



Guide on Sexual Misconduct: Campus Policies & Procedures, Victim Services, and Resources

Office of Title IX and Title VI

If You Have Experienced Sexual Misconduct:

- 1) Get to a safe location as soon as you are able.
- 2) Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
- 3) Contact any of the following for immediate assistance: [*Denotes the resource is confidential]
If you are off campus and experiencing an emergency situation, you can call local police by dialing 911.
 - HutchCC Title IX and Title VI Coordinator (Title IX Coordinator) – (620) 665-3512, Regular business hours, M-F
 - HutchCC Campus Security – (620) 665-3379, Day & Evening
 - HutchCC Counseling Services* – (620) 665-3377, Regular business hours, M-F
 - Hutchinson Area Student Health Services* (HASHS), *Non-Emergency* – (620) 662-7416, (516 E. 14th St., Hutchinson, KS 67501)
 - Local Law Enforcement and Emergency Services – 911
 - Hutchinson Regional Medical Center, **Emergency** – 911, *Non-Emergency* – (620) 665-2000, 24/7 (1701 E. 23rd Ave., Hutchinson, KS 67502, www.hutchregional.com/)
 - Hutchinson Sexual Assault Nurse Examiner (SANE), Emergency – 911, *Non-Emergency* – (620) 513-3538 (Hutchinson Regional Medical Center Emergency Room)
 - BrightHouse*, **Crisis Line** – 1-800-663-2522 or 1-800-701-3630 (335 Washington St., Hutchinson, KS 67501, www.BrightHouseKS.org)
 - Safehope*, **Crisis Line** – 1-800-487-0510 or (316) 283-0350, (www.safehope.net)
 - The Crisis Center*, **Crisis Line** – 1-800-7272-2785 or (785) 539-2785, (www.thecrisiscenterinc.org)
 - Kansas Coalition Against Sexual & Domestic Violence*, **Crisis Hotline** – 1-888-END-ABUSE (363-2287), (www.kcsdv.org)
 - National Sexual Assault Hotline* – 1-800-656-HOPE (4673), (<https://ohl.rainn.org/online/>)
 - National Domestic Violence Hotline* – 1-800-799-SAFE (7233)

****also see this Guide's "Key Contacts & Resources" for similar information for Non-Hutchinson Locations****

4) Preserve Evidence

It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be

helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (non-plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. The preservation of evidence also may be helpful in obtaining a protection order. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint. Locally in Hutchinson, BrighHouse (1-800-701-3630) is available to provide assistance or answer questions you may have regarding medical and legal options.

5) Choose how to proceed

You have options, and are encouraged to contact the College's Office of Title IX and Title VI to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by HutchCC; and/or 3) Initiate criminal proceedings; and/or 4) Initiate a civil process against the perpetrator. You may choose whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the College, students and employees should contact the Coordinator of Equity & Compliance. HutchCC procedures will be explained. Those who wish incidents to be handled criminally should contact Campus Security or local police. A campus official may be available to accompany students in making such reports, if desired. Contact the Title IX and Title VI Coordinator for more information.

About Confidentiality:

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as Hutchinson Community College's mandatory reporting requirements.

Confidential Reporting

If reporting students wish that details of an incident be kept confidential, they should speak with campus mental health counselors. Campus counselors are available to assist during regular business hours and their service is free of charge to HutchCC students. Off-campus rape crisis center staff and/or members of the local student health center can maintain confidentiality and have no duty to report your information to the College.

Mandated Reporting

All HutchCC employees who are not identified above as confidential, are designated as responsible employees (or mandated reporters) for all the details they are aware of about an incident. They are required to share this information with the College's Title IX and Title VI Coordinator (aka Title IX Coordinator). Giving a responsible employee notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the College's *Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures*, which is discussed in a later section of this guide.

You may request confidentiality and/or that the Title IX and Title VI Coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the College's need to address and remedy discrimination under Title IX. Generally, the College will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the College will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If HutchCC decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the College to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

Incidents Involving Minors

Please be aware that institutional duties with respect to minors (those under the age of 18), may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Hutchinson Community College Policy:

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of the College's *Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures*. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of Kansas law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The College's policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the College will impose sanctions, as noted in this guide.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The College has jurisdiction over all acts of sexual misconduct involving members of the campus community, no matter where they occur, whether on- or off-campus, when such incidents have an impact on the educational and/or work environment.

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the College's *Annual Security Report*. Access it at <http://www.hutchcc.edu/administration/campus-safety-and-compliance/>.

Sexual Misconduct Violations:

The following are definitions of sexual misconduct prohibited by Hutchinson Community College Policy.

Sexual Harassment

Sexual harassment is:

- unwelcome
- sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

Hostile Environment

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
 - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational and/or employment, social, and/or residential program.

