dating violence, domestic violence, sexual assault or stalking may choose for the investigation to be pursued through the criminal justice system and the Title IX Coordinator, or only the former or the latter. The Title IX Coordinator can guide the victim through the available options and support the victim in his or her decision.

## **FALSE REPORTS**

The College recognizes that sexual harassment frequently involves interactions between persons that are not witnessed by others or cannot be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting sexual harassment under this policy. However, making false charges of sexual harassment is a serious offense. If a report is found to have been intentionally false or made maliciously without regard for truth, the claimant will be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

## **CONTACT INFORMATION**

Students and employees may contact the Title IX Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/ocr/>. To the extent that an employee or contract worker is not satisfied with the College’s handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

## **SEX OFFENDERS**

The federal Campus Sex Crimes Prevention Act requires colleges and universities to disclose to its students the location of sex offender registries and the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The act also requires registered sex offenders to provide a notice of any campus of higher education in which the offender is employed, carries on a vocation, or is a student to state officials.

Students who are subject to an involuntary civil commitment, after completing a period of incarceration for a forcible or non-forcible sexual offense, are ineligible to receive a Federal Pell Grant.

Any member of the campus community who wishes to obtain further information regarding registered sex offenders in the area may refer to <http://www.sexoffender.com> for the national registry or [http://sheriffalerts.com/cap\\_office\\_disclaimer.php?office=55290%20](http://sheriffalerts.com/cap_office_disclaimer.php?office=55290%20) for the New Mexico sex offender registry.

## REPORTING CRIMES

- Students and staff should report criminal acts to the Campus Manager at the campus or a member of the Campus Management staff.
- Reporting crimes is on a voluntary, confidential basis.
- The Campus Manager is responsible to document any criminal acts, as well as reporting crimes to the local authorities as required by law.
- The campus is required to make timely warnings to members of the campus community regarding the occurrence of crimes. The campus community includes all campus buildings and grounds, all adjacent public property and externship sites.
- Timely warnings to the campus community will be issued through social media (Facebook), College website, or in a handout or flyer, and also posted on any notice boards within the campus.
- If there is an ongoing investigation of a crime that occurred in, at, or on any of the locations listed above that would be jeopardized, cause the suspect to flee, risk the safety of an individual, or result in the destruction of evidence, the campus may delay the timely warning until any adverse effect is no longer likely to occur.
- The statistics are collected centrally for each campus on a monthly basis and reported to the U.S. Department of Education annually.

Students and staff who report crimes will be provided with an explanation of your rights and options.

## SANCTIONS

Students found responsible for violating any of the College's policies may receive disciplinary sanctions. The fundamental principle guiding the imposition of sanctions in the student discipline system is founded in the College's effort to balance upholding community standards with the educational development of its students in addressing individual behavior.

The sanctioning regimen is designed to reestablish order while considering the common good, which sometimes necessitates the temporary or permanent removal of the offender. Mechanism within which offenders can reflect upon their actions and their impact on both themselves and restoration of the offender to good standing within the community provided the safety of the community is not jeopardized by the individuals' presence or return. The sanctions listed below are not meant to be exhaustive.

- Suspension from the College
- Dismissal from the College

The final determination of the appropriate sanction is done by the Campus Leadership, in combination with the Corporate Office Leadership.

Employees found responsible for violating the College's policies may receive disciplinary sanctions that could include a written warning, final written warning and/or dismissal from employment depending on the specific violation of the College's policies. The final determination for employees is decided by the Human Resources department.

## CRIME STATISTICS

The federal law requires that colleges and universities disclose statistics on crimes that may occur on-campus, on non-campus property, or on public property adjacent to the campus. For the purposes of the Clery Act, any building that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student facility even if the building itself is owned or controlled by a third party, as classified by the FBI Uniform Crime Report. The *Campus Crime Statistics* contain the criminal offenses and disciplinary instances as reported to the campus or the local law enforcement as occurring on campus, off campus, or on public property within close proximity of the campus.

Campus specific statistics are attached as an addendum and may be obtained by students and/or employees (current and perspective) via the campus website at <http://www.chartercollege.edu/campus-crime-security> or at the residential campus location. The Campus Crime Statistics include the number of offenses or instances for the last three completed calendar years.

## CAMPUS SECURITY AUTHORITY REPORT

Individuals to contact in case of emergency:

- Receptionist / Campus Support Specialist
- Instructor
- Campus Manager

## DRUG-FREE CAMPUS AND WORKPLACE

### ALCOHOL & DRUG POLICY

The campus is designated as “Drug-Free.” The campus will provide to each student upon enrollment a separate, clear and conspicuous written notice with information on the penalties associated with drug-related offenses. The possession, sale or the furnishing of alcohol on campus is governed by the Code of Student Conduct found in the catalog. The Code of Student Conduct states that students will be held accountable for the use of alcoholic beverages or controlled substances on College or externship property, including the purchase, consumption, possession, or sale of such items. The National Minimum Drinking Age Act of 1984 required all states to raise their minimum purchase and public possession of alcohol to age 21.

A student committing this violation shall receive a written warning concerning the misconduct and is subject to disciplinary action up to and including immediate suspension or dismissal, criminal prosecution, fine and/or imprisonment. Students dismissed for conduct violations will not be readmitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws.

