



***Your Right to Know***

# Annual Security Report & Fire Safety Report 2015-2016

<http://www.fortlewis.edu/AnnualSecurityReport>



# ANNUAL SECURITY REPORT 2015-2016

## ANNUAL SECURITY REPORT SECTION 1 OF 2

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Hard copies are available at the Student Affairs Office, 230 Miller Student Services, (970) 247-7331. Electronic version is available at <http://www.fortlewis.edu/AnnualSecurityReport>. Please see the Annual Fire Safety Report in Section 2 of this Annual Security Report.

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Fort Lewis College does not discriminate on the basis of race, age, color, religion, national origin, gender, disability, sexual orientation, gender identity, gender expression, political beliefs, or veteran status.

# “YOUR RIGHT TO KNOW” ....

*The following information is being made available according to the Higher Education Amendments of 1998. The table below summarizes information that is available through Fort Lewis College’s web site at <http://www.fortlewis.edu/studentaffairs/YourRightToKnow.aspx>.*

*Hard copies of information may be obtained from the office listed for that information.*

Websites	Contact Office	Phone/Fax
<a href="#">Accountability Programs for Programs that Prepare Teachers</a>	Title II Reports U.S. Department of Education	Phone: 1-877-684-8532
<a href="#">Accreditation &amp; Recognitions</a>	Academic Affairs Office 240 Berndt Hall	Phone: 970-247-7314 Fax: 970-247-7680
<a href="#">Annual Security Report</a> Campus Crime Statistics Alcohol & Other Drug Policy Weapons Policy Annual Fire Safety Report Emergency Plan Missing Student Notification Sexual Misconduct Policy	Student Affairs Office 230 Miller Student Services	Phone: 970-247-7573 Fax: 970-382-6935
	Fort Lewis College Police Aspen Hall	Phone: 970-247-7491 Fax: 970-247-7386
<a href="#">Athletics</a> Click on Recruits	Athletics Aquatic Center, Room 108	Phone: 970-247-6438
<a href="#">College Navigator</a>	Institutional Research Berndt Hall, Room 240	Phone: 970-247-7426
<a href="#">College Refund Policy</a>	Cashier's Office 140 Berndt Hall	Phone: 970-247-7380 Fax: 970-247-7284
<a href="#">Copyright &amp; Infringement Policies</a>	Information Technology	Phone: 970-247-7444
Constitution Day	Arts & Sciences Berndt Hall, Room 171	Phone: 970-247-7163
<a href="#">Cost of Attendance</a> <a href="#">Special Course Fees</a> (Tuition/Fees, Books and supplies, Room & Board Transportation, and additional course costs)	Cashier's Office 140 Berndt Hall	Phone: 970-247-7380 Fax: 970-247-7284
<a href="#">Degree Programs</a>	Academic Affairs Office 240 Berndt Hall	Phone: 970-247-7314 Fax: 970-247-7680
<a href="#">Disability Services</a>	Disability Services Office 280 Noble Hall	Phone: 970-247-7459 Fax: 970-247-7689
<a href="#">Facilities &amp; Maps</a>	Facilities Scheduling College Union Building	Phone: 970-247-7502

<a href="#">Faculty</a>	Academic Affairs Office 240 Berndt Hall	Phone: 970-247-7314 FAX: 970-247-7680
<a href="#">FERPA</a>	Registrar's Office 160 Miller Student Services	Phone: 970-247-7350 FAX: 970-247-7598
<a href="#">Graduation and Transfer Out Rates</a>	Institutional Research Office 242 Berndt Hall	Phone: 970-247-7426
<a href="#">Net Price Calculator</a>	Admission & Advising Office Kroeger Hall	Phone: 970-247-7184 Fax: 970-247-7179
<a href="#">Retention Rates</a>	Institutional Research Office 242 Berndt Hall	Phone: 970-247-7426
<a href="#">Student Body Diversity</a>	Institutional Research Office 242 Berndt Hall	Phone: 970-247-7426
<a href="#">Study Abroad</a>	International Programs Office 106 Jones Hall	Phone: 970-247-7672 Fax: 970-247-7190
<a href="#">Textbooks</a>	Fort Lewis College Bookstore Student Union Building	970-247-7415 Fax: 970-247-7420
<a href="#">Vaccination Information</a>	Student Health Center 170 Miller Student Services	Phone: 970-247-7355 Fax: 970-247-7621
Voter Registration <a href="#">Federal Voter Registration Information</a> <a href="#">State Voter Registration Information</a> <a href="#">La Plata County Voter Registration Information</a>	Student Affairs Office 230 Miller Student Services	Phone: 970-247-7573 Fax: 970-382-6935
<a href="#">Transfer of Credit Policies and Articulation Agreements</a>	Registrar's Office 160 Miller Student Services	Phone: 970-247-7350 Fax: 970-247-7598
<a href="#">Withdrawing/Dropping Courses – College Refund Policy</a>	Student Billing and Cashiering Room 140 Berndt Hall	Phone: 970-247-7380 Fax: 970-247-7284
<a href="#">How to Withdraw from Fort Lewis College</a>	Registrar's Office 160 Miller Student Services	Phone: 970-247-7350 Fax: 970-247-7598
<a href="#">Withdrawing and the implications of the Return of Title IV Funds</a>	Office of Financial Aid 101 Miller Student Center	Phone: 970-247-7142 Fax: 970-247-7108

# ANNUAL SECURITY REPORT

*This is the compliance document to the Federal Student Right-to-Know and Campus Security Act of 1990 (Clery Act), the Federal Drug-free Schools and Campuses Act of 1989, and the Higher Education Amendments of 1992 and 1998. Please see the Annual Fire Safety Report in Section 2 of this Annual Security Report.*

Fort Lewis College places a high priority on the personal safety of its students, faculty, staff, and visitors. A campus community relies on a peaceful, safe, and secure environment. Preserving this environment is a responsibility everyone on campus must share.

Under the Federal Student Right-to-Know and Crime Awareness and Campus Security Act of 1990 (now known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act), all colleges receiving federal funds are required to report crime statistics. Instructions on how to access this information will be distributed on an annual basis to all faculty, staff, and students, and to any applicant for enrollment or employment. Please keep this report as a resource document and refer to it throughout the year. This report is descriptive only. It is not intended to serve as a contract between the College and any other party. College security policies and procedures are subject to change at any time without notice. Any inquiries concerning information presented in this brochure may be directed to the Vice President for Student Affairs at (970) 247-7331.

## **FOR EMERGENCY ASSISTANCE:**

**For emergency help from a campus telephone: 9-911**

**For emergency help from a pay or cellular telephone: 911 (no coins necessary)**

Or use one of the campus emergency phones located at:

- Clock Tower
- Cooper Quad south of Cooper Hall
- Between Berndt Hall and the Theatre
- Union Visitor Lot by the College Union
- Between the Bader and Sheridan Residence Halls
- Between Lot R and the Centennial Apartments
- 8<sup>th</sup> Avenue Lot, east of Sage Hall
- Concert Hall Lot, east of the Concert Hall
- Stadium Visitor Lot, north of the football stadium
- Between Art Lot (gymnasium) and Stadium Visitor Lot, north of the football stadium
- Between Center for SW Studies Lot and the Center for Southwest Studies

Emergency response for fire, ambulance, or hazardous materials is the joint responsibility of the Fort Lewis College Police Department and the Durango Fire Department. The Durango Police Department may also respond.

## **TO REPORT A CRIME IN PROGRESS ON CAMPUS: Call 9-911 or 911.**

Community members, students, faculty, staff and guests are encouraged to report any suspicious incident or hazardous conditions that they witness. For example, situations such as altercations, assaults, verbal arguments, vehicles blocking access, and/or unsafe driving should be reported. Anonymous callers wishing to report a crime in progress are encouraged to do so.

## **TO FILE A REPORT FOR A CRIME THAT HAS ALREADY OCCURRED:**

**Call Durango La Plata Emergency Communications Center at 385-2900 or Fort Lewis College Police at 749-6581 to talk with an officer on duty.** Reports can also be filed via the Fort Lewis College Police Department Web site at [www.fortlewis.edu/police](http://www.fortlewis.edu/police) Persons making false crime reports are subject to campus discipline and/or legal sanctions.

*To assist with campus safety, it is imperative that all students, faculty, and staff take responsibility to immediately report any suspicious incident or hazardous conditions that they witness.*

Persons wishing to file a report confidentially or anonymously may do so; however, if the complainant wants to file criminal charges against another for a crime, he/she cannot remain anonymous or confidential.

**FOR QUESTIONS REGARDING PARKING PERMITS, PARKING TICKETS, OR OTHER ADMINISTRATIVE POLICIES/PROCEDURES RELATED TO THE FORT LEWIS COLLEGE POLICE AND PARKING SERVICES**

**DEPARTMENT: Call the Fort Lewis College Police Department administrative office at 247-7491.**

### **FORT LEWIS COLLEGE POLICE DEPARTMENT**

The Fort Lewis College Police Department, in partnership with the campus community, is responsible for public safety, campus parking enforcement, law enforcement, after-hours emergency maintenance (notification of Physical Plant Services staff), and emergency response. The Fort Lewis College Police Chief/Director and seven (7) police officers are Commissioned Peace Officers through the State of Colorado, the City of Durango, and the La Plata County Sheriff's Department; they are Colorado POST-certified and receive the same training given to any police officer in the State of Colorado as required by the Colorado Peace Officer Standards and Training Board. Fort Lewis College police officers enforce all Federal, State, local laws/ordinances, and official College policies, and have full arrest authority. The Department operates twenty-four hours per day, seven days per week, and is staffed with an administrative assistant during regular business hours Monday through Friday. Fort Lewis College police officers maintain excellent working relationships with other state and local law enforcement agencies, and will coordinate responses to crime when appropriate. At the time of this report, Fort Lewis College and the City of Durango are close to signing two Memoranda of Understanding with the City of Durango regarding jurisdiction and communication and coordination of investigations, particularly regarding sexual assault, domestic violence, dating violence and stalking.

### **GEOGRAPHIC LOCATION**

Fort Lewis College is a state-supported institution of higher education located on approximately 707 acres within the city of Durango and La Plata County. Fort Lewis College also owns approximately 6,319 acres located in Hesperus, Colorado, ten miles west of the Durango campus. The Hesperus site contains facilities used by the Fort Lewis College Biology/Agriculture and Forestry department.

The Fort Lewis College community contains approximately 4,000 enrolled students and 670 faculty and staff members.

### **GENERAL CRIME PREVENTION**

A campus community must do more than just react to crime; it must look for opportunities to deter crime. A variety of programs inform students, faculty, and staff about campus security policies and procedures; and various practices have been developed to aid in crime prevention and to encourage responsibility. These include, but are not limited to:

- Safety tips and information on crime prevention are distributed regularly to the student

newspaper, *The Independent*, the campus radio station, KDUR, and by campus e-mail.

