



CARTHAGE
COLLEGE

**Promoting and Maintaining a Secure Environment
Compiled by the Dean of Students Office**

**Carthage College, Kenosha, Wisconsin, 53140-1994
Phone 262.551.5800/Fax 262.551.5989
Fall 2016**

FORWARD

Carthage is committed to maintaining a safe campus. This document presents the College policies and procedures designed to create and maintain a safe, collegial environment. The College believes that maintaining a safe campus results from an informed and educated community. The information herein promotes a safe living and working environment educating and informing members of the Carthage community about the nature and frequency of criminal acts on campus. This brochure is prepared and distributed in compliance with The Crime Awareness and Campus Security Act of 1990. Questions should be directed to the Dean of Students Office at Carthage. Similar to many other small, private colleges, Carthage generally has been free from the threat of many types of crimes. The College's location, unlike that of many larger and urban schools, is a component of campus safety. While violent crimes are infrequent, the institution and all members of the community must collectively accept responsibility to be aware of the potential for crime and to cooperate to reduce risks where they may exist. Beginning with campus awareness programs at the start of each academic year and continuing throughout the time that students are at Carthage, the professional staff of the Dean of Students Office is committed to educating the student body about personal safety. Educational programs occur monthly in each residence hall and in the Todd Wehr Center on a variety of social topics, including responsibilities of communal living, crime prevention, state and federal laws governing alcohol and drug possession, the pharmacological effects of alcohol and other drugs, and the procedures for reporting crimes.

REPORTING A CRIME

Carthage encourages all members of the community to report the occurrence or the suspected occurrence of criminal activity to professional staff of the College. Information Reports are available from all Residence Life staff members, Campus Security, and in the Dean of Students Office in the Todd Wehr Center. In a situation where a threat to personal safety exists or where time is of the essence, a verbal report should be made to any member of the Residence Life staff, Carthage Campus Security, or the Kenosha Police Department. Timely warning reports to members of the community will be made in the occurrence of crimes for which there is a reporting obligation. In a non-emergency or non-threatening situation, any member of the community may file an Information Report with any member of the Residence Life staff, Dean of Students staff and/or Campus Security. There are no policies or procedures that allow victims or witnesses of a crime to report those crimes on an anonymous basis. The report of a violation of Carthage policy will be investigated according

to the procedures set forth in the Student Community Code. Students are encouraged to report violations of law to the local police as well as to the Campus authorities. The Dean of Students Office makes the initial investigation of all Information Reports that may result in, or lead to, disciplinary action. The initial investigation and disciplinary decisions may be made on the evidence presented, despite the student's absence in cases where the student elects not to be present. Normally, a student will be notified of the alleged violations of policy and will be given 24 hours to respond to an initial investigation request. The time period for the investigation and the appeals process may be shortened to allow an expedient response near the end of an academic term or in a potentially dangerous situation. The Vice President for Student Affairs/Dean of Students and/or the Associate Dean of Students reserve the right at any time to immediately suspend a student from the campus, pending the conclusion of the conduct process. Following the investigation, the Dean of Students Office shall determine either that the accusation has no merit or that a violation has occurred and disciplinary proceedings are required. Sanctions for violations of policy will be consistent with the disciplinary procedures set forth in the Student Community Code.

PHONE NUMBERS

Campus Security	551-5911
Dean of Students Office	551-5800
Residence Life Staff	551-5800

Report all Crimes and violations of policy to the Dean of Students Office or to Campus Security.

CAMPUS SECURITY

Campus Security, located on the Terrace level of Johnson Hall, can be contacted at extension 5911. The Security office is staffed 24 hours per day. Carthage contracts with Allied Barton Security Services, Inc. to provide campus security services. Allied Barton provides this service to comply with the policies established by Carthage and on a schedule set by the College. Allied Barton Officers are trained to provide security and safety for private companies and institutions. Allied Barton employees are not deputized law enforcement officers and do not have police arresting authority. Their functions include: assuring the safety of the community members on campus, making periodic inspection tours of buildings and grounds, guarding against fire, theft and illegal entry, enforcing traffic and parking regulations, and aiding in maintaining an orderly campus environment. Allied Barton Security are designated agents for the College and are authorized to ask students for identification and assistance in the course of carrying out their duties and expect students to comply. On behalf of the College, Allied Barton maintains a working relationship with the Kenosha Police Department and the Kenosha County Sheriff's Department. Should situations warrant, Allied Barton may ask for Police Department and Sheriff personnel to respond to problems on campus. Normal procedure is for these enforcement agencies to contact Allied Barton before entering campus with the intent of investigating a situation or questioning a student. Carthage students, employees and guests are subject to all local, state, and federal laws, in addition to College policies set forth in the Carthage Student Community Code, & the Employee/Faculty Handbook.