In conjunction with the campus security bi-annual in-services, the campus will address the Drug and Alcohol Prevention program that was implemented to determine the following:

- The number of drug and alcohol-related violations and fatalities that occur on the campus or as part of any of the campus activities must be reported to campus officials, and

- The number and type of sanctions that are imposed by the campus as a result of drug and alcohol-related violations and fatalities on the campus or as part of any of the campus activities.

Note: Additional information is available within the Employee Handbook for campus personnel.

The campus must provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance as a result of penalties in a separate clean, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility. If the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with criteria established by the Secretary he may be eligible to regain eligibility of Federal funds.

*Drugs of Abuse/Uses and Effects* on following pages.

## DRUGS OF ABUSE/USES AND EFFECTS

| DRUGS<br>NARCOTICS | CSA<br>SCHEDULES            | TRADE OR<br>OTHER NAMES   | MEDICAL<br>USES                       | DEPENDENTS<br>PHYSICAL/PSYCHOLOGICAL/TOLERANCE | USUAL<br>METHOD                 | POSSIBLE<br>EFFECTS  | EFFECTS OF<br>OVERDOSE   | WITHDRAWAL<br>SYNDROME  |
|--------------------|-----------------------------|---|---------------------------------------|--|---------------------------------|--|--|---|
| Heroin             | Substance I                 | Diamorphine, Horse, Smack, Black tar, Chiva, Negra (black tar)                                | None in U.S., Analgesic, Antitussive  | High/High/Yes                                  | Injected, snorted, smoked       | Euphoria, drowsiness, respiratory depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating |
| Morphine           | Substance II                | MS-Contin, Roxanol, Oramorph SR, MSIR   | Analgesic                             | High/High/Yes                                  | Oral, injected                  |  |  |   |
| Hydrocodone        | Substance II, Product III,V | Hydrocodone w/ Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab                          | Analgesic, Antitussive                | High/High/Yes                                  | Oral                            |  |  |   |
| Hydromorphone      | Substance II                | Dilaudid  | Analgesic                             | High/High/Yes                                  | Oral, injected                  |  |  |   |
| Oxydodone          | Substance II                | Roxicet, Oxycodone w/ Acetaminophen, OxyContin, Endocet, Percocet, Percodan                   | Analgesic                             | High/High/Yes                                  | Oral                            |  |  |   |
| Codeine            | Substance II, Product III,V | Acetaminophen, Guaifenesin or Promethazine w/Codeine, Fiorinal, Fioricet or Tylenol w/Codeine | Analgesic, Antitussive                | Moderate/Moderate/Yes                          | Oral, injected                  |  |  |   |
| Other Narcotics    | Substance II, III, IV       | Fentanyl, Demerol, Methadone, Darvon, Stadol, Talwin, Paregoric, Buprenex                     | Analgesic, Antidiarrheal, Antitussive | High-Low/High-Low/Yes                          | Oral, injected, snorted, smoked |  |  |   |

| DRUGS<br>DEPRESSANTS      | CSA<br>SCHEDULES         | TRADE OR<br>OTHER NAMES   | MEDICAL<br>USES   | DEPENDENTS<br>PHYSICAL/PSYCHOLOGICAL/TOLERANCE | USUAL<br>METHOD | POSSIBLE<br>EFFECTS   | EFFECTS OF<br>OVERDOSE   | WITHDRAWAL<br>SYNDROME  |
|---------------------------|--------------------------|---|---|--|-----------------|---|--|---|
| gamma Hydroxybutyric Acid | Substance I, Product III | GHB, Liquid Ecstasy, Liquid X, Sodium Oxybate, Xyrem®                               | None in U.S., Anesthetic  | Moderate/Moderate/Yes                          | Oral            | Slurred speech, disorientation, drunken behavior without odor of alcohol, impaired memory of events, interacts with alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death |
| Benzodiazepines           | Substance IV             | Valium, Xanax, Halcion, Ativan, Restoril, Rohypnol (Rofies, R-2), Klonopin          | Antianxiety, Sedative, Anti-convulsant, Hypnotic, Muscle Relaxant | Moderate/Moderate/Yes                          | Oral, injected  |   |  |   |
| Other Depressants         | Substance I, II, III, IV | Ambien, Sonata, Meprobamate, Chloral Hydrate, Barbiturates, Methaqualone (Quaalude) | Antianxiety, Sedative, Hypnotic                                   | Moderate/Moderate/Yes                          | Oral            |   |  |   |

| DRUGS<br>STIMULANTS          | CSA<br>SCHEDULES  | TRADE OR<br>OTHER NAMES  | MEDICAL<br>USES   | DEPENDENTS<br>PHYSICAL/PSYCHOLOGICAL/TOLERANCE | USUAL<br>METHOD                 | POSSIBLE<br>EFFECTS  | EFFECTS OF<br>OVERDOSE   | WITHDRAWAL<br>SYNDROME  |
|------------------------------|-------------------|--|---|--|---------------------------------|--|--|---|
| Cocaine                      | Substance II      | Coke, Flake, Snow, Crack, Coca, Blanca, Perico, Nieve, Soda            | Local anesthetic  | Possible/High/Yes                              | Snorted, smoked, injected       | Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite | Agitation, increased body temperature, hallucinations, convulsions, possible death | Apathy, long periods of sleep, irritability, depression, disorientation |
| Amphetamine/ Methamphetamine | Substance II      | Crank, Ice, Cristal, Krystal Meth, Speed, Adderall, Dexedrine, Desoxyn | Attention deficit/ hyperactivity disorder, narcolepsy, weight control | Possible/High/Yes                              | Oral, injected, smoked          |  |  |   |
| Methylphenidate              | Substance II      | Ritalin (Illy's), Concerta, Focalin, Metadate                          | Attention deficit/ hyperactivity disorder                             | Possible/High/Yes                              | Oral, injected, snorted, smoked |  |  |   |
| Other Stimulants             | Substance III, IV | Adipex P, Ionamin, Prelu-2, Didrex, Provigil                           | Vasoconstriction  | Possible/Moderate/Yes                          | Oral                            |  |  |   |