- Educational programs (often through cooperation with other agencies) are held at least once per term in the residence halls and elsewhere on campus. Topics include, but are not limited to, the following: crime prevention, sexual assault awareness, personal safety, first aid, fire prevention, and alcohol and other drug abuse prevention.
- Escorts are provided based on officer availability. Call the Fort Lewis College Police Department at 749-6581 to arrange the escort. Students, faculty, and staff are encouraged not to walk alone in isolated areas.
- An Identification Program is available to engrave personal property. Interested students should contact the Fort Lewis College Police Department at 749-6581.

The Office of Student Affairs establishes and enforces standards of conduct at Fort Lewis College. Students charged with law violations may expect to have the matter handled both through the criminal justice system and the College judicial system.

### **SECURITY PROCEDURES AND ACCESS TO CAMPUS BUILDINGS**

Fort Lewis College police officers conduct regular vehicle, foot, and bicycle patrols on campus.

Fort Lewis College installed 113 new sidewalk lights and 17 new parking lot lights totaling more than \$500,000 as part of its \$40 million construction program. In addition, 12 emergency telephones have been installed in parking lots and residential areas of campus. Campus lighting is routinely assessed for needed improvements. Night-shift campus police officers review campus lighting and report necessary repair or replacement needs to the Physical Plant. Individuals may report light outages directly to the Physical Plant by calling 247-7000.

Non-residential campus buildings and facilities are open to members of the campus community and visitors during regular business and class hours. Admission to any non-residential facility after hours is limited to authorized persons with a building key. Access hours may be extended to accommodate evening classes or special events. Computer labs have specific hours set by the Office of Information Technology. Reed Library publishes its business hours at the beginning of each term. Buildings are secured by Fort Lewis College police officers, and parking lots and buildings are periodically patrolled by officers twenty-four hours per day, seven days per week.

The outside doors of the residence halls lock automatically when closed, requiring a key for entry.

**Students have the responsibility to assist in maintaining their safety by keeping these doors closed at all times and are encouraged to report unsafe conditions or maintenance, if needed.** Student rooms are individually keyed and the procedure for replacing a lost key includes a lock change. Student Housing staff and police officers patrol all residential facilities.

The Residence Director or other Student Housing official generally will not enter an occupant's room/apartment unless accompanied by the occupant, the occupant's authorized representative, or a second authorized College representative. However, the College reserves the right to enter any occupant's apartment/room for the purpose of inspection when an authorized College official has reason to believe that the following conditions may exist, which include but are not limited to:

- An occupant of the living unit may be physically harmed or endangered.
- Significant damage is being done to College property.
- There has been a violation of the provisions contained in the Housing Contract, the *Student Housing Guide*, or subsequent written notice applicable to the operation and administration of residence halls and apartments of Fort Lewis College.
- Maintenance and/or repair is necessary.
- Routine maintenance checks.
- Occupancy verification checks.

The College will not search a room without the occupant's permission or a court-authorized search warrant. See the *Student Housing Guide* in the *Student Handbook* for more information concerning Student Housing policies and procedures.

Fort Lewis College incorporates environmental security design practices in the planning, building, and maintenance stages of all structures and grounds keeping. Fort Lewis College police officers on patrol will routinely file work orders with Physical Plant Services to report any problems with lighting, shrubbery, or any other maintenance concerns. Testing of emergency phone blue lights will be conducted by Fort Lewis College police officers on a quarterly basis.

## REQUIRED NOTIFICATION

### Clery Act

- A brief, written summary of the *Annual Security Report*, including the exact URL and information on how to obtain a hard copy, is e-mailed to all currently enrolled students and all current employees before October 1 of each year.
- A brief, written summary of the *Annual Security Report*, including the exact URL and information on how to obtain a hard copy, is also provided to

all prospective employees who contact the Fort Lewis College Human Resources Office.

- A brief, written summary of the *Annual Security Report*, including the exact URL and information on how to obtain a hard copy, is also provided to all prospective students who contact the Fort Lewis College Admission Office.

## Emergency Plan

The Fort Lewis College Emergency Response Plan is available at [www.fortlewis.edu/police](http://www.fortlewis.edu/police)

## Emergency Response & Evacuation Procedures Immediate Notification

If there is an immediate threat to the health or safety of students or employees occurring on campus, the College Emergency Notification System will communicate what action to take as directed by the Fort Lewis College Emergency Response Plan: The methods of communication are as follows:

1. E-mail to Students, Faculty, Staff, Parents and Affiliates.
2. College Emergency Web Site, [www.fortlewis.edu/emergency](http://www.fortlewis.edu/emergency)
3. e2campus text message alert system, to those registered
4. Fort Lewis College Emergency Information Line: 1-888-433-0046 or 247-6334
5. College radio station, KDUR, 91.9 FM or 93.9 FM
6. A follow up notification will occur when further information is available on the status of the situation, and when it is safe to return.

## Significant Emergency or Dangerous Situation

Upon receiving information of a significant emergency or dangerous situation, the individual receiving the information shall call 911 or 9-911 from a campus phone. The La Plata County Central Communications Center will dispatch the Fort Lewis College Police Department, in addition to any required medical and/or fire personnel.

- The Fort Lewis College Police Department will investigate reports of any emergency or dangerous situation to confirm the report.
- If the responding police officer(s) determines the report is a significant emergency or dangerous situation, they will notify the Chief of Police or his/her designee as soon as practical to advise them of the situation.
- The Chief of Police or designee will determine the appropriate segment of the campus community to notify.
- The Chief of Police and Public Affairs Officer will determine the content of the notification, and will withhold the names of victims as confidential. The Public Affairs Officer or designee will initiate the notification system.

The notification will take into account the safety of the community, based on assisting the victims, containing the situation, and mitigating the emergency.

### **Disseminating Emergency Information to Large Community**

In the event of a significant emergency or dangerous situation occurring on the Fort Lewis College campus which could have a potential impact on the surrounding community:

- The Fort Lewis College Police Department will notify the La Plata County Communications Center of the potential impact to the surrounding community.
- Per the College's Emergency Response Plan, the Public Affairs Officer or designee will act as the College liaison with the media.

### **Testing the Emergency Response System**

One Annual test of the College's emergency response system

- The Fort Lewis College Police Department will annually conduct an emergency test of the College's emergency response system.
- The test may be announced or unannounced.
- The College's emergency notification system will indicate that the drill is a test only.
- A debriefing will be held following the annual test to follow through on any corrections necessary.
- The College's emergency response and evacuation procedures will be available in the Emergency Response Plan.

Procedures to test the College emergency response system

- The Fort Lewis College Police Department will determine the type of test to be conducted on an annual basis. The type of test may vary annually.
- The Fort Lewis College Police Department will notify the Public Affairs Officer, College Administrators, and the La Plata County Central Communications prior to conducting the test to ensure emergency responders are aware the test is not a real event.
- The test shall utilize the emergency response of the College along with evacuation procedures. The test will include an evacuation of at least one building on campus, and a notification on the campus emergency notification system.

### **Fire Safety Report**

- A brief, written summary of the *Annual Fire Safety Report*, including the exact URL and information on how to obtain a hard copy, is e-

mailed to all currently enrolled students and all current employees before October 1 of each year.

- A brief, written summary of the *Annual Fire Safety Report*, including the exact URL and information on how to obtain a hard copy, is also provided to all prospective employees who contact the Fort Lewis College Human Resources Office.
- A brief, written summary of the *Annual Fire Safety Report*, including the exact URL and information on how to obtain a hard copy, is also provided to all prospective students who contact the Fort Lewis College Admission Office.
- The *Annual Fire Safety Report* is found in Section 2 of this *Annual Security Report*.

### **Missing Student Notification Procedures**

A statement of policy regarding missing student notification procedures is described below:

Anyone with knowledge or concern that a student has been missing for 24 hours, should report this information to: a Resident Assistant, Residence Director, Assistant Director, Director of Student Housing and Conference Services, or campus police. This does not preclude a person from making a missing-student report sooner if s/he thinks it is warranted.

Upon notification of the concern, the Student Housing Staff will try to determine if the student is actually missing. Some or all of the following steps will be taken:

- Contact RAs or RDs where the student lives (if report came from elsewhere).
- Call the student's cell phone, email, or check on-line networking accounts (e.g., Facebook).
- Contact roommate(s).
- Contact professors or other FLC community members who may have had contact.
- Contact any known friends or employers.
- Contact parents or emergency contacts on file.
- Check the last time the student used his/her Skycard and where.
- Key into the student's room.

If Student Housing Staff verifies the student is missing or simply cannot determine from the efforts above, the staff will notify the FLC Police Department within 24 hours of the original notification to the staff.

All residents of campus housing are asked at the time of check-in to list emergency contacts in the Personal Identification Form. The Form includes information regarding the notification process to law enforcement and how the emergency contacts will be used in case a student is reported missing.



When the Fort Lewis College Police Department receives a report of a possible missing student, the officer receiving the report will conduct a full investigation of the incident as follows. If the student in question has been missing beyond 24 hours, a missing person's entry into NCIC / CCIC will be requested of Central Communications by the investigating officer.

- Investigating Officers will utilize the Fort Lewis College data base system to obtain emergency contact information for students. As part of the investigation, the officer may choose to contact the emergency contact and/or parents of the missing student to aid in the investigation.
- After investigating the missing person report, should FLCPD determine that the student is missing and has been missing for more than 24 hours, FLC will notify the student's emergency contact within 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, FLC will notify the student's parent or legal guardian within 24 hours after FLCPD has determined that the student is missing.

### **Registered Sex Offender Information**

According to the Campus Sex Crimes Prevention Act, information concerning persons who are required by Colorado law to register as sex offenders, including registered sex offenders who are enrolled, employed, or volunteering at Fort Lewis College, may be obtained from the Fort Lewis College Police Department, 534 Berndt Hall, Fort Lewis College, 1000 Rim Drive, Durango, CO 81301, (970) 247-7491; or the Durango Police Department, 990 East 2<sup>nd</sup> Avenue, Durango, CO 81301, (970) 385-2940; or the La Plata County Sheriff's Department, 742 Turner Drive, Durango, CO 81301 (970) 247-1157; or the Colorado Department of Public Safety, Convicted Sex Offender Site <http://sor.state.co.us/>

### **Riot Offense Information**

Colorado Statute 23-5-124 prohibits any person convicted of a riot offense from enrolling in a state-supported institution of higher education for a period of twelve months following the date of conviction. CRS 23-5-124 also requires that any enrolled student who is convicted of a riot offense be immediately suspended from the institution for a period of twelve months from the date of conviction or from the date of suspension imposed by the institution for the same riot activity. The full text of CRS 23-5-124 is available on Fort Lewis College's Web site. Click on "Administrative Services" then "Student Affairs" then "Your Right to Know" then "Riot Offense."