Carthage utilizes Everbridge as an emergency notification communication tool. New campus community members are invited to sign up and can update their contact number as needed. Fire evacuation drills are performed each semester and building have signage for shelter in place for any indoor evacuation to a lower level.

Missing Student Notification Procedures

In compliance with the Higher Education Re-authorization Act of 2008, the purpose of this policy is to provide the procedures for reporting, investigating and making emergency notifications regarding any resident students of Carthage College who are believed to be missing.

Any member of the Carthage community, including both employees and students, who is concerned that a member of the Carthage community is missing should contact the Dean of Students Office (262) 551-5800 or Campus Security (262) 551-5911, as soon as it is determined that the individual is missing as defined above.

In emergency situations the Kenosha Police Department should be contacted immediately by dialing 911 or (262) 656-1234.

For purposes of this policy, a student may be considered to be a “missing person” if the person’s absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student’s welfare. Any report of a missing student will be investigated by appropriate College personnel under the coordination of the Office of Student Life and Campus Security. Further, the College will notify the Kenosha Police Department or other appropriate law enforcement agency no later than 24 hours after the time that such student has been determined to be missing.

Each resident, on or before checking into his/her assigned room has the option of identifying the name and contact number of the individual(s) who are a primary contact to be notified in case of an emergency or in the event that the resident is reported missing. In the event the resident is under the age of 18 and is not emancipated, the College is required to have the primary emergency contact be a custodial parent or guardian. The College will initiate the emergency contact provisions in accordance with each resident’s designation no later than 24 hours after the student has been determined to be missing.

PROGRAMS DESIGNATED TO PREVENT CRIMES AND EDUCATE

The Division of Student Affairs and Residence Life Staff sponsor educational and preventive programs to promote safety and the role of personal responsibility in crime prevention. Programs and safety features include:

- * personal safety and reducing the risk of becoming a victim
- * bystander intervention
- * guest registration policies and responsibilities
- * card scanners, door locks, and general safety features of the halls
- * responsibilities of Campus Security Officers & Residence Hall Staff
- * policies governing the reporting of crimes and investigation by the College

These programs are presented at the beginning of fall semester and in the orientation programs. They are also presented periodically during the semester, and information regarding these topics is always available from the Division of Student Affairs.

ACCESS TO BUILDINGS

The Carthage campus is closed to the public and to unregistered guests each day from 1:00 a.m. to 6:00 a.m. All entrance and exit doors of the residence halls are locked 24 hours-a-day. Access to the residence halls is limited to members of the Carthage community with valid ID cards and registered guests. Exterior doors of the halls are equipped with electronic scanners that read Carthage ID cards and unlock in response to properly encoded ID cards. All resident students have access to their own residence hall 24 hours a day and to all other halls from 8:00 a.m. to midnight Sunday through Thursday, and from 8:00 a.m. to 2:00 a.m. on Friday and Saturday. From 8:00 p.m. to midnight, Residence Life staff members are stationed at the desk in the lobby of each residence hall. All exterior doors of the halls are monitored from the lobby desk and the staff member is in telephone contact with the Carthage Campus Security Office. Campus Security Officers and the Residence Life staff make rounds in the residence halls from 8:00 p.m. to 7:00 a.m. Guests should be registered by their student hosts in the Campus Security Office (Johnson Hall, Terrace level) from 8:00 a.m. to midnight. Listed below are the hours for campus buildings during the academic year.

Campbell Student Union

Sunday – Saturday	24 hours
Lower/1 st floor	
ID Access	12:00 am – 6:00 am
2nd floor	6:00 am – 10:00 pm

Fritch Chapel

Sunday – Thursday	6:00 am – 11:00 pm
Friday – Saturday	6:00 am – 10:00 pm

Johnson Arts Center

Sunday – Thursday	7:00 am – 1:00 am
Friday – Saturday	7:00 am – 10:00 pm

Lentz Hall

Monday – Thursday	7:00 am – 10:30 pm
Friday	7:00 am – 8:00 pm
Saturday	7:00 am – 5:00 pm

Todd Wehr Center

Sunday – Saturday	6:00 am – Midnight
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Joan C. Potente Chapel

Sunday – Thursday	6:00 am – 11:00 pm
Friday – Saturday	6:00 am – 10:00 pm

Hedberg Library

Monday – Thursday	7:30 am – 12:00 am
Friday	7:30 am – 10:00 pm
Saturday	7:30 am – 6:00 pm
Sunday	12:00 pm – 12:00 am