Sanctions range from warning through expulsion/termination.

Non-Consensual Sexual Intercourse

Non-consensual sexual intercourse is:

- any sexual penetration or intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sanctions typically result in suspension or expulsion/termination.

Non-Consensual Sexual Contact

Non-consensual sexual contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sanctions range from warning through expulsion/termination.

Sexual Exploitation

- Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and
- that the behavior does not otherwise constitute one of the other sexual misconduct offenses.

Sanctions range from warning through expulsion/termination.

Intimate Partner Violence

Intimate partner violence is:

- violence or emotional and/or psychological abuse between those in an intimate relationship toward each other;
- which includes those in a romantic relationship, dating, domestic, and/or relationship violence.

Sanctions range from warning through expulsion/termination.

Stalking

Stalking is:

- a course of conduct directed at a specific person,
- on the basis of actual or perceived membership in a protected class,
- that is unwelcome, and,
- would cause a reasonable person to feel fear.

Sanctions range from warning through expulsion/termination.

Stalking also occurs if:

- repetitive and menacing
- pursuing, following, harassing, and/or interfering with the peace and/or safety of another.

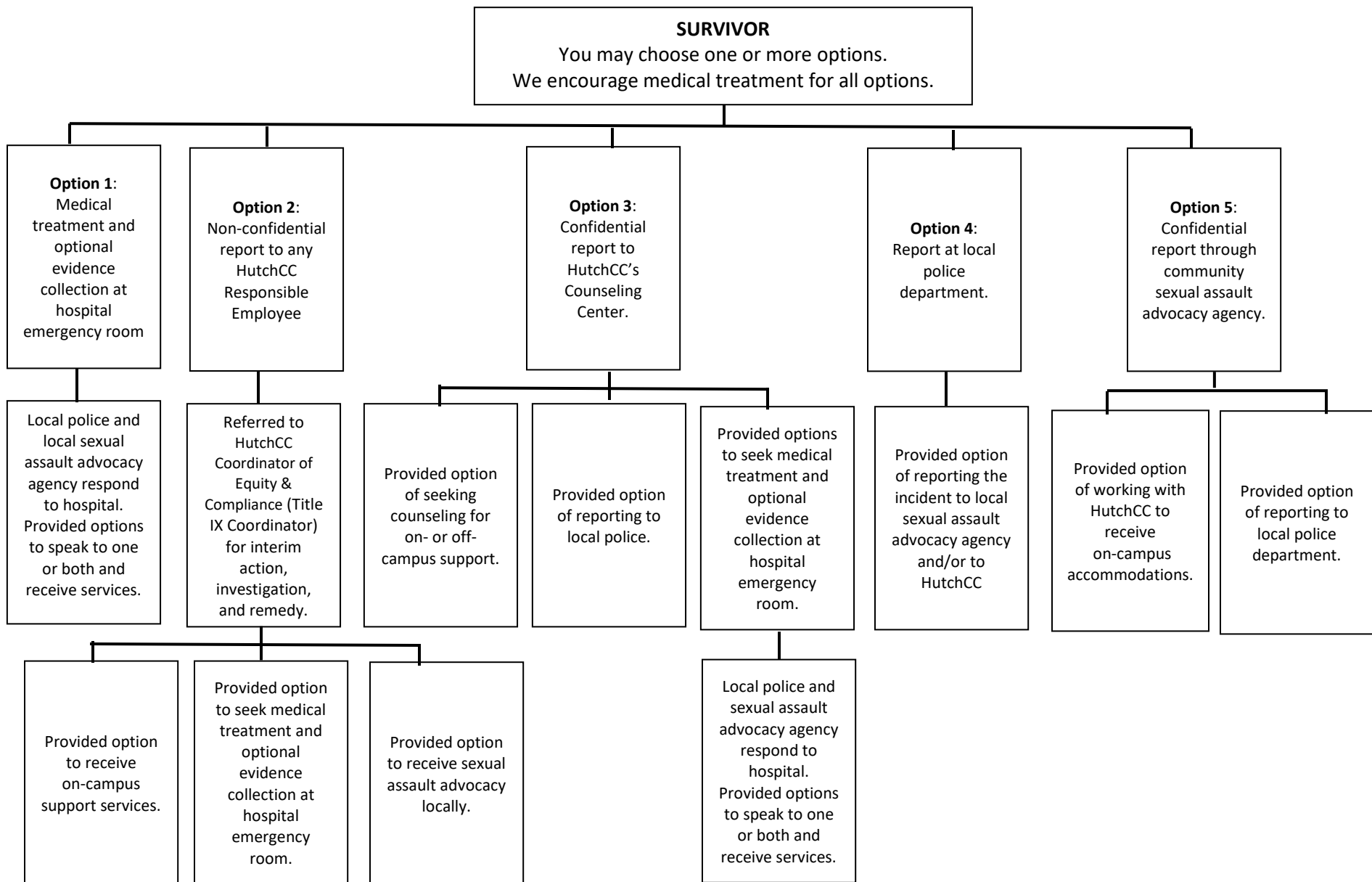
Sanctions typically result in suspension or expulsion/termination.