### **Safe Haven for Newborns Information**

In 2000, the Colorado General Assembly passed Senate Bill 00-171, which allows a parent to relinquish control of a newborn baby to a hospital or a fire station within 72

hours after birth without fear of criminal prosecution as long as the baby is unharmed. In 2007, the Colorado legislature asked colleges to publicize this resolution to their students. The full text of Senate Joint Resolution 07-029 is available on Fort Lewis College's Web site. Click on "Administrative Services" then "Student Affairs" then "Your Right to Know" then "Safe Haven for Newborns."

### **NOTIFYING CAMPUS OF CRIMINAL ACTIVITY Special Alerts**

If circumstances warrant (i.e., the event constitutes an ongoing or continuing threat), the College community will be notified of a crime alert by the Fort Lewis College Police Department through electronic mail, Fort Lewis College staff, notices in residence halls, and/or special bulletins.

### **Crime Log**

Fort Lewis College police maintain a daily crime log that is open for public inspection in the Fort Lewis College Police Department administrative office during regular business hours. This log contains a brief description of the nature, date, time, general location, and disposition of crimes occurring on campus. Victims of a crime of violence may be informed of the general outcome of the related campus disciplinary hearing.

### **CRIME STATISTICS**

Fort Lewis College believes that a community that is well informed about the nature of its crime is a safety-conscious public. It is to the student's advantage to know the information that is included in this report and to act on it. Students and staff should develop personal routines that enhance their own safety, and become actively involved in campus crime prevention programs. Questions may be directed to the Fort Lewis College Police Department at 247-7491.

In preparing the Fort Lewis College Crime Statistics Summary at the end of this section, all incidents reported to the Fort Lewis College Police Department during the immediately preceding calendar year are reviewed by the Chief of Police, the Administrative Assistant for the Police Department, the Vice President for Student Affairs, and the Student Affairs Office Program Assistant. Any incident reports meeting the definitions of crimes listed below are counted. In addition, the Student Affairs Office collects information from the following College departments concerning reported crimes and concerning disciplinary referrals for alcohol, drug, and weapons law violations: Athletics Department, Auxiliary Services, Career Services, Disability Services, Human Resources/Equal Opportunity Office, Recreational Services, Student Activities, Student Affairs Office, the Student Housing and Conference Services, and the campus TRIO programs. The Counseling Center and the Health Center may report crimes to the Student Affairs

Office on a voluntary basis, but are not required to do so under the Clery Act. As a matter of policy, the professional counselors in the Counseling Center are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. Fort Lewis College police officers also file a report whenever crimes occurring on campus or its boundaries, or on its Hesperus site are reported to the La Plata County Sheriff's Office, and these reports are included in Fort Lewis College's crime statistics. All reports are reviewed by the Student Affairs Office to eliminate any duplicate reports. Reported crimes are then categorized as required by law. These statistics are published in both electronic and hard copy formats within the Annual Security Report and distributed as described in the section titled "Required Notification, Clery Act."

## **DEFINITIONS**

The Crime Awareness and Campus Security Act of 1990 (now known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act), and the Higher Education Amendments of 1998 require colleges and universities that receive federal funds to report those crimes that are classified by the Federal Bureau of Investigation Uniform Crime Reports (UCR) as criminal homicide including murder, non-negligent manslaughter, and negligent manslaughter; sex offenses including rape, fondling, incest, and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; dating violence, domestic violence, stalking, and arson. In addition, colleges must report any hate crimes (by category of prejudice) for the crime categories listed below or any other hate crime involving bodily injury. Colleges are also required to report any arrests or referrals for campus discipline for liquor law violations, drug law violations, and illegal weapons possessions. These definitions are:

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

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

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

The killing of another person through gross negligence.

### **Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent:

#### **Rape**

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

### **Fondling**

The touching of the private body parts of another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

### **Incest**

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

### **Statutory Rape**

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

### **Robbery**

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

### **Aggravated Assault**

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

### **Burglary**

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

### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. (According to the Federal Bureau of Investigation Uniform Crime Reporting practices, Fort Lewis College classifies as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. This includes joy riding.)

### **Arson**

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

### **Hate Crimes**

Any crime involving bodily injury reported to local police agencies or to a campus authority, in which the victim was intentionally selected because of the victim's actual

or perceived race, gender, religion, sexual orientation, ethnicity, disability, national origin, or gender identity.

### **Domestic Violence**

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by (1) a current or former spouse or intimate partner of the victim, (2) a person with whom the victim shares a child in common, (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or (5) 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.

### **Dating Violence**

The term "dating violence" means violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (2) 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. 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**

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others, or (2) suffer substantial emotional distress. For 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; "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

### **Arrests for Liquor Law Violations**

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the

forementioned. (Drunkenness and driving under the influence are not included in this definition.)

### **Arrests for Drug Abuse Violations**

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

### **Arrests for Weapons Law Violations**

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

### **Disciplinary Referrals for Liquor Law Violations, Drug Law Violations, or Weapons Law Violations**

The referral of any student to any campus official that initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction for any of the alcohol, drug, or weapons law violations listed above. It is possible that students may be both arrested and referred for campus discipline for liquor, drug, or weapons violations. In such instances, the action is counted only in the arrest category and not the referral category.

### **On Campus**

Any building or property owned or controlled by Fort Lewis College within the same reasonably contiguous geographic area of the campus and used by the institution in direct support of, or in a manner related to, the institution's educational purposes including residence halls and campus dining facilities.

### **Non-Campus Building or Property**

Any building owned or controlled by a student organization that is officially recognized by Fort Lewis College, or any building or property owned or controlled by Fort Lewis College that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the campus. Fort Lewis College does not have any buildings or property off campus that are owned or controlled by officially recognized student organizations.

### **Public Property**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus. For the purposes of Fort Lewis College's crime statistics, this includes Fort Lewis Drive, sections

of Rim Drive, sections of 8<sup>th</sup> Avenue, and property up to and including sections of the east side of South College Drive (Goeglein Gulch Road) and a section of North College Drive. A map outlining this area is available for review in the Fort Lewis College Police Department and in the Student Affairs Office.

**FORT LEWIS COLLEGE CRIME STATISTICS SUMMARY**

CRIME CATEGORY	ON CAMPUS†			IN OR ON A NON-CAMPUS BUILDING OR PROPERTY*			ON PUBLIC PROPERTY ON OR NEAR CAMPUS			IN RESIDENCE HALLS OR OTHER RESIDENTIAL FACILITIES ON CAMPUS			TOTALS		
	14	13	12	14	13	12	14	13	12	14	13	12	14	13	12
<i>Calendar Year</i>															
<i>Murder/Non-negligent Manslaughter</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Negligent Manslaughter</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sex Offenses</i>	-	4	1	-	0	0	-	0	0	-	3	1	-	4	1
<i>Rape</i>	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-
<i>Fondling</i>	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-
<i>Incest</i>	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-
<i>Statutory Rape</i>	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-
<i>Domestic Violence</i>	8	1	-	0	0	-	0	0	-	5	1	-	8	1	-
<i>Dating Violence</i>	0	0	-	0	0	-	0	0	-	0	0	-	0	0	-
<i>Stalking</i>	1	1	-	0	0	-	0	0	-	0	1	-	1	1	-
<i>Robbery</i>	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1
<i>Aggravated Assault<sup>^</sup></i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Burglary (Including Attempted Burglary)</i>	5	9	10	0	0	0	0	0	0	3	4	9	5	9	10
<i>Motor Vehicle Theft (Including Attempts)</i>	3	1	0	0	0	0	0	0	0	0	0	0	3	1	0
<i>Arson</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Hate Crime</i>	4 <sup>1e,3s</sup>	9 <sup>7s,1re,1ra</sup>	7 <sup>1s,4e,2ra</sup>	0	0	0	0	0	0	1 <sup>s</sup>	2 <sup>s</sup>	1 <sup>e</sup>	4 <sup>1e,3s</sup>	9 <sup>7s,1re,1ra</sup>	7 <sup>1s,4e,2ra</sup>
<i>Arrests for Liquor Law Violations</i>	61	71	76	0	0	0	3	2	8	34	50	45	64	73	84
<i>Arrests for Drug Law Violations</i>	93	55	33	0	0	0	0	0	6	22	27	29	93	55	39
<i>Arrests for Illegal Weapons Possessions</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Campus Discipline Referrals<sup>‡</sup> for:</i>															
<i>Liquor Law Violations</i>	163	137	212	0	0	12	0	0	0	155	130	210	163	137	224
<i>Drug Law Violations</i>	97	54	65	0	0	1	0	0	0	66	43	64	97	54	66
<i>Illegal Weapons Possessions</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

†This category includes incidents reported in the "In Residence Halls or Other Residential Facilities on Campus" category.

‡If both an arrest and a referral are made for an alcohol or drug law violation or illegal weapons possession, only the arrest is counted.

<sup>^</sup>As of the 2003 reporting year, simple assaults are no longer included in the Assault category.

\*As of the 2004 reporting year, locations on the Nature Trail were further identified as non-campus property or public property.

~As of the 2013 reporting year, the definitions and statistical categories for sex offenses were changed. Sexual offenses are now categorized as rape, fondling, incest and statutory rape.

**Note: Any statistic that is motivated by a type of bias or prejudice will have a superscript notation for the type of bias. Numbers in superscripted parentheses indicate the number (out of the total number of incidents) that were motivated by each type of bias. Key to Hate Crimes Notations by Type of Bias or Prejudice: Race = ra, Gender = g, Religion = re, Sexual Orientation = s, Ethnicity = e, Disability = d, National Origin = no, Gender Identity = gi. In addition to crimes listed above, bias-motivated crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property are also counted.**

# ALCOHOL AND OTHER DRUG POLICY

*In compliance with the Drug-free Schools and Campuses Act and the Drug-free Workplace Act, this policy is intended to inform all members of the College community of the College's policy concerning alcohol and other drugs. This policy applies to all students and to all employees (faculty and staff).*

## ALCOHOL

The abuse or unlawful use, consumption, transportation, offer for sale, manufacture, dispensing, sale, distribution, possession of alcohol, or inappropriate behavior resulting from the use of alcohol is prohibited at all times on the Fort Lewis College campus and at any sanctioned College activity whether on or off campus.

Further, the consumption of alcoholic beverages is prohibited in all Fort Lewis College residence halls at all times. This restriction applies to all residence hall occupants regardless of age. In the apartment complexes, a person 21 years of age or older is permitted to consume alcohol in the privacy of his/her apartment only; however, lounges and common areas are considered public spaces and open containers are prohibited. As specified in the *Student Housing Guide*, at no time are any beer kegs permitted in the residence halls, or in on-campus apartments. Providing alcoholic beverages to individuals who are under 21 years of age or possession of alcohol by individuals who are under 21 years of age is prohibited on the College campus.

## OTHER DRUGS

The use, possession, or distribution of illegal drugs or drug paraphernalia; unlawful use, possession, or distribution of controlled substances; alteration of a drug prescription; or inappropriate behavior resulting from the use of drugs or other substances is prohibited at all times on the Fort Lewis College campus and at any sanctioned college activity whether on or off campus. Possession or use of medical marijuana on the Fort Lewis College campus, including residential buildings, is a violation of this policy.