Siebert Chapel

Sunday – Saturday	7:00 am – 10:00 pm
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Straz Center

Monday – Thursday	7:00 am – Midnight
Friday	7:00 am – 10:00 pm
Saturday	8:00 am – 7:00 pm
Sunday	12:00 pm – 10:00 pm

N.E. Tarble Athletic and Recreation Center

Monday – Thursday	6:00 am – 11:00 pm
Friday	6:00 am – 9:00 pm
Saturday	9:00 am – 8:00 pm
Sunday	11:00 am – 11:00 pm

ALCOHOL & OTHER DRUG ABUSE (AODA) POLICY

Carthage recognizes that students often need education and assistance because a person significant to them is affected by chemical dependency, or because they require support in their own decisions not to use or abuse alcohol and/or other drugs. Since chemical dependency frequently precedes AODA, Carthage wishes to provide education and assistance to any students displaying the signs of such harmful involvement. Chemical dependency is a serious illness that can be treated successfully if identified early, if appropriate referral to community agencies is made, and if adequate support is afforded those who are in the process of recovery. Carthage adheres to the laws of the State of Wisconsin regarding the consumption of alcohol, thereby recognizing that individuals under the age of 21 are not of legal drinking age. Given that the majority of the student body at Carthage is under the legal age for purposes of the possession or use of alcohol, the College policy accommodates that majority.

2015 Calendar Year – 157 reported alcohol and illegal drug incidents involving 366 students

2014 Calendar Year – 169 reported alcohol and illegal drug incidents involving 524 students

2013 Calendar Year – 153 reported alcohol and illegal drug incidents involving 455 students

All violations of Carthage policies or state and federal laws will be prosecuted by College officials. Students' rights and responsibilities outlined herein adhere to the standard administrative practice regarding discipline and students' rights. The entire campus community must assume the goals of promoting and enforcing a sense of personal responsibility and exhibiting responsible behavior toward the consumption of alcohol.

1. The possession, manufacture, sale, use, consumption or delivery of alcoholic beverages or controlled substances, or paraphernalia associated with the use of alcohol or other controlled substances by students on the campus of Carthage is prohibited (except; as noted in number 7, on following page). This paraphernalia includes but is not limited to: bottles and cans that contain or previously contained alcohol; bongs or devices used for drinking or smoking; “bar like” or game table structures, tappers, kegs, waste containers in excess of 5 gallons. The rule will be strictly enforced.
2. Use or possession of alcoholic beverages or controlled substance by students off campus is governed and controlled by the laws of the state and/or local law enforcement agencies. Carthage will cooperate with state and/or local law enforcement agencies and owners or proprietors of bars, taverns, restaurants, or other establishments to counteract known violations of College policy and state and local laws by students or student groups associated with the College.
3. Students in the presence of alcohol and/or other drugs, will be subject to the same disciplinary action under the AODA policy. The college will also consider all individuals found in a public location where alcohol and/or other drugs is present to be in violation of the AODA policy.
4. Undesirable conduct stemming from off-campus usage of AODA is subject to disciplinary action by the College, as outlined herein.

5. Any group or organization which permits undesirable conduct stemming from off-campus AODA usage is subject to disciplinary action by the College, as outlined herein.

6. The residence halls at Carthage shall be considered student Alcohol and Drug-free zones at all times. Likewise, WOH's Place shall be considered a student Alcohol and Drug-free zone at all times during the academic year. The College reserves the right to inspect any and all parcels brought onto campus, to confiscate alcoholic beverages or other controlled substances and the paraphernalia associated with the use of alcohol or other controlled substances, and initiate disciplinary procedures. Carthage respects each student's right to privacy, but reserves the right to inspect students' rooms and packages as outlined in the "Student Room Entry" section of this *Handbook*. Examples of probable cause are odor, loud noise, observable alcohol and/or other drugs, or other evidence of drug usage. In the event of an incident, all containers and paraphernalia previously outlined in this policy will be emptied and discarded.

7. The College reserves the right to serve alcoholic beverages, at its discretion, at events in the Todd Wehr Center or elsewhere on or off campus (with the exceptions noted above) to individuals who are of legal drinking age. The College also reserves the right to monitor alcohol consumption by individuals at these events, and to take appropriate steps to assure the safety of all concerned. The College may invite students who are of legal drinking age to such events.

8. Students are not permitted to transport or consume alcohol, or other drugs, on College sponsored trips.

Sanctions for Alcohol Violations

1. Violations of Carthage AODA Policy will be considered cumulative during the entire period the student is enrolled as a Carthage student in determining disciplinary action for repeated violations of the policy.