Continued...

## DRUGS OF ABUSE/USES AND EFFECTS

| DRUGS<br>HALLUCINOGEN          | CSA<br>SCHEDULES        | TRADE OR<br>OTHER NAMES  | MEDICAL<br>USES          | DEPENDENTS<br>PHYSICAL/PSYCHOLOGICAL/TOLERANCE | USUAL<br>METHOD                          | POSSIBLE<br>EFFECTS   | EFFECTS OF<br>OVERDOSE   | WITHDRAWAL<br>SYNDROME                                 |
|--------------------------------|-------------------------|--|--------------------------|--|--|---|--|--|
| MDMA and<br>Analogues          | Substance I             | (Ecstasy, XTC, Adam),<br>MDA (Love Drug), MDEA<br>(Eve), MBDB                                    | None                     | None/Moderate/Yes                              | Oral,<br>snorted,<br>smoked              | Heightened<br>senses, teeth<br>grinding and<br>dehydration                              | Increased body<br>temperature,<br>electrolyte<br>imbalance,<br>cardiac<br>arrest | Muscle<br>aches,<br>drowsiness,<br>depression,<br>acne |
| LSD                            | Substance I             | Acid, Microdot,<br>Sunshine, Boomers   | None                     | None/Unknown/Yes                               | Oral                                     | Illusions<br>and<br>hallucinations,<br>altered<br>perception of<br>time and<br>distance | (LSD)<br>Longer, more<br>intense "trip"<br>episodes                              | None   |
| Phencyclidine<br>and Analogues | Substance I,<br>II, III | PCP, Angel Dust, Hog,<br>Loveboat, Ketamine<br>(Special K), PCE,<br>PCPy, TCP                    | Anesthetic<br>(Ketamine) | Possible/High/Yes                              | Smoked,<br>oral,<br>injected,<br>snorted | Unable to<br>direct<br>movement,<br>feel pain, or<br>remember                           | Drug<br>seeking<br>behavior<br>Not<br>regulated                                  |  |
| Other<br>Hallucinogens         | Substance I             | Psilocybe mushrooms,<br>Mescaline, Peyote Cactus,<br>Ayahuasca, DMT,<br>Dextro-methorphan* (DXM) | None                     | None/None/Possible                             | Oral                                     |   |  |  |

| DRUGS<br>CANNABIS          | CSA<br>SCHEDULES            | TRADE OR<br>OTHER NAMES                                  | MEDICAL<br>USES                        | DEPENDENTS<br>PHYSICAL/PSYCHOLOGICAL/TOLERANCE | USUAL<br>METHOD | POSSIBLE<br>EFFECTS  | EFFECTS OF<br>OVERDOSE                         | WITHDRAWAL<br>SYNDROME   |
|----------------------------|-----------------------------|--|--|--|-----------------|--|--|--|
| Marijuana                  | Substance I                 | Pot, Grass, Sinsemilla,<br>Blunts, Mota, Yerba,<br>Grifa | None                                   | Unknown/Moderate/Yes                           | Smoked,<br>oral | Euphoria,<br>relaxed<br>inhibitions,<br>increased<br>appetite,<br>disorientation | Fatigue,<br>paranoia,<br>possible<br>psychosis | Occasional<br>reports of<br>insomnia,<br>hyperactiv-<br>ity, decreased<br>appetite |
| Tetrahydro-<br>cannabinol  | Substance I,<br>Product III | THC, Marinol   | Antinauseant,<br>Appetite<br>stimulant | Yes/Moderate/Yes                               | Smoked,<br>oral |  |  |  |
| Hashish and<br>Hashish Oil | Substance I                 | Hash, Hash oil   | None                                   | Unknown/Moderate/Yes                           | Smoked,<br>oral |  |  |  |

| DRUGS<br>ANABOLIC<br>STERIODS | CSA<br>SCHEDULES | TRADE OR<br>OTHER NAMES  | MEDICAL<br>USES             | DEPENDENTS<br>PHYSICAL/PSYCHOLOGICAL/TOLERANCE | USUAL<br>METHOD   | POSSIBLE<br>EFFECTS   | EFFECTS OF<br>OVERDOSE | WITHDRAWAL<br>SYNDROME |
|-------------------------------|------------------|--|-----------------------------|--|-------------------|---|------------------------|------------------------|
| Testosterone                  | Substance III    | Depo Testosterone,<br>Sustanon, Sten, Cypot  | Hypogonadism                | Unknown/Unknown/Unknown                        | Injected          | Virilization,<br>edema,<br>testicular<br>atrophy,<br>gyneco-<br>mastia, acne,<br>aggressive<br>behavior | Unknown                | Possible<br>depression |
| Other Anabolic<br>Steroids    | Substance III    | Parabolan, Winstrol,<br>Equipose, Anadrol,<br>Dianabol,<br>Primabolin-Depo, D-Ball | Anemia,<br>Breast<br>cancer | Unknown/Yes/Unknown                            | Oral,<br>injected |   |                        |                        |