## SANCTIONS

Students found to be in violation of this Alcohol and Other Drug Policy will be subject to Student Housing policy sanctions as outlined in the *Student Housing Guide* and/or College sanctions as outlined in the *Student Conduct Code*. College sanctions may include substance abuse education, warning, probation, removal from College housing, suspension, or expulsion from the College itself. Students found in violation of this policy may also be subject to ineligibility for financial assistance and/or ineligibility for athletics.

Employees (including student employees, faculty, and staff), who are found to be in violation of the Alcohol and Other Drug Policy, may be subject to participation in a

rehabilitation program, or disciplinary action such as reprimand, suspension, salary reduction, demotion, or termination of employment. Any employee whose act, in violation of the Alcohol and Other Drug Policy, also results in a conviction under a criminal drug statute must report the conviction in writing to his/her supervisor within five days.

Alcohol and drug testing of applicants for employment and employees may be performed when positions require a commercial driver's license or the performance of safety sensitive functions. See the addendum to the Fort Lewis College Alcohol and Drug Policy available in the Human Resources Office, 210 Berndt Hall.

Many of the acts that violate this policy also violate the criminal code and may be referred for prosecution. In such cases, law enforcement authorities may administer a separate penalty.

## CAMPUS RESOURCES

Fort Lewis College has established several services and programs to assist students and employees.

The Fort Lewis College Counseling Center offers confidential individual and group therapy to currently enrolled students. Each student may have four counseling sessions per year without charge. The Counseling Center also offers referral/consultation services.

Students who are in recovery from drug or alcohol abuse can obtain information about AA, NA, or Al-Anon meetings by contacting the Counseling Center at 247-7212, 260 Noble Hall or Student Wellness at 247-7508, 178 Student Union.

The Fort Lewis College Student Wellness Program provides services to students that are designed to raise awareness of drug and alcohol issues. The program helps students to understand and assess their own involvement and to increase their knowledge concerning alcohol and drugs. The Student Wellness Program assists in the development of good decision-making skills and lifestyle choices. Alcohol-free/drug-free events and activities are readily available throughout the campus.

The Student Housing Office, through its staff and in conjunction with the Counseling Center, addresses the use and abuse of alcohol and drugs by resident students. The Health Center offers educational materials and literature

on substance abuse. Profile Employee Assistance Program (Profile EAP) provides confidential counseling services to employees of Fort Lewis College and their immediate families for assistance with drug and/or alcohol problems, as well as other personal matters (contact information below). Colorado State Employee Assistance Program (C-SEAP) is available for confidential counseling for all state employees (contact information below).

**Available Alcohol and Other Drug Programs and Treatment Facilities:**

**Arapahoe House Comprehensive Alcohol and Drug Addiction Services**

8801 Lipan Street  
Thornton, Colorado 80260  
(303) 657-3700

**Axis Health System  
Columbine Center**

281 Sawyer Drive, Suite 100  
Durango, CO 81303  
(970) 259-2162

**Axis Health System  
Crossroads at Grandview**

1125 Three Springs Boulevard  
Durango, CO 81301  
(970) 403-0180

**Colorado State Employee Assistance Program**

89 Reed Library  
Fort Lewis College  
1000 Rim Drive  
Durango, CO 81301  
1 (800) 821-8154

**Cortez Addictions Recovery Services, Inc.**

35 North Ash Street  
Cortez, Colorado 81321  
(970) 565-4109

**Profile Employee Assistance Program**

1010 Three Springs Boulevard, #248  
Durango, CO 81301  
(970) 764-3760

**Southern Ute Alcoholism Recovery Center**

296 Mouache Drive  
Ignacio, Colorado 81137  
(970) 563-4555

**SW Colorado Mental Health Center Detox Unit**

1125 Three Springs Boulevard  
Durango 81301  
(970) 259-8732

**LEGAL SANCTIONS FOR DRUG AND ALCOHOL OFFENSES UNDER APPLICABLE LAWS**

This section summarizes the legal sanctions that may be imposed for violations of local, State, and Federal laws controlling drugs and alcohol. Statutory references are included for those who wish to study the language of the statute. This section does not describe all prohibited conduct or all applicable sanctions.

**FEDERAL**

Every conceivable act related to the possession, use, production, and distribution of controlled substances is covered by Title 21 U.S.C. (United States Code). The list of controlled substances that may be found under Title 21 U.S.C. 812 and 21 C.F.R. (Code of Federal Regulations 1300.11 through 1300.15) is updated frequently to assure that all designer drugs are covered.

Persons convicted on Federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 860) face penalties of prison terms and fines that are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

Secondary civil consequences also may flow from criminal drug violations. Property associated with criminal acts (including homes and/or vehicles) can be confiscated by State or Federal governments.

Those convicted of felony violations may be barred from governmental employment and from licensed professions such as law, medicine, and teaching.

The maximum penalty for the most serious offense is 16 years in prison and a \$750,000 fine.

**STATE**

State criminal statutes (which may generally be found under Titles 12 and 18 of the Colorado Revised Statutes) cover the same scope of conduct; and although the sentences and fines are generally less severe than Federal laws, life sentences are possible for repeat offenders. The maximum penalty for the least serious state offense is a fine of \$100 (C.R.S. 18-18-406(1)).

State laws concerning driving under the influence of alcohol apply equally to driving under the influence of drugs.

State laws regulating the production, dispensation, possession, and use of alcohol may be found in Title 12 of the Colorado Revised Statutes. Perhaps their most significant aspect for a college campus is the prohibition of the distribution of alcoholic beverages to any person under the age of 21, to a visibly intoxicated person, or to a known drunkard. They also prohibit any form of

assistance to these categories of people in obtaining alcoholic beverages. Violation of these laws is a misdemeanor punishable by fines of \$1,000 and jail sentences of a year. However, such conduct may, in some circumstances, constitute contributing to the delinquency of a minor, which is a felony offense punishable by an eight-year prison sentence and a \$500,000 fine.

Criminal sanctions also apply to those who operate motor vehicles while under the influence of alcohol and/or drugs. Under Section 42-4-1301, Colorado Revised Statutes, the maximum penalty for such an act is two years in jail and a \$5,000 fine. If someone is injured as a result, the act is a felony punishable by four years in prison and a \$100,000 fine. If someone is killed, the sentence can be eight years and a \$500,000 fine. All such convictions also result in the revocation of driving privileges.

State law requires drivers who are stopped by the police for suspected violation of this law to submit to scientific tests that determine the amount of alcohol in their blood. Those who refuse automatically lose their driver's license.

#### **DURANGO CITY ORDINANCES**

The Code of Ordinances for the City of Durango makes it unlawful for any person in the city to carry or have any open containers of alcohol on any street, sidewalk, alley, parking lot, or other public place in the city, or in any motor vehicle in the city or on the grounds of any public or private school, college or university in the city. It is also unlawful for any person to drink alcohol in any of the above-mentioned places in the city.

*Academic performance, health, personal relationships, and safety suffer when people abuse alcohol and other drugs.*



**HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS  
AND THE ABUSE OF ALCOHOL**

<b>Commonly Abused Substances</b>		
<b>Substance</b>	<b>Possible Long-term Effects</b>	<b>Dependence Potential</b>
Alcohol	Toxic psychosis, addiction, neurological and liver damage, fetal alcohol syndrome	Yes
Amphetamines uppers, speed	Loss of appetite, delusion, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis	Yes
Barbiturates barbs, bluebirds, blues	Severe withdrawal symptoms, possible convulsions, toxic psychosis, depression	Yes
Cocaine & cocaine freebase coke, crack	Loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury	Yes
Codeine	Addiction, constipation, loss of appetite, lethargy	Yes
Heroin H, junk, smack	Addiction, constipation, loss of appetite, lethargy	Yes
LSD Acid	May intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, hallucinations	Possible
MDA, MDMA, MOMA, MDE ecstasy, xtc	Same as LSD, sleeplessness, nausea, confusion increased blood pressure, sweating	Possible
Marijuana (cannabis) pot, grass, dope, weed, joints	Bronchitis, conjunctivitis, possible birth defects	Yes
Mescaline (peyote cactus) mesc, peyote	May intensify existing psychosis, anxiety, incoordination, sweating, chills and shivering	Possible
Methaqualone Ludes	Coma, convulsions	Yes
Morphine M, morf	Addiction, constipation, loss of appetite	Yes
PCP crystal, tea, angel dust	Psychotic behavior, violent acts, psychosis	Yes
Psilocybin magic mushrooms, shrooms	May intensify existing psychosis	Possible
Steroids roids, juice	Cholesterol imbalance, acne, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage	Yes
Combining any of the above substances with prescription anti-depressants, anti-anxiety medications or attention deficit and hyperactivity disorder (ADHD) medications such as Ritalin is dangerous.		

# SEXUAL MISCONDUCT

## SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

### PREVENTION AND AWARENESS PROGRAMS

Fort Lewis College conducts comprehensive educational programming to prevent and bring awareness regarding sexual assault, domestic violence, dating violence and stalking.

#### Programming Content

Educational initiatives consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention programs for students, faculty and staff that:

- Identifies sexual assault, domestic violence, dating violence, and stalking as prohibited conduct by Fort Lewis College policies and state criminal law;
- Defines what behavior constitutes sexual assault, domestic violence, dating violence, and stalking pursuant to Fort Lewis College policies and state criminal law;
- Defines what behavior and actions constitute consent to sexual activity pursuant to Fort Lewis College policies and state criminal law;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and,
- Provides an overview of the information that follows below in this policy statement.

#### Description of Programs

Fort Lewis College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; participating in the Faculty orientation program; and presenting educational programs throughout the year.

Specifically, Fort Lewis College offers the following for new students during mandatory orientation:

1. Handouts in new student orientation packets with bystander intervention tips and options for reporting sexual assault anonymously, confidentially, and otherwise.
2. Elephant in the Room, a peer theater program which includes scenarios that are educational

about sexual assault and date rape, followed by group discussion sessions with counselors.

Residential students, most of whom are new students, are offered additional information through residential programming, which may involve collaborations with FLC Police, Durango's Sexual Assault Services Organization, FLC Student Wellness Initiatives, FLC faculty, etc. Each hall must offer this programming through live presentations/interactive events and/or bulletin boards. This year, topics included but were not limited to sexual assault, consent, bystander intervention, healthy relationships and domestic and dating violence. Fort Lewis College also requires all new employees to complete discrimination and harassment training. All responsible employees (all faculty and most staff, including student staff such as RA's and Orientation Leaders) were required to complete training about duties upon receipt of a report of sexual assault. This training includes information about supporting and understanding the specific experience of sexual assault victims. Additional presentations on the subject of sexual assault and other sexual misconduct were offered in classrooms and via FLC's radio station, KDUR.