Retaliation

Retaliation is:

- any adverse action taken against a person participating in a protected activity,
- because of that person's participation in that protected activity.
 - subject to limitations imposed by the First Amendment and/or academic freedom

Sanctions range from warning through expulsion/termination.



Consent:

Consent is knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact.

Since different people may experience the same interactions differently, each party is responsible for making sure that their partner(s) has provided ongoing, clear consent to engage in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct and a violation of College policy.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say “no” for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists.

Previous consent to sexual activity does not imply consent to sexual activity in the future.

To legally give consent in Kansas, individuals must be at least 16 years old.

Force

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, unless part of a mutually-permissible kink, is a clear demonstration of a lack of consent.

Incapacitation

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they can’t understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/or administration of any incapacitating substances is prohibited.

The fact that a responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct.

Your Rights:

Hutchinson Community College strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options.

Reporting

- Reporting parties have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so.
- Reporting parties may decline to report to law enforcement if they so wish.
- Reporting parties have the right to have their allegations investigated and resolved internally by the College.

Fairness

- All members of the campus community have the right to have reported incidents addressed according to the College's published policy and procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, hearings, etc.). This person can be an advisor, advocate, attorney, family member, friend, faculty member, etc.
- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

Support

- Students have a right to be notified of their ability to access campus counseling and health services.
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts, and may seek the help of Campus Security in requesting and/or enforcing such orders.

Remedies:

Hutchinson Community College may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the campus community safe from further harm. Measures include, but are not limited to:

- Issuing interim suspensions pending a hearing.
- Reporting incidents to local police and/or prosecutors.
- Referring to counseling and health services.
- Providing education to the campus community.
- Altering the on-campus housing situation of the reporting or responding party.
- Altering work arrangements for employees.
- Providing campus escorts.
- Providing transportation assistance.
- Implementing contact limitations between the parties.
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

Hutchinson Community College Procedures:

The College's procedures are detailed fully at <https://www.hutchcc.edu/campus-safety-and-compliance> .

Intake

A College official will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is a preliminary inquiry.

All resolutions will be conducted by campus officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The resolution process is confidential. The institution will protect the confidentiality of victims, consistent with federal law. Title IX-related resolutions are not subject to publicly available record-keeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

Preliminary Inquiry

An initial determination is made about the allegations and whether to move forward to a formal investigation. This decision is made by the College's Title IX and Title VI Coordinator (Title IX Coordinator), taking into account the nature of the allegations and the reporting party's wishes. If the decision is made to move forward, the coordinator refers the allegations to investigators.

Investigations

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses, and prepare reports with their findings and sanctioning recommendations. Information about all the steps in the investigative process is available at <https://www.hutchcc.edu/campus-safety-and-compliance> .

Hearings

The hearing panel will have the opportunity to question the investigators during hearings. The panel may accept or reject investigators' recommendations. If the panel rejects the recommendations or decides to issue alternate sanctions, it must do so within the framework of the policy, citing clear evidence to support its decisions. The panel may additionally return the report to investigators for modification.

The parties may make opening and closing statements to address the issues raised in the investigators' report. If a party is found responsible of a policy violation, the panel may review a written impact statement, which can include desired sanctioning outcomes.

Standard of Evidence

The College, in accordance with Title IX and guidance from the Department of Education's Office of Civil Rights, uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is "*more likely than not*" that a violation occurred. This standard is sometimes explained as "50% plus a feather."

Past History

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the College will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

Final Determination

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications of each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

Appeals

All parties involved in sexual misconduct proceedings—whether student, faculty, or staff—may file a written request for an appeal of decisions within three (3) days of the delivery of the written findings. The basis for appeal requests are limited to the three (3) grounds permitted by College policy. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal. That decision is final. See <https://www.hutchcc.edu/campus-safety-and-compliance> for further details.