| DRUGS<br>INHALANTS        | CSA<br>SCHEDULES | TRADE OR<br>OTHER NAMES  | MEDICAL<br>USES  | DEPENDENTS<br>PHYSICAL/PSYCHOLOGICAL/TOLERANCE | USUAL<br>METHOD | POSSIBLE<br>EFFECTS   | EFFECTS OF<br>OVERDOSE   | WITHDRAWAL<br>SYNDROME  |
|---------------------------|------------------|--|------------------|--|-----------------|---|--|---|
| Amyl and<br>Butyl Nitrite |                  | Pearls, Poppers, Rush,<br>Locker Room  | Angina<br>(Amyl) | Unknown/Unknown/No                             | Inhaled         | Flushing,<br>hypotension,<br>headache   | Methemo-<br>globinemia   | Agitation   |
| Nitrous Oxide             |                  | Laughing gas, balloons,<br>Whippets  | Anesthetic       | Unknown/Low/No                                 | Inhaled         | Impaired<br>memory,<br>slurred<br>speech,<br>drunken<br>behavior,<br>slow onset<br>vitamin<br>deficiency,<br>organ damage | Vomiting,<br>respiratory<br>depression,<br>loss of<br>consciousness,<br>possible death | Trembling,<br>anxiety,<br>insomnia,<br>vitamin<br>deficiency,<br>confusion,<br>hallucinations,<br>convulsions |
| Other Inhalants           |                  | Adhesives, spray paint,<br>hair spray, dry clean-<br>ing fluid, spot remover,<br>lighter fluid | None             | Unknown/High/No                                | Inhaled         |   |  |   |

| DRUGS   | CSA<br>SCHEDULES | TRADE OR<br>OTHER NAMES | MEDICAL<br>USES | DEPENDENTS<br>PHYSICAL/PSYCHOLOGICAL/TOLERANCE | USUAL<br>METHOD | POSSIBLE<br>EFFECTS   | EFFECTS OF<br>OVERDOSE   | WITHDRAWAL<br>SYNDROME  |
|---------|------------------|-------------------------|-----------------|--|-----------------|---|--|---|
| Alcohol |                  | Beer, wine, liquor      | None            | High/High/Yes                                  | Oral            | Impaired<br>memory,<br>slurred speech,<br>drunken<br>behavior, slow<br>onset vitamin<br>deficiency,<br>organ damage | Vomiting,<br>respiratory<br>depression,<br>loss of<br>consciousness,<br>possible death | Trembling,<br>anxiety,<br>insomnia,<br>vitamin<br>deficiency,<br>confusion,<br>hallucinations,<br>convulsions |

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### SELLING ALCOHOL

It's a violation of New Mexico alcohol laws to sell alcohol to anyone under age 21. That includes adults 18, 19, and 20 years old. There's no exception for those adults serving in the U.S. military. It's also a criminal act to sell to an obviously intoxicated person of any age.

There are penalties for selling alcohol to anyone either under 21 or obviously intoxicated within a twelve month period. A first offense results in a fine of \$1,000 to \$2,000. The state also prohibits all alcohol sales for one business day.

A second offense causes a fine of \$2,000 to \$3,000. This time the state prevents all alcohol sales for seven business days. If a third offense occurs, the fine is \$10,000 and revocation of the alcohol license.

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### PURCHASING ALCOHOL

It's illegal for anyone under 21 to buy, or attempt to buy, alcohol. However, persons under 21 may do so to help law enforcement entrap clerks. The clerks who sell to them are arrested and charged with a felony.

Law enforcement also has them stand outside convenience stores or other alcohol retailers. They hand people money and ask them to buy alcohol for them. Those who agree to help are then arrested and charged with a felony.

It's a violation of New Mexico alcohol laws to use a false ID to buy alcohol. Or to try to buy it. And it's also illegal to loan, give, or sell an ID card to anyone under the age of 21.

However, a parent, guardian or spouse 21 or older may buy and serve alcohol to the person under that age. But it may not be served on licensed premises.

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### DRIVING AND ALCOHOL

New Mexico alcohol laws prohibit driving while intoxicated (DWI). It's illegal for anyone age 21 or older to drive with a blood alcohol concentration (BAC) of 0.08 or higher. For those under 21, it's 0.02 or higher. And for commercial drivers, it's 0.04.

If a breathalyzer suggests a BAC is 0.08 or higher, the driver's license is revoked on the spot. (Breath testers don't actually measure BAC. They only estimate it.)

However, being under that limit does not insure against arrest. All it takes is for an arresting officer think the person is too impaired to drive.

On the other hand many alcoholics develop alcohol intolerance. They can prove that they are not impaired well above 0.08. However, they may not present that evidence in their defense.

