

SEXUAL VIOLENCE POLICY

Part 1. Policy objective

This procedure provides a process through which individuals alleging sexual violence may pursue a complaint.

This procedure is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation and reprisal.

Part 2. Definitions

CAMPUS SECURITY AUTHORITY. Officials of the College who has significant responsibility for student and campus activities, including, but not limited to, student discipline, and campus judicial proceedings; and advisors to recognized student organizations.

Part 3. Reporting incidents of sexual violence

Subpart A. Prompt reporting encouraged

Complainants of sexual violence may report incidents at any time but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding.

Complainants are strongly encouraged to report incidents of sexual violence to law enforcement for the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor services office, counseling and health care providers, and/or campus Title IX coordinators.

Subpart B. Assistance in reporting

When informed of an alleged incident of sexual violence, all students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services, campus Title IX coordinators or campus security authorities.

Lac Courte Oreilles Ojibwe College Campus Security Authorities, when informed of an alleged incident of sexual violence, shall promptly assist the complainant, as requested, including providing guidance in filing complaints with outside agencies including law enforcement; obtaining appropriate assistance from victim/survivor services or medical treatment professionals; and filing a complaint with campus officials responsible for enforcing the student conduct code or employee conduct standards.

When appropriate, Lac Courte Oreilles Ojibwe College may pursue legal action against a respondent, including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard. The College may take actions it deems necessary or appropriate in response to all protection, restraining or no contact orders.

Part 4. Confidentiality of reporting

Subpart A. Confidential reports

The College cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed health care professionals. Some off-campus reports also may be legally privileged by law, such as reports to clergy, private legal counsel, or health care professionals.

Subpart B. Reports to campus security authorities

Complainants of sexual violence may contact any campus security authority for appropriate assistance or to report incidents. Absolute confidentiality of reports made to campus security authorities cannot be promised. However, campus security authorities shall not disclose personally identifiable information about a complainant of sexual violence without the complainant's consent except as may be required or permitted by law. There may be instances in which Lac Courte Oreilles Ojibwe College determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In such instances, Lac Courte Oreilles Ojibwe College will investigate and take appropriate action, taking care to protect the identity of the complainant and any other reporter in accordance with this procedure.

Subpart C. Required Reports

Any Campus Security Authority or any College employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence must follow College procedures for making a report for the annual crime statistics report. In addition, the campus security authority shall report to other school officials, as appropriate, such as the campus affirmative action office, the campus office responsible for administering the student conduct code, and/or the designated Title IX compliance coordinator, in order to initiate any applicable investigative or other resolution procedures.

Campus security authorities may be obligated to report to law enforcement the fact that a sexual assault has occurred, but the name or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or permitted by law.

Part 5. Policy notices

Subpart A. Distribution of policy to students

The College shall, at a minimum, make all employees and registered students aware of its sexual violence policy and procedure via email with a direct link to the policy. Additionally, it shall always post a copy of its policy and procedure at appropriate locations on campus. The College will distribute its policy by posting on the College's website and in the Student Handbook. Paper copies may be requested from the Dean of Student Affairs.

Subpart B. Distribution of policy to employees

The College shall make available to all employees a copy of its sexual violence policy on the LCOOC website. Paper copies may be requested from the Human Resources Office.

Subpart C. Required Notice

The College shall have a sexual violence policy, which shall include the notice provisions in this part.

NOTICE OF COMPLAINANT OPTIONS

1. Following a report of sexual violence, the complainant shall be promptly notified of:
 - a. Where and how to obtain immediate medical assistance; complainants should be informed that timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator. Complainants should be told, however, that they may report incidents of sexual violence at any time.
 - b. Where and how to report incidents of sexual violence to local law enforcement officials, and/or appropriate Lac Courte Oreilles Ojibwe College contacts for employees, students, and others. Such contacts should be identified by name, location, and phone number for 24-hour availability, as applicable.
 - c. Resources for where and how complainants may obtain on- or off-campus counseling, mental health, or other support services.

2. NOTICE OF COMPLAINANT RIGHTS

Complainants shall be notified of the following:

- a. Their right to file criminal charges with local law enforcement officials in sexual assault cases;
- b. Availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing and maintaining evidence in connection with a sexual violence incident;
- c. Assistance available from campus authorities in preserving for a sexual violence complainant material relating to a campus disciplinary proceeding;
- d. That complaints of incidents of sexual violence made to campus security authorities shall be promptly and appropriately investigated and resolved;
- e. That, at a sexual assault complainant's request, the College may take action to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes if such alternatives are available and feasible.