#### Ongoing Community Health Programs

- Active Bystander Education (Bystander Intervention)
- Annual Safe Spring Break
- #Icanstoprape poster campaign
- Toilet Talk flyer campaign, including features on sexual assault
- Annual Domestic Violence Awareness Month campaign in which the FLC football team and staff wear purple wristbands in support, and students paint their pinky nails purple in observance
- Comprehensive online sexual violence prevention program for student leaders
- Annual Light Up The Night Glow Run all campus program collaboration with Student Housing and Conference Services, SASO, etc.

### REPORTING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

The following Sexual Misconduct Policy describes and defines prohibited conduct, including sexual assault, domestic violence, dating violence and stalking, and describes the procedures victims should follow if an incident involving sexual assault, domestic violence, dating violence or stalking has occurred.

# SEXUAL MISCONDUCT POLICY

*The Student Right-to-Know and Campus Security Act of 1990 (Clery Act), the Higher Education Amendments of 1992 and 1998, the Violent Crime Control and Law Enforcement Act of 1994 (Violence Against Women Act), Title IX and the Campus SaVE Act of 2013 require that colleges and universities provide information concerning programs to prevent sexual assault, domestic violence, dating violence and stalking; and the procedures that they will follow if an incident of sexual assault, domestic violence, dating violence and stalking has been reported.*

Fort Lewis College is a community that encourages students' social and emotional development as well as their intellectual growth. As a community of trust governed by standards of conduct, men and women should be free to socialize without fear of bodily harm or psychological coercion. Fort Lewis College believes in gender equality, responsible decision-making, and the right of every individual to decide upon the appropriate degree of intimacy he or she wishes in dealing with the rest of the community.

To assist with this process, an educational program on sexual assault is required during freshman orientation for all new students and their parents. In addition, the Student Housing Office provides programs for all campus residents at least once per trimester. This program covers sexual misconduct and substance abuse. The Student Wellness Program and the Fort Lewis College Police Department coordinate sexual assault programs providing campus-wide information. The Health Center provides informational brochures and wellness-related counseling to help prevent sexual misconduct. A resource library of videotapes, pamphlets, and other educational materials is available in the Student Housing Office and the Counseling Center.

Sex offenses are considered reported when a report has been made to a Fort Lewis College police officer and/or officials of the College who have significant responsibility for student and campus activities. Incidents that occur on or off campus and are reported to local law enforcement officials may result in College disciplinary action under the *Student Conduct Code*. False reporting of a sexual assault will result in disciplinary action being taken against the complainant.

The following policy outlines the procedures governing the reporting of cases of sexual misconduct.

## **I. Statement of Policy**

A. Notice of Non-Discrimination: Fort Lewis College does not discriminate on the basis of sex in its education programs and activities, as required by Title IX of the Education Amendments of 1972. Inquiries concerning the application of Title IX may be referred to Fort Lewis College's Title IX Coordinator, or to the U.S. Department of Education's Office of Civil Rights.

### The Title IX Coordinator's contact information is:

Molly Wieser  
240 Miller Student Services  
Fort Lewis College  
Phone: (970) 247-7503  
[wieser\\_m@fortlewis.edu](mailto:wieser_m@fortlewis.edu)

### The Office of Civil Rights contact information is:

Denver Office, Office for Civil Rights  
U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Telephone: 303-844-5695  
FAX: 303-844-4303; TDD: 800-877-8339  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

B. The College's Sexual Misconduct Policy applies to all students and to all employees regardless of their employment classification. All Fort Lewis College community members should expect that they will be free from sexual misconduct, including sexual harassment, sexual violence, dating violence, domestic violence and stalking. Upon becoming aware of sexual misconduct, which creates a hostile environment in the Fort Lewis College community, the College will take immediate action to eliminate the misconduct, prevent its recurrence, and address its effects.

C. Supervisors are required, as a condition of their employment, to enforce this policy by seeking to eliminate sexual misconduct in the workplace they supervise by reporting incidents of sexual misconduct and informing supervised employees about this policy and their obligations thereunder.

D. All employees, regardless of the classification, are required, as a condition of their employment, to abide by the Sexual Misconduct Policy.

E. All students are required, as a condition of their enrollment and participation in activities of Fort Lewis College, to abide by this Sexual Misconduct Policy. Student Organizations at the College and their members are required to abide by this policy in the conduct of their programs and activities. Student Organizations include Registered Student Organizations, club sports,

intramurals, and any other Fort Lewis College student groups or programs.

F. It is critical that any member of the Fort Lewis College community, except those exempted by law, who believes that he or she has observed an incident of sexual misconduct in the College's learning and work environment involving a member of the College community or who receives a report of alleged sexual misconduct from a member of the College community immediately refer this information to the Title IX Coordinator (hereinafter the "Coordinator").

G. If the College is to achieve its goals of preventing sexual harassment and taking prompt corrective action when sexual misconduct is suspected or occurs, members of the College community must feel free to report sexual misconduct and to participate in investigations and disciplinary proceedings.

H. Retaliation against any person who reports sexual misconduct, files a complaint, or participates in the Grievance process is prohibited. Retaliation includes, but is not limited to, intimidation, threats or harassment against any complainant, witness or third party. Any such action shall be grounds for a separate complaint and disciplinary action under this policy.

## II. Definitions

A. Sexual Misconduct. Sexual misconduct is prohibited and may include, but is not limited to, these behaviors:

1. Sexual Harassment. Sexual Harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, physical conduct of a sexual nature, when (1) submission by an individual is made either an explicit or implicit term or condition of academic standing or employment; (2) submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting the individual; or (3) such conduct has the purpose or effect of creating an intimidating, hostile, or offensive academic or work environment or unreasonably interfering with another's academic performance or work.

2. Gender-based Harassment. Gender-based sexual harassment includes acts of unwelcome verbal, nonverbal, or physical aggression, intimidation, or hostility of a sexual nature based on actual or perceived gender, gender identity, or gender expression, and/or nonconformity with gender stereotypes.

3. Hostile environment sexual harassment. A hostile environment exists where the unwelcome sexual conduct is so sufficiently severe or pervasive

that it alters the conditions of employment or interferes with or limits one's ability to participate in or benefit from Fort Lewis College's programs. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.

4. Sexual violence. Sexual violence is a form of sexual harassment and refers to physical nonconsensual sexual acts. A number of different acts fall into the category of sexual violence including:

a. Non-consensual sexual intercourse defined as: any penetration of the anus or vagina, however slight, with any body part or object, by one person upon another person, without consent and/or by force.

b. Non-consensual sexual contact defined as: intentional contact by a person, however slight, with the breasts, buttock, groin, or genitals of another; or touching another with any of these body parts; or a person touching another or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner without consent and/or by force.

5. Sexual Exploitation. Sexual exploitation occurs when a person takes nonconsensual sexual advantage of another person for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to: prostituting another person; recording images or audio of another person's sexual activity, intimate body parts or nakedness; distributing images or audio of another person's sexual activity, intimate body parts or nakedness; or viewing another person's sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy.

6. Intimate Partner Violence. Including:

a. Domestic violence. The term "domestic violence" means violence committed by (1) a current or former spouse or intimate partner of the victim, (2) a person with whom the victim shares a child in common, (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or (5) 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.

b. Dating violence. The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or

intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

7. Stalking. The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

8. Attempt. Attempts to engage in sexual misconduct are also violations of this policy.

B. Consent. Consent is affirmative, knowing, and voluntary words or actions that create a mutually understandable and clear agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Silence, lack of protest, or resistance, by themselves, cannot be interpreted as consent. Consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, by itself cannot be interpreted as consent. Consent is not effectively given if it results from the use of force, threats, intimidation or coercion, or if a person is incapable of giving consent due to use of drugs or alcohol, or due to intellectual or other disability.

C. Fort Lewis College Community. The Fort Lewis College community includes all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs are in Fort Lewis College facilities or at a program sponsored by the school elsewhere. Members of the Fort Lewis College community include any employee, faculty member, student, or authorized volunteer.

D. Complaint. Complaint means a written allegation of sexual misconduct or retaliation that is made on the College's complaint form at [www.fortlewis.edu/tellsomeone](http://www.fortlewis.edu/tellsomeone), in accordance with this policy and the Discrimination Grievance Procedures.

E. Complainant. Complainant is an individual or organization filing a complaint regarding sexual misconduct. The victim may or may not be the complainant. The appropriate Vice President may, on behalf of Fort Lewis College, initiate a complaint, serve as complainant, and initiate sexual misconduct proceedings without a formal complaint by the victim of misconduct.

F. Respondent. Respondent is the individual against whom a complaint has been filed.

G. Parties. Parties are the complainant and the respondent. The victim may be treated as a party for notice purposes, if the victim is not the complainant.

III. Title IX Coordinator. The Title IX Coordinator is the individual responsible for receiving and overseeing all sexual misconduct reports and complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. In addition, the Title IX Coordinator shall:

A. Act as a liaison between the parties and the Fort Lewis College community.

B. Review all evidence in a sexual misconduct case brought before Fort Lewis College's Hearing Committee to determine whether the complainant is entitled to a remedy under Title IX that was not available through the Hearing Committee.

C. Organize the activities of the Hearing Committee.

D. Communicate regularly with law enforcement and other campus officials investigating cases and provide information to law enforcement unit personnel regarding Title IX requirements.

E. Determine if law enforcement must be notified of reports of sexual misconduct.

#### IV. Reporting Sexual Misconduct

A. Any member of the College community who has observed or been a victim of sexual misconduct as set forth in this policy is encouraged to report the matter to the appropriate supervisor(s) or the Coordinator, whether the sexual misconduct occurs on or off campus.

B. Inquiries relating to procedure can be made at any time to the Coordinator; however, an inquiry alone does not constitute notification to the College of possible sexual misconduct. The initial discussion regarding a complaint will be kept confidential to the full extent permitted by law. Complainants are advised that there are some instances in which the College has a responsibility to act even if the complainant requests that no action be taken, such as when other members of the College community may be at risk or when it has reason to believe a crime has been committed. In those cases, the College may be required to report information to law enforcement, and/or investigate and take action on the basis of the facts it discovers.

C. Individuals who wish to anonymously report incidents may use the College's Silent Witness Report form, available at <http://www.fortlewis.edu/police-parking/SilentWitnessReportForm.aspx>. Those who want confidential support after an incident may use the College's Counseling Center and/or Health Center, as well as Sexual Assault Services Organization in Durango. See: <http://www.fortlewis.edu/sexualmisconductpolicy> for the College's Sexual Assault Resource Guide and related information, including information concerning (1) the option to report to law enforcement authorities, the importance of preserving evidence as necessary to prove criminal sexual misconduct, (2) obtaining a civil protection order, and (3) options for, and assistance in, changing academic, living, transportation and working situations. See also Resources for Victims of Sexual Misconduct at [www.fortlewis.edu/care](http://www.fortlewis.edu/care).