## **PENALTIES**

The exact penalties for DWI depend on the circumstances and the specific judge hearing the case. However, here are the general guidelines.

### **FIRST DWI OFFENSE**

For a first offense, the driver's license is suspended for one year. There is a BAC test fee of \$65 and a fine of up to \$500. The offender faces community service and the cost of mandated alcohol screening and treatment.

### **SECOND DWI OFFENSE**

A second offense incurs greater penalties. The license suspension is for two years. Imprisonment is for 96 hours to 364 days and the fine is up to \$1,000. Plus the BAC test fee of \$65 and the cost of required screening and treatment. In addition, there's community service.

### **THIRD DWI OFFENSE**

For a third offense, the license is suspended for three years. Imprisonment is 30 to 364 days. The maximum fine, BAC test fee, community service, and cost of screening and treatment remain the same.

### **FOURTH DWI OFFENSE**

A fourth offense carries a lifetime license suspension. Imprisonment is six to 18 months and the maximum fine is \$5,000. The BAC test fee and cost of screening and treatment are the same.

### **AGGRAVATED DWI OFFENSES**

Aggravated DWI offenses are from a DWI of 0.16, a DWI causing injury or death. It also results when drivers use their right not to submit to a chemical BAC test (estimator).

A first offense of aggravated DWI results in an additional mandatory imprisonment of 48 hours. If a second offense occurs, the additional imprisonment is 96 hours. And if a third occurs, it's 60 hours of additional imprisonment.

Second or later convictions are penalized with imprisonment up to 364 days. There's also a fine up to \$750, or both.

Aggravated BWI carry additional penalties. The state punishes operators who choose to use their right not to submit to a chemical BAC test. They are charged with aggravated BWI.

*New Mexico State Law – Controlled Substances (Drugs)* on the following page.

**NEW MEXICO CONTROLLED SUBSTANCES ACT: CHAPTER 30, SECTION 31, PARTS 1-41**

| <b>Trafficking controlled substances (30-31-20 NMSA 1978, et seq.):</b>   |                   |   |
|---|-------------------|---|
| Manufacturing, sale, or distribution – 1st offense  | 2nd degree Felony | Fine up to \$10,000, Prison up to 9 years, or both  |
| Manufacturing, sale, or distribution – 2nd or subsequent offenses   | 1st degree Felony | Fine up to \$15,000, Prison up to 18 years, or both |
| <b>Distribution to a minor (30-31-21 NMSA 1978, et seq.):</b>   |                   |   |
| Marijuana – 1st offense   | 3rd degree Felony | Fine up to \$5,000, Prison up to 3 years, or both   |
| Marijuana – 2nd or subsequent offenses  | 2nd degree Felony | Fine up to \$10,000, Prison up to 9 years, or both  |
| Any other controlled substance – 1st offense  | 2nd degree Felony | Fine up to \$10,000, Prison up to 9 years, or both  |
| Any other controlled substance – 2nd or subsequent offenses   | 1st degree Felony | Fine up to \$15,000, Prison up to 18 years, or both |
| <b>Distribution of controlled or counterfeit substances (30-31-22 NMSA 1978, et seq.):</b>  |                   |   |
| Marijuana or synthetic cannabinoids – 1st offense under 100 lbs.  | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |
| Marijuana or synthetic cannabinoids – 2nd or subsequent offenses under 100 lbs.   | 3rd degree Felony | Fine up to \$5,000, Prison up to 3 years, or both   |
| Marijuana or synthetic cannabinoids – 1st offense over 100 lbs.   | 3rd degree Felony | Fine up to \$5,000, Prison up to 3 years, or both   |
| Marijuana or synthetic cannabinoids – 2nd or subsequent over 100 lbs.   | 2nd degree Felony | Fine up to \$10,000, Prison up to 9 years, or both  |
| Any other controlled substance in Schedule I, II, III, or IV, except as listed below – 1st offense  | 3rd degree Felony | Fine up to \$5,000, Prison up to 3 years, or both   |
| Any other controlled substance in Schedule I, II, III, or IV, except as listed below – 2nd or subsequent offense  | 2nd degree Felony | Fine up to \$10,000, Prison up to 9 years, or both  |
| Any controlled substance in Schedule V  | Misdemeanor       | Fine \$100 – \$500, Jail 180 – 364 days, or both    |
| Gamma hydroxybutyric acid (GHB) or Flunitrazepam with intent to commit a crime against that person, including criminal sexual penetration – 1st offense               | 3rd degree Felony | Fine up to \$5,000, Prison up to 3 years, or both   |
| Gamma hydroxybutyric acid (GHB) or Flunitrazepam with intent to commit a crime against that person, including criminal sexual penetration – 2nd or subsequent offense | 2nd degree Felony | Fine up to \$10,000, Prison up to 9 years, or both  |
| Counterfeit substances in Schedule I, II, III, or IV  | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |
| Counterfeit substance in Schedule V   | Petty Misdemeanor | Fine up to \$100, Jail up to 6 months, or both      |