Part 6. Investigation and disciplinary procedures

Subpart A. Immediate action

The College may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated this policy.

The College may summarily suspend or take other temporary measures against a student alleged to have committed a violation of this policy, in accordance with the Code of Conduct.

Subpart B. General Principles

Procedures used in response to a complaint of sexual violence should avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization.

College investigation and disciplinary procedures concerning allegations of sexual violence against employees or students shall:

1. Be respectful of the needs and rights of individuals involved;
2. Proceed as promptly as possible;
3. Permit a student complainant and a student respondent to have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures and applicable data practices law;
4. Be conducted in accordance with applicable due process standards and privacy laws;
5. Simultaneously inform both the complainant and respondent of the outcome in a timely manner, as permitted by applicable privacy law;
6. Be based on a preponderance of evidence standard, meaning that it is more likely than not that the policy or code has been violated.

The past sexual history of the complainant and respondent shall be deemed irrelevant except as that history may directly relate to the incident being considered.

A respondent's use of any drug, including alcohol, judged to be related to an offense may be an exacerbating rather than mitigating circumstance.

Subpart C. Relationship to parallel proceedings

In general, Lac Courte Oreilles Ojibwe College investigation and disciplinary procedures for allegations of sexual violence will proceed independent of any action taken in criminal or civil courts. The College need not, and in most cases should not, delay its proceedings while a parallel legal action is ongoing. If the College is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible.

Criminal or civil court proceedings are not a substitute for Lac Courte Oreilles Ojibwe College procedures.

Subpart D. False statements prohibited

Lac Courte Oreilles Ojibwe College takes allegations of sexual violence very seriously and recognizes the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual violence or during the investigation of such a complaint or report may be subject to discipline or under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false.

Subpart E. Withdrawn complaint

If a complainant no longer desires to pursue a complaint through the College's proceeding, the College reserves the right to investigate and resolve the complaint as it deems appropriate.

Subpart F. Lac Courte Oreilles Ojibwe College discretion to pursue certain allegations

Lac Courte Oreilles Ojibwe College reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of the College.

Subpart G. Lac Courte Oreilles Ojibwe College discretion to deal with policy violations disclosed in investigation

Lac Courte Oreilles Ojibwe College reserves the right to determine whether to pursue violations of policy by students or employees other than the respondent, including a complainant or witness that come to light during the investigation of an incident of sexual violence. To encourage reporting of sexual violence, under appropriate circumstances College administrators may choose to deal with violations of Lac Courte Oreilles Ojibwe College policy in a manner other than disciplinary action.

Subpart H. Sanctions

Sanctions that may be imposed if a finding is made that sexual violence has occurred include, but are not limited to, suspension, expulsion of students or termination from employment. The appropriate sanction will be determined on a case-by-case basis considering the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

Subpart I. Retaliation prohibited

Actions by a student or employee intended as retaliation, reprisal, or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

Part 7. Sexual violence prevention and education

Subpart A. Campus-wide training

The College must:

Include in their sexual violence policy a description of educational programs that they offer to students and employees to promote the awareness of sexual violence offenses, including sexual violence prevention measures and procedures for responding to incidents.

Provide training on awareness of sexual violence prevention measures and procedures for responding to incidents of sexual violence. At a minimum, all incoming students and all new employees must be provided this training.

Education shall emphasize the importance of preserving evidence for proof of a criminal offense, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and risk associated with the perpetration of sexual violence.

Subpart B. Other training and education

The College and affiliated student organizations are encouraged to develop educational programs, brochures, posters and other means of information to decrease the incidence of sexual violence and advise individuals of the legal and other options available if they are the complainants of an incident or they learn of such an incident.

Part 8. Maintenance of report/complaint procedure documentation

Data that is collected, created, received, maintained, or disseminated about incidents of sexual violence will be handled in accordance with the privacy requirements and other applicable laws.

Information on reports of incidents of sexual violence that are made to Campus Security Authorities shall be documented in accordance with the Jeanne Cleary Disclosure of Campus Security and Campus

Crime Statistics Act, codified at 20 United States Code section 1092 (f). Such information will be used to report campus crime statistics on college and university campuses as required by that Act.

During and upon the completion of the complaint process, the complaint file shall be maintained in a secure location. Access to complaint file information shall be in accordance with data privacy laws.