D. If an individual wishes to notify the College of possible sexual misconduct and requires resolution, he or she must complete the College's complaint form at [www.fortlewis.edu/tellsomeone](http://www.fortlewis.edu/tellsomeone). All complaints alleging sexual misconduct will be resolved under the Fort Lewis College Discrimination Grievance Procedures.

E. The College's primary concern is safety. Other conduct violations will be addressed separately from any sexual misconduct complaint. The use of drugs or alcohol never makes the victim at fault for sexual misconduct. In addition, the use of drugs or alcohol will never function as a defense to a violation of this policy.

Approved by Fort Lewis College Board of Trustees:  
December 6, 2013; Revised: February 13, 2015

## DISCRIMINATION GRIEVANCE PROCEDURES

All complaints involving sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking, will be resolved under the Fort Lewis College Discrimination Grievance Procedures, as follows:

I. **General.** These Procedures are used to handle complaints filed under the Fort Lewis College Sexual Misconduct Policy, Discriminatory Harassment Policy, and Disability Policy. These Procedures apply to complaints alleging sexual misconduct or discrimination where Fort Lewis College employees or its students are the respondent, regardless of where the alleged violation occurred. If Fort Lewis College knows about possible sexual misconduct or discrimination through the filing of a complaint or other reliable information sources, it will conduct a prompt, thorough and impartial investigation and resolution.

II. This Grievance Procedure supersedes other Fort Lewis College grievance procedures, including, but not limited to, the Faculty Handbook and the Exempt Staff Handbook.

### III. Definitions:

- A. **Disciplinary Authority.** The disciplinary authority is the individual who has the authority or delegated authority to impose discipline upon a particular employee, faculty member or student as set forth in part VI.L.
- B. **Working Days.** Working days are those days when the administrative offices of the College are open.
- C. **Complaint.** Complaint means a written allegation of discrimination, sexual misconduct or retaliation that is made on the College's complaint form in accordance with the Discrimination Grievance Procedures.
- D. **Complainant.** Complainant is an individual or organization filing a complaint.
- E. **Respondent.** Respondent is the individual against whom a Complaint has been filed.
- F. **Parties.** Parties are the complainant and the respondent. The victim may be treated as a party for notice purposes, if the victim is not the complainant.

IV. **Filing a Complaint:** Individuals who would like help reporting discrimination or sexual misconduct, or filing a complaint should ask the Title IX Coordinator or Equal Opportunity Coordinator to assist them. If an individual wishes to notify the College of possible discrimination or sexual misconduct and pursues formal or informal resolution under these Procedures, he or she must complete the College's complaint form. Complainants may also file a police report at any time, in addition to filing a complaint under a Fort Lewis College policy.

- A. **Sexual Misconduct Complaints:** Information or complaints of sexual misconduct should be directed to Title IX Coordinator, 240 Miller Student Services, (970) 247-7503, [wieser\\_m@fortlewis.edu](mailto:wieser_m@fortlewis.edu). Complaints concerning sexual misconduct may be filed online at <http://www.fortlewis.edu/sexualmisconductpolicy>

Handbook against the same individual arising out of an identical set of facts.

- B. Discrimination Complaints: Information or complaints involving Equal Opportunity and Affirmative Action, disability discrimination or discriminatory harassment should be directed to Equal Opportunity Coordinator, 230 Miller Student Services, (970) 382-6977, [kim\\_h@fortlewis.edu](mailto:kim_h@fortlewis.edu).
- C. Confidentiality: Fort Lewis College will honor requests for confidentiality to the extent permitted by law. While all efforts will be made to protect the employee's and student's privacy, confidentiality cannot be guaranteed when other members of the College community may be at risk, or when the College has reason to believe a crime has been committed. In those cases, the College may be required to report information to law enforcement, and/or investigate and take action on the basis of the facts it discovers. In addition, certain Fort Lewis College employees may be required to share reports of sexual misconduct with their supervisors.

Students and employees who wish to report sexual misconduct in a confidential manner can report it to:

1. A counselor at Fort Lewis College's Counseling Center, (970) 247-7212, 230 Noble Hall;
  2. A medical professional at the Student Health Center, (970) 247-7355, **170 Miller Student Services Building**;
  3. Sex Assault Services Organization of Durango (SASO) 24-Hour Hotline, (970) 247-5400; and/or
  4. Fort Lewis College's Silent Witness [online form](#) administered by the Fort Lewis College Campus Police.
- D. Contents of Complaint: Generally, all complaints alleging sexual misconduct, discrimination, or retaliation should be filed as soon after the event as possible so that the matter may be investigated in a timely manner. Complaints should set forth specific factual matters believed to constitute sexual misconduct, discrimination or retaliation.
  - E. Choice of Remedies: No complainant will be permitted to simultaneously file a complaint under these procedures and a grievance under the State of Colorado Personnel Board Rules or the Faculty

- V. Complaint Resolution - Informal Process: At the request of the complainant, discrimination and sexual harassment complaints of a less serious nature may be resolved utilizing informal mechanisms such as mediation. A Coordinator will facilitate any mediation under this procedure. The complainant may end an informal process at any time and begin the formal stage of the complaint process instead. There is no appeal from the results of an informal process.

- VI. Complaint Resolution - Formal Process: If the informal process is unsuccessful, if the Coordinator decides that the case is deemed not appropriate for informal process, or if the complainant chooses not to pursue the informal process, a Coordinator will begin processing the complaint under this formal process.

- A. Time Frame: Full investigation and resolution of the complaint will generally be completed within 60 working days after the complaint is received. If specific timelines set forth in these procedures require extension due to the complexity of a case, the parties will be simultaneously notified by a Coordinator.
- B. Assignment of Complaint: Upon receipt of the complaint, a case file will be created. If the complaint is for sexual misconduct, the Title IX Coordinator will handle the proceedings. If the complaint is regarding Equal Opportunity and Affirmative Action or Disability or another type of discriminatory harassment, the Equal Opportunity Coordinator will handle the proceedings. The Coordinators will work together to determine which kind of complaint is being made.
- C. Standard of Proof: Complaints will be evaluated and resolved under a preponderance of the evidence standard.
- D. Interim Measures: The Coordinator will take any reasonable and necessary interim measures deemed necessary for the complainant, or other necessary remedial short-term actions. Examples of these interim measures include issuing a temporary restriction from all or some areas of campus, placing an employee on administrative leave with pay in consultation

with the relevant Vice President, or modifications to an on-campus student's housing assignment and/or class schedule.

- E. Initial Investigation: The Coordinator will determine the identity and contact information of the complainant, conduct an immediate initial investigation to determine if there is reasonable basis to proceed. If there is insufficient evidence to proceed, the case will be closed with no further action and the complainant will be notified of the decision. If there is sufficient evidence to proceed, the Coordinator will then prepare and deliver written notice of investigation to the respondent. Where possible, the Coordinator will notify the victim and obtain the victim's consent before moving forward. Generally, the initial investigation will be completed within ten working days of receipt of a complaint.
- F. Formal Investigation: The Coordinator will appoint an investigator who will commence a prompt, thorough, reliable and impartial investigation. The investigator will examine all relevant documents and interview all witnesses, including the complainant and respondent, who may be given notice of the allegations prior to or at the time of the interview. The investigator may interview other individuals with material information, including College employees, students, or other individuals identified by the parties. Any person may request to meet with the investigator and offer documentation, witnesses, or other materials relevant to the investigation. During the investigation and any subsequent hearing, the complainant and the respondent will have equal opportunities to present relevant witnesses and other evidence. The formal investigation will generally be concluded within fifteen working days.
- G. Advisors: Any party may choose to have an advisor, including an attorney, present during any meetings with the investigator or any subsequent hearing, if the party advises the Coordinator, investigator and/or Hearing Panel at least two working days prior to the date of the interview or hearing. Advisors may not actively participate in, or disrupt the interview or hearing. All parties are responsible for finding and paying for an

advisor on their own if they wish to have one.

- H. Findings: At the conclusion of the formal investigation, the investigator will make a finding, based on a preponderance of the evidence, as to whether the respondent is responsible for violations of the Fort Lewis College Sexual Misconduct Policy, Discriminatory Harassment Policy, and/or the Disability Policy. If the investigator makes a finding of responsibility as to one or more charges, he or she will consult with the Coordinator and the appropriate disciplinary authority to craft a recommended sanction. Both parties will receive a written notification regarding the findings and sanction recommendations, if applicable, of the investigator within five working days after the completion of the investigator's report. Both parties will have an opportunity to accept or reject the recommended sanction and/or findings in whole or in part. If either the respondent or complainant rejects the investigator's recommended sanction and/or findings in whole or in part, he or she shall provide written notification to the Coordinator within five working days following receipt of the investigator's findings and sanction recommendations. Such written notification shall set forth the specific findings and/or sanction recommendations that are rejected. Findings and sanction recommendations not specifically rejected shall be deemed accepted.
- I. Hearing: If either party rejects the investigator's recommended sanction and/or findings in whole or in part, he or she is entitled to a hearing from the Hearing Panel. The Panel will determine whether, under the preponderance of evidence standard, the respondent was responsible for violating College policy or policies, whether the investigator's recommended sanction is appropriate and, if not, recommend an alternative sanction after consultation with the Coordinator and the appropriate disciplinary authority. The hearing shall be concluded within fifteen working days following the Coordinator's receipt of the parties' written notification set forth in paragraph H above.
  - 1. The Hearing Panel's proceedings will be facilitated by the Title IX