| <b>Penalties for illegal drug possession (30-31-23 NMSA 1978, et seq.):</b>  |                   |   |
|--|-------------------|---|
| 1 oz of marijuana or synthetic cannabinoids – 1st offense  | Petty misdemeanor | Fine \$50 – \$100, Jail up to 15 days, or both      |
| 1 oz of marijuana or synthetic cannabinoids – 2nd and subsequent offenses  | Petty misdemeanor | Fine \$100 – \$1,000, Jail up to 1 year, or both    |
| Over 1 oz but under 8 oz of marijuana or synthetic cannabinoids  | Misdemeanor       | Fine \$100 – \$1,000, Jail up to 1 year, or both    |
| 8 oz or more marijuana or synthetic cannabinoids   | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months          |
| For possession of Schedule I, II, III, or IV controlled substances, or analogs thereof, except for those substances listed below | Misdemeanor       | Fine of \$500 – \$1,000, Jail up to 1 year, or both |
| Phencyclidine (PCP), or derivatives, salts, isomers, analogs, etc.   | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |
| Methamphetamines, or derivatives, salts, isomers, analogs, etc.  | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |
| Flunitrazepam, or derivatives, salts, isomers, analogs, etc.   | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |
| Gamma hydroxybutyric acid (GHB), or derivatives, salts, isomers, analogs, etc.   | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |
| Narcotic drugs enumerated in Schedule I or II, or derivatives, salts, isomers, analogs, etc.                                     | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |
| <b>Falsely obtaining or attempting to obtain controlled substances (30-31-25 NMSA 1978, et seq.):</b>                            |                   |   |
| Falsifying applications, fraud, forgery, deception, or subterfuge related to trying to obtain controlled substances              | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |
| <b>Drug paraphernalia (30-13-25.1 NMSA 1978, et seq.):</b>   |                   |   |
| Unlawful possession of drug paraphernalia  | Misdemeanor       | Fine \$50 – \$100, Jail up to 1 year, or both       |
| Delivering or providing drug paraphernalia to a minor  | 4th degree Felony | Fine up to \$5,000, Prison up to 18 months, or both |

## MARIJUANA LAWS

Students and employees should be aware that in spite of the 2021 New Mexico Cannabis Regulation Act and the Expungement and Resentencing Act allowing adults 21 and older to possess up to 2 ounces of cannabis flower, Charter College is required to uphold, and expects its students and employees to abide by federal laws that prohibit use, distribution, consumption, of marijuana by anyone of any age.

Medical marijuana users should be aware that Charter College does not permit marijuana use or possession on campus, even with official medical documentation.

*Federal Trafficking Penalties* on following page.

## FEDERAL TRAFFICKING PENALTIES

| DRUG/SCHEDULE                  | QUANTITY                              | PENALTIES   | QUANTITY                                       | PENALTIES  |
|--------------------------------|---------------------------------------|---|--|--|
| Cocaine (Schedule II)          | 500-4999 gms mixture                  | <b>First Offense:</b><br>Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.<br><br><b>Second Offense:</b><br>Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual. | 5 kgs or more mixture                          | <b>First Offense:</b><br>Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.<br><br><b>Second Offense:</b><br>Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.<br><br><b>Two or More Prior Offenses:</b><br>Life imprisonment. |
| Cocaine Base (Schedule II)     | 28-279 gms mixture                    |   | 280 gms or more mixture                        |  |
| Fentanyl (Schedule II)         | 40-399 gms mixture                    |   | 400 gms or more mixture                        |  |
| Fentanyl Analogue (Schedule I) | 10-99 gms mixture                     |   | 100 gms or more mixture                        |  |
| Heroin (Schedule I)            | 100-999 gms mixture                   |   | 1 kg or more mixture                           |  |
| LSD (Schedule I)               | 1-9 gms mixture                       |   | 10 gms or more mixture                         |  |
| Methamphetamine (Schedule II)  | 5-49 gms pure or 50-499 gms mixture   |   | 50 gms or more pure or 500 gms or more mixture |  |
| PCP (Schedule II)              | 10-99 gms pure or 100-999 gms mixture |   | 100 gms or more pure or 1 kg or more mixture   |  |

| DRUG/SCHEDULE   | QUANTITY        | PENALTIES   |
|---|-----------------|---|
| Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid) | Any amount      | <b>First Offense:</b> Not more than 10 yrs. If death or serious injury, not less than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.<br><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1.5 million if an individual, \$5 million if not an individual. |
| Other Schedule III drugs  | Any amount      | <b>First Offense:</b> Not more than 10 yrs, if death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.<br><b>Second Offense:</b> Not more than 20 yrs, if death or serious injury, not more than 30 yrs. Fine not more than \$1.5 million if an individual, \$5 million if not an individual. |
| All other Schedule IV drugs   | Any amount      | <b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.<br><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.  |
| Flunitrazepam (Schedule IV)   | Less than 1 mgs |   |
| All other Schedule V drugs  | Any amount      | <b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.<br><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.  |