2. Disciplinary action will be taken with regard to the use or abuse of controlled substances. A violation may result in a student's suspension or dismissal from Carthage. Local law enforcement agencies may be summoned, AODA assessment may be required, fines may be assessed, and action similar to other AODA violations may be imposed.

3. Disciplinary sanctions increase in their severity with repeated student infractions of the alcohol and other drug abuse policy. Disciplinary sanctions may also be increased in their severity with the presence of common sources of alcohol.

The following sanctions shall be employed:

a) First Offense - one point assessed; \$25 fine imposed, may be required to attend an AODA Workshop (failure to attend workshop will result in further disciplinary action), possible community services or educational assignment, and/or possible chemical use assessment/evaluation and/or treatment paid for by the student.

b) Second Offense - two points assessed; \$150 fine imposed; required to attend an AODA Workshop (failure to attend workshop will result in further disciplinary action), disciplinary probation and/or suspension, possible community service or educational assignment, possible disciplinary probation and/or suspension; and possible chemical dependence evaluation/assessment and/or treatment paid for by the student.

c) Third Offense - two points assessed; \$250 fine imposed and/or suspension/dismissal from the College (length dependent upon severity of accompanying offenses); mandatory chemical dependency evaluation/assessment and/or treatment paid for by the student; and possible community service.

d) Subsequent Violations of the AODA Policy - two points assessed; a \$350 fine imposed and suspension/dismissal from the College (length dependent on severity of accompanying offenses); recommendation for chemical dependency evaluation/assessment and/or treatment paid for by the student.

NOTE: Fines collected for violation of the alcohol policy are dedicated to alcohol abuse prevention and educational programming.

Sanctions for Controlled Substance Violations

Disciplinary action will be taken regarding the use or abuse of controlled substances based on the degree of severity. A first violation may result in a student's suspension or dismissal from Carthage. Local law enforcement agencies may be summoned, AODA assessment may be required, fines may be assessed and action similar to other AODA violations may be imposed.

The AODA policy is also available in the Community Code. The Community Code is available at the Office of Student Life or on-line at: <http://www.carthage.edu/community-code/>

SEXUAL MISCONDUCT POLICY AND PROCEDURE

Sexual Misconduct Policy

Statement of Policy

Carthage is committed to creating a safe, healthy, and non-discriminatory environment for all students, staff, faculty, and visitors that is free from all forms of sexual misconduct. As part of this commitment, Carthage does not tolerate any form of sexual misconduct, which includes sexual assault, sexual harassment, domestic violence, dating violence, and stalking, and has established this Sexual Misconduct Policy.

Scope of Policy

The Sexual Misconduct Policy covers student-on-student sexual misconduct, staff-on-student sexual misconduct, and faculty-on-student sexual misconduct. It also extends to sexual misconduct that occurs on Carthage's campus, as part of a Carthage program, or to a Carthage community member. A person is subject to disciplinary action for violating the Sexual Misconduct Policy regardless of the location or enrollment status of either party.

Title IX Coordinators

Any community member who has concerns about gender discrimination, including any concerns pertaining to sexual misconduct, is encouraged to contact one of Carthage's Title IX Coordinators. They can provide information, guidance, and other resources to address sexual misconduct and gender discrimination. A Title IX Coordinator can discuss general concerns, respond to a report of sexual misconduct, or answer questions about the disciplinary process for sexual misconduct. Carthage's Title IX Coordinators are:

- Sandra Siira (Title IX Coordinator)
262-551-6034 – ssiira@carthage.edu – Lentz Hall 434
- Abigail Heinrichs (Deputy Title IX Coordinator/Student Designee)
262-551-6100 – aheinrichs@carthage.edu – Lentz Hall 431
- Cassie Lau (Deputy Title IX Coordinator/Athletics Designee)
262-551-5895 – clau@carthage.edu – Clausen Center 222
- Chris Grugel (Deputy Title IX Coordinator/Employee Designee)
262-551-5373 – cgrugel@carthage.edu – Hedberg Library 212

Legal Compliance

This policy is intended to comply with the following laws:

- Title IX of the Education Amendments of 1972
- The Violence Against Women Reauthorization Act of 2013
- The Federal Education Rights and Privacy Act

Application of Policy

A person who commits sexual misconduct will be subject to disciplinary action under this Policy. Carthage will consider the concerns and rights of all parties involved, and provide a prompt, fair, and impartial process from its initial investigation through its final determination. A person who engages in retaliation against a party who reports sexual misconduct or participates in proceedings under this Policy will also be subject to discipline under this Policy.

Definitions

Sexual Misconduct

Sexual assault, sexual harassment, domestic violence, dating violence, or stalking.