Risk Reduction:

Risk Reduction for Intimate Partner Violence, Stalking, Sexual Harassment, and Sexual Violence

While victim-blaming is never appropriate and Hutchinson Community College fully recognizes that only those who commit sexual misconduct are responsible for their actions, the College provides the following suggestions to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

Reducing the Risk of Victimization

- ✓ Make any limits/boundaries you may have known as early as possible.
- ✓ Clearly and firmly articulate consent or lack of consent.
- ✓ Remove yourself, if possible, from an aggressor's physical presence.
- ✓ Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- ✓ Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- ✓ Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

Reducing the Risk of Being Accused of Sexual Misconduct

- ✓ Show your potential partner respect if you are in a position of initiating sexual behavior.
- ✓ If a potential partner says “no,” accept it and don’t push. If you want a “yes,” ask for it, and don’t proceed without clear permission.
- ✓ Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- ✓ Respect personal boundaries. If you are unsure what’s OK in any interaction, ask.
- ✓ Avoid ambiguity. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
- ✓ Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others’ loss of control does not put you in control.
- ✓ Be on the lookout for mixed messages. That should be clear indication to stop and talk about what your potential partner wants or doesn’t want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- ✓ Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- ✓ Recognize that even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- ✓ Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- ✓ Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- ✓ Understand that exerting power and control over another through sex is unacceptable conduct.

Programs:

VAWA/CLERY Training & Bystander Intervention

The College provides all students and employees with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, consent, and bystander intervention in compliance with the Violence Against Women Act and the Clery Act. Additionally, special emphasis is devoted to educating all new students, new employees, student-athletes, and residential students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others.

TIPS Reporting System:

TIPS is a *non-emergency*, electronic reporting mechanism and complaint management system that allows for truly anonymous reporting (if desired) of a wide-variety of incidents. The purpose of TIPS is not to replace direct contact with campus officials, but instead to provide an additional avenue for reporting campus incidents. While anonymous reporting is an option through TIPS, please be aware that should an individual elect to remain anonymous, the College cannot provide a follow-up. Anonymous reporting may limit the College’s ability and options for addressing reported incidents. Therefore, some form of contact information is beneficial.

The TIPS portal is accessible by clicking the “TIPS” icon located in the black footer of any official College webpage or from a related icon located at the Office of Title IX and Title VI’s webpage (<https://www.hutchcc.edu/campus-safety-and-compliance>).

Campus Safety & Compliance Website

Information about College policy, programs, counseling services, helpful FAQs, and links to important documents and resources can be found at <http://www.hutchcc.edu/administration/campus-safety-and-compliance/>.

Ongoing Campaigns

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

Key Contacts & Resources: [*Denotes the resource is confidential]

Campus

HutchCC Title IX and Title VI Coordinator (Title IX Coordinator) – (620) 665-3512, Regular business hours, M-F

HutchCC Campus Security – (620) 665-3379, Day & Evening

HutchCC Counseling Services* – (620) 665-3377, Regular business hours, M-F

Off Campus (Any Location)

The Kansas Crisis Hotline* – 1-888-END-ABUSE (363-2287), (www.kcsdv.org)

National Sexual Assault Hotline* – 1-800-656-HOPE (4673), (<https://ohl.rainn.org/online/>)

Off Campus (Hutchinson & McPherson)

Kansas Coalition Against Sexual & Domestic Violence*, Crisis Line – 1-888-END-ABUSE (363-2287), (www.kcsdv.org)

BrightHouse*, Crisis Line – 1-800-701-3630, (335 Washington St., Hutchinson, KS 67501, www.BrightHouseKS.org)

- Serving Harper, Kingman, Reno, and Rice Counties

Hutchinson Area Student Health Services (HASHS)*, Non-Emergency – (620) 662-7416, (516 E. 14th St., Hutchinson, KS 67501)

Hutchinson Regional Medical Center, Emergency – 911, **Non-Emergency** – (620) 665-2000, 24/7 (1701 E. 23rd Ave., Hutchinson, KS 67502, www.hutchregional.com/)

Off Campus (Newton & McPherson)

Safehope*, **Crisis Line** – 1-800-487-0510 or (316) 283-0350, (www.safehope.net)

- Serving Harvey, McPherson, and Marion counties

McPherson Hospital, Emergency – 911, Non-Emergency – (620) 241-2250, (1000 Hospital Dr., McPherson, KS 67460, www.mcphersonhospital.org)

Newton Medical Center, Emergency – 911, Non-Emergency – (316) 283-2700, (600 Medical Center Dr., Newton, KS 67114, www.newtonmed.com)

Via Christi Health – St. Joseph's Hospital (SANE), Emergency – 911, *Non-Emergency* – (316) 689-5252, (929 St. Francis N., Wichita, KS 67214, www.viachristi.org)

Wesley Medical Center (SANE), Emergency – 911, *Non-Emergency* – (316) 962-9122, (550 N. Hillside St., Wichita, KS 67214, <http://wesleymc.com>)

Hutchinson Community College does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, military status, sexual orientation, or any other protected category under federal, state, or local law, or by college policy. The following person has been designated to monitor compliance and handle inquiries regarding the non-discrimination policies: Coordinator of Title IX and Title VI, 1300 N. Plum, Hutchinson, KS 67501, (620) 665-3500, dillonb@hutchcc.edu