| DRUG                     | QUANTITY  | 1ST OFFENSE  | 2ND OFFENSE   |
|--------------------------|---|--|---|
| Marijuana (Schedule I)   | 1,000 kg or more mixture; or 1,000 or more plants   | <ul style="list-style-type: none"> <li>• Not less than 10 yrs, not more than life</li> <li>• If death or serious injury, not less than 20 yrs, not more than life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>  | <ul style="list-style-type: none"> <li>• Not less than 20 yrs, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual</li> </ul> |
| Marijuana (Schedule I)   | 100 kg to 999 kg mixture; or 100 to 999 plants  | <ul style="list-style-type: none"> <li>• Not less than 5 yrs, not more than 40 yrs.</li> <li>• If death or serious injury, not less than 20 yrs, not more than life</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual</li> </ul> | <ul style="list-style-type: none"> <li>• Not less than 10 yrs, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul> |
| Marijuana (Schedule I)   | More than 10 kgs hashish; 50 to 99 kg mixture<br><br>More than 1 kg of hashish oil; 50 to 99 plants | <ul style="list-style-type: none"> <li>• Not more than 20 yrs.</li> <li>• If death or serious injury, not less than 20 yrs, not more than life</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual</li> </ul>                                    | <ul style="list-style-type: none"> <li>• Not more than 30 yrs.</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine \$2 million if an individual, \$10 million if other than an individual</li> </ul>                                  |
| Marijuana (Schedule I)   | 1 to 49 plants; less than 50 kg mixture   | <ul style="list-style-type: none"> <li>• Not more than 5 yrs.</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>  | <ul style="list-style-type: none"> <li>• Not more than 10 yrs.</li> <li>• Fine not more than \$500,000 if individual, \$2 million other than individual</li> </ul>  |
| Hashish (Schedule I)     | 10 kg or less   |  |   |
| Hashish Oil (Schedule I) | 1 kg or less  |  |   |

## DRUG AND ALCOHOL COUNSELING

Although the availability and use of various substances may change from time to time, the use of chemical substances by youth and adults continues at an alarming rate. Working with individuals and families who have become unable to cope with the demands of daily living and who have turned to chemicals to help in coping is difficult and complex task.

We recognize that it is not easy for individuals and families to confront the problem of drug and alcohol abuse and harder still to admit the need for outside help. We strongly believe that early intervention and early treatment will significantly decrease the potential harm from drug and alcohol abuse and more easily repair dysfunctional relationships.

With this goal in mind, Charter College has a staff member who is available to all students, faculty and staff for advising. Charter College may assist in the referral to one of the local agencies. See/refer to the section on *Community Resources*.

## NATIONAL AGENCIES

This list is not intended to be complete but it represents a variety of alternative locations. Charter College does not have a personal association with any agency.

- Alcoholics Anonymous  
NM: (575) 430-9502  
[www.aa.org](http://www.aa.org)
- Cocaine Hotline  
(800) COCAINE
- Drug Abuse Hotline  
(800) 662-HELP
- Narcotics Anonymous Toll Free  
(855) 258-6329
- National Alcohol Hotline  
(800)-ALCOHOL
- National Clearinghouse for Alcohol and Drug Information  
(800) 729-6686
- National Council on Alcoholism and Drug Dependence  
(800) NCA-CALL  
[www.ncadd.org](http://www.ncadd.org)
- National Institute on Drug Abuse Hotline  
(800) 662-HELP
- NIH Toll Free  
(800) 654-4673

## STATEMENT OF INSTITUTION SANCTIONS

Violation of this policy can result in a disciplinary action, up to and including termination of an employee or dismissal of a student, even for a first-time offense.

## DRUG & ALCOHOL ABUSE PROCEDURES FOR EMPLOYEES

The Company is concerned about the use of alcohol, illegal drugs or controlled substances as it affects the workplace. In keeping with this commitment and the Drug-Free Schools and Communities Act Amendments of 1989, it maintains a strict policy against the unlawful manufacture, distribution,

dispensation, possession or use of drugs and alcohol in the workplace. The following rules and standards of conduct apply to all employees during the workday (including meal and rest periods) either on or off company property, as well as during business related travel.

No employee may use, possess, distribute, sell, or be under the influence of alcohol or drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair the employee's ability to perform the essential functions of the job in a safe manner. "Illegal drug" means any drug that is not legally obtainable under state or federal law or that is legally obtainable but has not been legally obtained. It includes prescription drugs not being used for prescribed purposes or by the person to whom it is prescribed or in prescribed amounts. If further includes any substance a person holds out to another as an illegal drug. Marijuana (or any cannabis product), even when legally obtained for recreational or medicinal purposes, is an illegal drug under federal law, and as such, is considered an illegal drug under this policy.

Employees must notify the Company of any criminal drug statute conviction for themselves if the violation occurred in the workplace. This notification must be made within five (5) days after such a conviction.

Any employee who feels he or she has developed an addiction to, dependence upon or problem with alcohol or drugs, legal or illegal, is strongly encouraged to seek assistance before a violation of this policy occurs. Any employee who requests time off to participate in a rehabilitation program will be reasonably accommodated. However, employees may not avoid disciplinary action, up to and including immediate termination, by entering a rehabilitation program after a violation of this policy is suspected or discovered.

When an employee or student is suspected of being in violation of this policy, the individual making the observation should immediately consult with an appropriate member of management.

## REVIEW OF PROGRAM

It is the intent of Charter College to review our Drug Awareness Program each year to ensure:

- To measure the effectiveness of the program and to modify where necessary.
- The sanctions will be reviewed and ensure all violations are consistently enforced.
- A record of all biennial reviews. These reviews will be maintained and will be available if required.

## QUESTIONS?

Please direct any questions or concerns to the Campus Manager.