- Coordinator, a Deputy Title IX Coordinator, or the Equal Opportunity Coordinator. The facilitator will appoint a Hearing Panel based on availability and conflict of interest. Any real or perceived conflict of interest by a Hearing Panel member will be disclosed to the parties prior to the hearing.
2. The Hearing Panel consists of three members, drawn from the Fort Lewis College Equal Opportunity and Affirmative Action Committee who are trained to conduct hearings in a fair and impartial manner. The Committee will review written information provided by an investigator and conduct hearings to determine responsibility for allegations of discrimination and/or sexual misconduct. The Panel will maintain the confidentiality of proceedings and the information obtained in those proceedings. After the members of the Panel are finalized, they will select one member to serve as Chair.
  3. The hearing is not a formal court proceeding, and rules of process, procedure and evidence as established and applied in the civil or criminal justice system do not apply.
  4. The findings of the formal investigation will be admitted, but are not binding on the Panel. The investigator and the parties may give additional information to the Panel.
  5. The parties will have equal opportunities to present relevant witnesses and other evidence to the Panel.
  6. For sexual misconduct complaints, whether the alleged victim is serving as a complainant or witness, “alternative testimony options” will be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify outside the physical presence of the respondent, such as by telephone or other electronic means.
  7. The parties may not question or cross-examine each other directly.
  8. The past sexual history or sexual character of a party will not be admissible by the other party in a sexual misconduct investigation or hearing unless such information is determined to be highly relevant by the Chair of the Panel.
  9. The Panel has final fact finding authority with regard to formal complaints and will issue its decision in writing.
  10. If the parties appeal both the investigator’s finding and the recommended sanction, the Panel will first hear evidence relevant to whether, under the preponderance of evidence standard, the respondent is responsible for violating the policies. If the Hearing Panel issues a finding of responsibility, it will then hear evidence relevant to the appropriate sanction (such as an impact statement of the complainant as well as mitigating factors from the respondent), and make sanction recommendations and/or other appropriate remedies, after consultation with the Coordinator and the appropriate disciplinary authority.
  11. Fort Lewis College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the Fort Lewis College community.
  12. Within five working days following the conclusion of the hearing, the Coordinator will provide written notice simultaneously to both parties of the Panel’s finding and recommended sanction, if applicable, the basis for any decision or recommended sanction, the appeal procedures, and when the result becomes final.
  13. Fort Lewis College will maintain documentation of all proceedings as required by law.
- J. Retaliation: The College will work to prevent retaliation and respond strongly if retaliation occurs. Individuals who use information gained through investigation of complaints or hearing proceedings to retaliate against another who has participated as a witness, complainant or respondent will be subject to Fort Lewis College discipline. Complainants and other hearing participants who experience such retaliation should file a report [online](#) or report it in writing to the Coordinator.
- K. Protective Measures and Remedies: If the respondent is found responsible for sexual misconduct, discrimination, or retaliation,

protective measures and remedies for the victim might include, but are not limited to:

1. Measures to ensure that the victim can move safely between classes and activities;
2. Ensuring that the victim and respondent do not attend the same classes or work in the same office;
3. Moving the victim or respondent to a different residence hall;
4. Providing counseling services;
5. Providing medical services;
6. Providing academic support services, such as tutoring;
7. Arranging for the victim to re-take a course or withdraw from a class without academic or financial penalty; and
8. Reviewing any disciplinary actions taken against the victim to see if there is a causal connection between the harassment and the misconduct that may have resulted in the victim being disciplined.

L. Sanctions: Serious violations by students, faculty or staff, including sexual assault violations, are likely to result in temporary or permanent separation from Fort Lewis College. Recommended sanctions for employees or students found responsible for violating Fort Lewis College's Sexual Misconduct Policy, Discriminatory Harassment Policy, and Disability Policy will be implemented, based on the status of the respondent, as follows:

- a. Students: The Vice President for Student Affairs or designee shall implement recommendations based on the Student Conduct Code. Those recommended sanctions may include, but are not limited to, disciplinary probation, housing removal, disciplinary suspension, or expulsion.
- b. Faculty: The next level supervisor of the respondent shall implement recommendations based on the Faculty Handbook and other appropriate policies.
- c. Exempt Staff: The next level supervisor of the respondent shall implement recommendations based on Fort Lewis College Exempt Staff Handbook and other appropriate policies.
- d. Classified Staff: The next level supervisor of the respondent shall

implement recommendations based on the State of Colorado Personnel Rules & Procedures and other appropriate policies.

VII. Appeals: Either party may appeal the Hearing Panel's decision by giving written notification to the Coordinator of the grounds for appeal within five (5) working days following receipt of the Hearing Panel's decision. Appeals will be shared with the other party. An informal process or investigation findings which have been accepted by the respondent may not be appealed.

A. Grounds for Appeal: Grounds for appeal are limited to:

1. A procedural error occurred that significantly impacted the outcome of the hearing;
2. The discovery of new evidence, unavailable during the original hearing or investigation, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact on the finding must be included.

B. Appeals Authority. The Appeals Authority is the relevant Vice President (Student Affairs, Academic Affairs, Advancement, or Finance & Administration). If the case involves a Vice President directly, the Appeals Authority is the President. If the case involves the President directly, the Appeals Authority is the Board of Trustees.

C. Appeals Process. If the Coordinator determines that the appeal meets the limited grounds for appeal and is timely, the appeal will be given to the Appeals Authority; otherwise, any findings and sanction of the Hearing Panel will stand. Sanctions imposed by the disciplinary authority will be in effect during the appeal, barring the disciplinary authority's decision to stay some part of a sanction. Stays of sanctions may only be granted in exigent circumstances. Graduation, study abroad, internships/externships etc. do not in and of themselves constitute exigent circumstances.

D. Outcome. The Appeals Authority's written decision on the appeal will be simultaneously provided to all parties within ten working days from receipt of the appeal.

This decision is final. If the Appeals Authority determines that new evidence should be considered, it will return the complaint to the original Hearing Panel to reconsider in light of the new evidence, only. The reconsideration of the Panel is not appealable. If the Appeals Authority determines that a material procedural or substantive error occurred, it may return the complaint to the original Panel with instructions to reconvene to cure the error. Appeal hearings are confined to a review of the written documentation or record of the

original hearing, and pertinent documentation regarding the grounds for appeal. Appeals decisions are to defer to the original Panel, making changes to the findings only where there is clear error and to the sanction only if there is a compelling justification.

Approved by Fort Lewis College Board of Trustees:  
December 6, 2013; Revised: February 13, 2015

# WEAPONS POLICY

*This policy is pursuant to Colorado State Law (Colorado Revised Statute 18-12-105.5), and applies to all students and to all employees (faculty and staff).*

**Legislative Declaration:** The Board of Trustees for Fort Lewis College has general supervision of the College and plenary power to enact rules and regulations for the governance of the College. The Board of Trustees has delegated to the President of the College the power and duty to adopt such policies as are reasonable and necessary for the proper conduct of the operations and activities of the College, provided those policies are lawful and consistent with the bylaws, policies and procedures set forth in the Board's Manual of Policies and Procedures. The President of the College finds and determines that the free and unregulated possession of weapons on the Fort Lewis College campus would:

1. Create an unreasonable risk to the health, welfare and safety of students, employees and campus visitors and the preservation of property on the Fort Lewis College campus by careless or malicious use;
2. Create a climate of fear and intimidation that would distract and interfere with the reasoned discourse and cooperation required for productive learning and working environments on Fort Lewis College campus; and
3. Be inconsistent with the academic mission of Fort Lewis College.

The following policy is lawful and is not inconsistent with the bylaws, policies and procedures set forth in the Board's Manual of Policies and Procedures:

**Statement of Policy:** Except as expressly provided below, the possession of firearms, explosive or incendiary devices, or other weapons on the Fort Lewis College campus is prohibited. This prohibition shall extend to all grounds and buildings on the Fort Lewis College campus. This policy shall apply to all students, employees and invitees of Fort Lewis College and all other visitors to the Fort Lewis College campus.

"Weapons" include, but are not limited to, the following:

1. Firearms of any size or type of construction and ammunition;
2. Gas or air guns, including BB, pellet and paint ball guns;
3. Bows and arrows, and cross-bows;
4. Blackjacks, bludgeons, batons, nunchaku, throwing stars, and metallic knuckles;
5. Swords, pikes, lances and spears;
6. Any knife with a blade over 3.5 inches in length, including hunting and fishing knives;
7. Ballistic, gravity and switchblade knives, regardless of the length of the blade;

8. Fireworks, gunpowder, or explosive substances; and
9. Any harmless object designed to look convincingly like a firearm, explosive or incendiary device, or other weapon.

**Exceptions:** This policy shall not apply to:

1. A peace officer, as described in § 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of his/her employing agency as provided in § 16-2.5-101(2).
2. A member of the armed forces of the United States or Colorado National Guard while acting in his/her official capacity and in conformance with general or specific military orders.
3. A law enforcement officer, agent or employee of the United States, when lawfully carrying a weapon in conformance with the policy of his/her employing agency.
4. A person carrying a concealed handgun who holds a valid written permit issued pursuant to § 18-12-201, et seq., C.R.S. This exception shall not apply to residents of any Fort Lewis College campus housing, including residence halls, apartments and family housing apartments, who shall be required as a contractual condition of their residency to waive their right to possess and carry concealed handguns in Fort Lewis College campus housing.
5. A weapon that remains inside a locked motor vehicle while on the Fort Lewis College campus, provided that the weapon is unloaded. This exception shall not apply to explosive or incendiary devices or explosive substances.
6. A kitchen knife with a blade over 3.5 inches in length which is kept in campus apartments or kitchens for the purpose of food preparation. This exception shall not apply to residence halls.
7. A student, employee or invitee of Fort Lewis College who has a legitimate educational or

employment related purpose for the possession of a weapon on the Fort Lewis College campus and has obtained written permission from the appropriate campus office and from the Chief of the Fort Lewis College Campus Police Department or his/her designee.

Violations. All violations of this policy shall be reported to the Fort Lewis College Campus Police Department and the appropriate College office. Violators may be disciplined (in the case of students or employees of the

College), banned from the Fort Lewis College campus, and criminally prosecuted in appropriate cases.

Procedures and Guidelines. The College vice presidents are authorized to promulgate such procedures and guidelines as may be reasonable and necessary to implement and carry out the intent of this policy in their respective areas of authority.

Revised: June 2012

# IMPORTANT TELEPHONE NUMBERS

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## TO REPORT AN EMERGENCY OR CRIME IN PROGRESS:

From a campus telephone	9-911
From any other phone and/or pay telephone (no coins necessary)	911
<b>Fort Lewis College Police</b>	749-6581
<b>Fort Lewis College Police Administration</b>	247-7491
<b>Police Assistance (Non-Emergency), Durango La Plata County 911 Communications Center</b>	385-2900

## CAMPUS RESOURCES

AA, NA or Al-Anon	247-7212
Counseling Center	247-7212
Disability Services	247-7459
Health Center	247-7355
Student Housing Office	247-7503
Student Wellness	247-7508

## COMMUNITY RESOURCES

Alternative Horizons Crisis Hotline (Support for Victims of Domestic Violence)	247-9619
Durango Community Emergency Shelter	259-1255
Mercy Medical Center	247-4311
Renew Hotline (Cortez) (Support for Victims of Domestic Violence and Sexual Assault)	565-2100
Rocky Mountain Poison Center	1-800-332-3073
San Juan Basin Health (Pre-Natal Clinic, HIV/AIDS Testing & Education Program, General Health, Substance Abuse Prevention)	247-5702
Sexual Assault Services Organization (SASO) Office	259-3074
Sexual Assault Services Organization (SASO) Crisis Hotline	247-5400
Axis Health Systems	259-2162
Axis Health Systems (after hrs. emergency)	247-5245
Southwest Safe House	259-5443
Victim's Assistance Program (District Attorney's Office)	247-8850



# ANNUAL SECURITY REPORT 2015-2016

## ANNUAL FIRE SAFETY REPORT SECTION 2 OF 2

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*Hard copies are available at the Student Affairs Office, 230 Miller Student Services, (970) 247-7331. Electronic version is available at <http://www.fortlewis.edu/AnnualSecurityReport>. Please see the Annual Security Report in Section 1 of this Annual Security Report.*

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Fort Lewis College does not discriminate on the basis of race, age, color, religion, national origin, gender, disability, sexual orientation, gender identity, gender expression, political beliefs, or veteran status.