## COMMUNITY RESOURCES

### FARMINGTON

- Farmington Police Department  
(505) 334-6622 – Non Emergency  
911 - Emergency
- Aztec Food Bank  
(505) 325-8222
- Family Crisis Center  
(505) 325-3549
- Four Winds Recovery Center  
(505) 327-7218
- Frontline Mission  
(505) 564-3740
- Rape Crisis Center  
(505) 326-4700
- Salvation Army  
(505) 327-5117
- Sexual Assault Service of NW NM  
(866) 908-4700
- San Juan County Sheriff's Office  
(505) 334-6107
- Salvation Army  
(505) 327-5117

# FARMINGTON CAMPUS SECURITY REPORT

## CHARTER INSTITUTE

A Division of Charter College

### Campus Security Report

(without student housing)

Reported in accordance with Uniform Crime Reporting procedures  
and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

**Location: Farmington, New Mexico**

**Updated: 09-28-2022**

|  | On Campus  |      |      | Non-Campus Building or Property |      |      | Public Property |      |      | Total |      |      |
|--|--|------|------|---------------------------------|------|------|-----------------|------|------|-------|------|------|
| Total Crimes Reported For:   | 2019   | 2020 | 2021 | 2019                            | 2020 | 2021 | 2019            | 2020 | 2021 | 2019  | 2020 | 2021 |
| <b>Criminal Offenses (Includes Attempts)</b>   |  |      |      |                                 |      |      |                 |      |      |       |      |      |
| Murder/Non-negligent Manslaughter  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Negligent Manslaughter   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Rape   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Fondling   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Incest   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Statutory Rape   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Robbery  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Aggravated Assault   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Burglary   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Motor Vehicle Theft  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Arson  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Larceny-Theft  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Simple Assault   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Intimidation   | 0  | 0    | 1    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 1    |
| Destruction/Damage/Vandalism of Property   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
|  | On Campus  |      |      | Non-Campus Building or Property |      |      | Public Property |      |      | Total |      |      |
| <b>VAWA Offenses (Includes Attempts)</b>   | 2019   | 2020 | 2021 | 2019                            | 2020 | 2021 | 2019            | 2020 | 2021 | 2019  | 2020 | 2021 |
| Domestic Violence  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Dating Violence  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Sexual Assault   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Stalking   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
|  | On Campus  |      |      | Non-Campus Building or Property |      |      | Public Property |      |      | Total |      |      |
| <b>Arrests and Disciplinary Referrals</b>  | 2019   | 2020 | 2021 | 2019                            | 2020 | 2021 | 2019            | 2020 | 2021 | 2019  | 2020 | 2021 |
| Arrests: Weapons: Carrying, Possessing, Etc.   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| Arrests: Drug Abuse Violations   | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 1    | 0    | 0     | 1    | 0    |
| Disciplinary Referrals: Drug Abuse Violations  | 0  | 1    | 1    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 1    | 1    |
| Arrests: Liquor Law Violations   | 0  | 0    | 0    | 0                               | 0    | 0    | 1               | 2    | 0    | 1     | 2    | 0    |
| Disciplinary Referrals: Liquor Law Violations  | 0  | 0    | 0    | 0                               | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
| <b>Hate Crimes</b><br>Prejudice Categories:<br>- Race<br>- Religion<br>- Sexual Orientation<br>- Gender<br>- Gender Identity<br>- Disability<br>- Ethnicity<br>- National Origin | <p><u>Hate Crimes:</u><br/>Note: To be categorized as a hate crime, campus security or a local law enforcement agency must determine that there is evidence that the victim was intentionally selected because of the perpetrator's bias.</p> <p><b>2019:</b> There were zero reported on-campus, non-campus, and public property incidents of hate crimes.<br/><b>2020:</b> There were zero reported on-campus, non-campus, and public property incidents of hate crimes.<br/><b>2021:</b> There were zero reported on-campus, non-campus, and public property incidents of hate crimes.</p> <hr/> <p><u>Total Unfounded Crimes:</u><br/>Of the Total Crimes reported following is the total determined to be Unfounded Crimes:<br/><b>2019 - 0    2020 - 0    2021 - 0</b></p> |      |      |                                 |      |      |                 |      |      |       |      |      |

## Sexual Assault Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Provide to the victim supportive measures & Title IX Sexual Harassment procedure.
6. Complete campus incident report.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Non-Forcible Sexual Offense Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Provide to the victim supportive measures & Title IX Sexual Harassment procedure.
6. Complete campus incident report.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Murder and Non-Negligent Manslaughter Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Complete campus incident report.
6. Provide support information to victim.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Negligent Manslaughter Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Complete campus incident report.
6. Provide support information to victim.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Aggravated Assault Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Complete campus incident report.
6. Provide support information to victim.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Burglary Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Complete campus incident report.
6. Provide support information to victim.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Motor Vehicle Theft Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Complete campus incident report.
6. Provide support information to victim.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Arson Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Complete campus incident report.
6. Provide support information to victim.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Missing Person Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Complete campus incident report.
6. Provide support information to victim.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.

## Robbery Procedures

1. Initial complaint received.
2. Determine if injury exists and if medical treatment is necessary.
3. Contact local law enforcement if a criminal complaint is required.
4. Transfer investigative duties to local law enforcement if required.
5. Complete campus incident report.
6. Provide support information to victim.
7. Coordinate completed report and investigation with local law enforcement.
8. Apply College policies upon completed investigation.