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# ANNUAL FIRE SAFETY REPORT

*This is the compliance document to the Higher Education Opportunity Act of 2008, also known as the Campus Fire Safety Right-to-Know Regulations. The Annual Security Report is found in Section 1 of this Annual Security Report.*

Fort Lewis College places a high priority on the personal safety of its students, faculty, staff, and visitors. A campus community relies on a peaceful, safe, and secure environment. Preserving this environment is a responsibility everyone on campus must share.

Under the Higher Education Opportunity Act of 2008 ("Act"), all colleges receiving federal funds are required to report fire safety statistics. Instructions on how to access this information will be distributed on an annual basis to all faculty, staff, and students, and to any applicant for enrollment or employment. Please keep this report as a resource document and refer to it throughout the year. This report is descriptive only. It is not intended to serve as a contract between the College and any other party. College security policies and procedures are subject to change at any time without notice. Any inquiries concerning information presented in this brochure may be directed to the Vice President for Student Affairs at (970) 247-7331.

## **DEFINITIONS (as defined by the Act)**

**Fires:** any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Safety Systems:** any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. Examples include sprinkler systems, fire detection devices, stand-alone smoke alarms, and fire doors and walls.

**Fire Drills:** a supervised practice of a mandatory evacuation of a building for a fire.

**Fire-Related Injuries:** injuries that resulted in treatment at a medical facility, including at an on-campus health center.

**On-Campus Student Housing Facilities:** a dormitory or other residential facility for students that is located on an institution's campus.

## **FIRE LOG**

A public Fire Log is maintained by the Assistant Director for Facilities and may be accessed by visiting the Student Housing Office at 240 Miller Student Services Building. The Fire Log records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. It includes the nature, date, time, and general location of each fire. Entries are entered into the log within two days of receipt of the report of the fire.

## **CAMPUS HOUSING FIRE SAFETY INFORMATION**

### **Fire Safety Equipment**

- All residence halls have smoke detectors in the hallways, student rooms and public areas.
- All apartments have smoke detectors in each bedroom, kitchens, living rooms, and public areas.
- Fire alarm pull stations are located in the hallways and breezeways of all buildings.
- The smoke detectors and pull stations are linked to a Central System, monitored by Advanced Alarm Monitoring Service, which notifies the Durango La Plata Emergency Communications Center, which in turn notifies the Campus Police and Durango Fire Protection District. The Central System also notifies Fort Lewis College Physical Plant Services through a computer-monitored system of all alarms.
- All residence halls have at least one fire extinguisher on each floor and all apartments have one fire extinguisher in each unit. Fire extinguishers are checked and serviced once a year unless they have been used then they are replaced immediately.

### **Fire Protocols**

- Each fall, the Student Housing staff spend two hours in fire training provided by the Durango Fire Protection District, covering how to use a fire extinguisher, how to evacuate a building, how to check hot doors and other issues related to fire safety.
- Within the first two weeks of occupancy during the fall and winter trimesters, fire drills are conducted in all residential facilities (two a year in each residential facility).
- Fire safety rules and procedures are provided to students in the *Student Housing Guide* in the *Student Handbook*.
- Any resident who purposely and maliciously attempts to set fire to, or burn, or causes to be burned or procures the burning of any building in the Student Housing Program, or any of the furnishings or equipment in, attached to, or around such buildings will be subject to prosecution and penalty under the laws of the State of Colorado. Violation of this policy will result in removal from the Student Housing Program and termination of the Housing Contract.



- Individuals intentionally causing false fire alarms are in violation of state laws and will be removed from the Student Housing Program.
- In addition, residents tampering with any fire-fighting equipment (i.e., extinguishers, hoses, alarms, exit signs, smoke detectors, etc.) will be removed from the Student Housing Program and may be subject to further disciplinary action by Fort Lewis College officials, and/or the criminal justice system.

### **STUDENT HOUSING GUIDE POLICIES**

The following items are published and can be referenced in the *Student Housing Guide* in the *Student Handbook*.

- Fireworks, firecrackers, open flames (candles or oil lamps), explosive materials of any kind, and the burning of incense are prohibited at all times in the Fort Lewis College residence halls or apartments.
- Smoking is not permitted in any campus housing facility or public area.
- Appliances with open coils such as toaster ovens, hot plates, and toasters are prohibited in the residence hall facilities.
- Only one microwave and one small refrigerator are permitted in each residence hall room.

### **Fire Safety Procedures**

The Fort Lewis College residence halls are equipped to provide for adequate fire safety. The alarm system and extinguishers are checked on a regular basis. Fire safety instructions, which are designed to enhance safety and minimize the hazard of fire, are posted in the halls. Residents are to make note of smoke detector devices and must NOT disconnect smoke detectors. Should mechanical problems exist, please contact Fort Lewis College staff members. Residents will be assessed charges where applicable.

In spite of the above mentioned precautions, it is recognized that fires can still happen, that fire prevention is everyone's concern, and that the manner in which residents react in the event of fire can mean the difference between life or death. For these reasons, residents are asked to read carefully and be familiar with fire safety procedures.

During the start of the Fall and Spring terms, all residence hall facilities conduct fire drills. All residents are expected to participate and be familiar with evacuation procedures. Fire Marshals are appointed within each community to assist housing staff in the event of a fire. Residents are asked to give Fire Marshals and emergency personnel their fullest attention and cooperation.

### ***In Case Of Fire:***

#### ***When Moving into a Room or Apartment:***

- Make note of fire exit plans and the alternative routes.
- Make note of fire exits, alarm boxes, smoke detectors and extinguishers.

#### ***What to Do in the Event of a Fire:***

- Sound the alarm and call 911 (9-911 from a campus phone).
- Upon discovering a fire, put it out with the nearest fire extinguisher if it can be done safely.
- Leave the building via posted instructions or the nearest safe exit.
- Contact student housing staff (RA, SRA or RD) or Fire Marshal. Provide as much information as possible about the fire. Be mindful of residents with disabilities or the sound sleepers in the area.

#### ***Where to Go:***

- Keep low to the floor if there is smoke in the room. Feel the doorknob and door before opening any doors. If it's hot, DO NOT open the door. If the knob is not warm, open the door slowly. If heat and heavy smoke are in the corridor, close the door and stay in the room.
- If it is not possible to exit the room, seal cracks under the door with clothing items or a rug. Hang an object (sheet or shirt) out the window and close the window. The hanging object will notify fire personnel that the room is occupied.
- When exiting the room, close all doors and windows. When exiting through a smoke-filled corridor/room, move quickly in a crouched position (remember, smoke rises), place a wet towel or clothing item over your head to prevent serious smoke inhalation. Take short breaths through your nose.
- Exit the building according to the evacuation plan and meet student housing staff at the designated area for your community. Do not re-enter the building for any reason. Stay calm until the re-enter signal is given.

FORT LEWIS COLLEGE Campus Housing Fire Safety System

<b>LOCATION (RESIDENCE HALL)</b>	<b>SPRINKLER SYSTEM?</b>	<b>% SPRINKLER</b>	<b>MONITOR FIRE ALARM</b>	<b>SMOKE DETECTION</b>	<b>EXTINGUISHER DEVICES</b>	<b># ANNUAL EVACUATION/ DRILLS</b>
<i>Animas Hall</i>	Yes	100%	Yes	Yes	Yes	2
<i>Bader A Hall</i>	Yes	100%	Yes	Yes	Yes	2
<i>Bader B Hall</i>	Yes	100%	Yes	Yes	Yes	2
<i>Bader C Hall</i>	Yes	24%	Yes	Yes	Yes	2
<i>Camp Hall</i>	No		Yes	Yes	Yes	2
<i>Centennial A Apartments</i>	No		Yes	Yes	Yes	2
<i>Centennial B Apartments</i>	No		Yes	Yes	Yes	2
<i>Centennial C Apartments</i>	No		Yes	Yes	Yes	2
<i>Cooper Hall</i>	Yes	6%	Yes	Yes	Yes	2
<i>Crofton Hall</i>	No		Yes	Yes	Yes	2
<i>Escalante Hall</i>	No		Yes	Yes	Yes	2
<i>Mears A Apartments</i>	No		Yes	Yes	Yes	2
<i>Mears B Apartments</i>	No		Yes	Yes	Yes	2
<i>Snyder A Hall</i>	Yes	100%	Yes	Yes	Yes	2
<i>Snyder B Hall</i>	Yes	100%	Yes	Yes	Yes	2
<i>Snyder C Hall</i>	Yes	24%	Yes	Yes	Yes	2
<i>West Hall</i>	Yes	100%	Yes	Yes	Yes	2

FORT LEWIS COLLEGE FIRE SAFETY STATISTICS 2014

<i>DATE OF EACH FIRE</i>	<i>LOCATION (RESIDENCE HALL)</i>	<i>CAUSE OF EACH FIRE</i>	<i>NUMBER OF PERSONS WHO RECEIVED FIRE-RELATED INJURIES</i>	<i>NUMBER OF DEATHS RELATED TO A FIRE</i>	<i>VALUE OF PROPERTY DAMAGE CAUSED BY A FIRE</i>
<i>22 November 2014</i>	<i>Escalante Hall</i>	<i>Flyer Smoldering on Board</i>	<i>0</i>	<i>0</i>	<i>0</i>

FORT LEWIS COLLEGE FIRE SAFETY STATISTICS SUMMARY

<i>LOCATION (RESIDENCE HALL)</i>	<i>NUMBER OF FIRES</i>			<i>NUMBER OF PERSONS WHO RECEIVED FIRE-RELATED INJURIES</i>			<i>NUMBER OF DEATHS RELATED TO A FIRE</i>			<i>VALUE OF PROPERTY DAMAGE CAUSED BY A FIRE</i>		
	<i>14</i>	<i>13</i>	<i>12</i>	<i>14</i>	<i>13</i>	<i>12</i>	<i>14</i>	<i>13</i>	<i>12</i>	<i>14</i>	<i>13</i>	<i>12</i>
<i>Calendar Year</i>												
<i>Animas Hall</i>	0	0	1	0	0	0	0	0	0	0	0	\$130
<i>Bader A Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Bader B Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Bader C Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Camp Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Centennial A Apartments</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Centennial B Apartments</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Centennial C Apartments</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Cooper Hall</i>	0	0	1	0	0	0	0	0	0	0	0	\$25
<i>Crofton Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Escalante Hall</i>	1	0	0	0	0	0	0	0	0	0	0	0
<i>Mears A Apartments</i>	0	1	1	0	0	0	0	0	0	0	0	\$5
<i>Mears B Apartments</i>	0	1	0	0	0	0	0	0	0	0	\$10	0
<i>Snyder A Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Snyder B Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Snyder C Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>West Hall</i>	0	0	0	0	0	0	0	0	0	0	0	0