Consent

Affirmative words or conduct indicating the freely, willingly, and knowingly given agreement to have specific sexual contact. A person cannot consent if incapacitated by drugs or alcohol, coerced into submission, unconscious, or otherwise physically or mentally incapacitated. Consent to one form of sexual contact does not imply consent to other forms. An existing relationship, past relationship, or prior consent does not imply consent to future sexual contact.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, explicit sexist remarks, and verbal, written, or physical contact of a sexual nature when:

(1) Submission to such contact is made either explicitly or implicitly a condition of an individual's employment or academic advancement;

- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual;
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an undesirable working, studying or living environment; or
- (4) Such conduct is directed toward the sexual orientation of an individual with the intent to demean, embarrass or "out" the individual.

Sexual Assault

Sexual contact with another person, without that person's consent. A person's use of alcohol or drugs is not a defense to a sexual assault.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition:

- (1) 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.
- (2) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (3) Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.

Dating Violence

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

- (1) Includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (2) Does not include acts covered under the definition of domestic violence.

Domestic Violence

A felony or misdemeanor crime 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 domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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 in which the crime of violence occurred.

Complainant

A person who has experienced an incident of sexual misconduct.

Report

Information regarding an incident of sexual misconduct.

Retaliation

Intimidation, threats, coercion, harassment, discrimination, or violence against a person for reporting an incident of sexual misconduct, filing a written complaint, or participating in a sexual misconduct proceeding.

Reporting

Carthage's primary concern is student safety. Any person who reports an incident of sexual misconduct will not be subject to discipline for reasonable violations of Carthage's Community Code related to reports of sexual misconduct made in good faith.

Reporting helps Carthage protect community members who might be at risk and allows Carthage to take steps to prevent the recurrence of sexual misconduct.

Community members who believe that they or any other community member have experienced sexual misconduct are strongly encouraged to make a report to a Title IX Coordinator. Community members can also report an incident of sexual misconduct to the Dean of Students Office, Carthage Security, Residence Life staff, the Health and Counseling Center, or to a Carthage faculty or staff member.

Community members can contact Carthage Security or Residence Life professional staff to make a report outside of normal business hours.

In an emergency, community members should contact Campus Security at 262-551-5911 or the police at 911.

Individuals who experience sexual misconduct often need time and space to process what happened. The following confidential resources are available to community members who do not know how they want to proceed and who would like to speak to someone in confidence:

- Campus Pastor, 262-551-5812
- Health and Counseling Center, 262-551-5710

In addition, a complainant can file a written complaint with the Associate Dean of Students/Director of Student Conduct in the Dean of Students Office, which is located in the Todd Wehr Center. Its phone no. is 262-551-5800.

All Carthage faculty and staff must promptly forward any reasonable suspicion of sexual misconduct to a Title IX Coordinator, and forward any reports of sexual misconduct to a Title IX Coordinator. In addition, Carthage faculty and staff must, if safe to do so, intervene or stop any sexual misconduct that they observe.

Upon receiving a report of an incident of sexual misconduct, Carthage will follow these procedures:

(1) Either a Residence Life or Carthage Security staff member will contact the complainant, ensure their current environment is safe, address any immediate health or medical concerns, and forward the report to the investigator.

(2) As soon as possible, the investigator will contact the complainant to discuss the incident of sexual misconduct and obtain additional information about that incident.

(3) The investigator will also:

- Inform the complainant that they can report the incident of sexual misconduct to local law enforcement authorities, receive the investigator's assistance in making such a report, or decline to make such a report.
- Inform the complainant that they have the choice to file a written complaint and pursue a sexual misconduct proceeding under this Policy, and that such a proceeding will occur independently of any criminal investigation and proceeding.
- Provide written information about the importance of preserving evidence of an incident of sexual misconduct.
- Provide written information about remedies and protective measures available to the complainant.

(4) Carthage will provide any reasonable protective measures or remedies requested by the complainant to the investigator.

Protective Measures

Carthage is committed to protecting complainants from the time an incident is reported through its resolution. Carthage offers the following protective measures:

- No Contact Order—Parties involved in a report may not contact each other.
- Class Reassignment—If parties share a course, alternative arrangements will be made for one party.
- Facility Bans—The respondent may not enter certain areas of campus or use certain campus services.
- Other—In addition to the protective measures listed above, Carthage will consider any other reasonable requests for protective measures from the complainant.

Remedies

Relief available intended to remedy the harms caused by sexual misconduct, which includes:

- Counseling through Carthage's Health and Counseling Center
- Academic support through the Dean of Students Office
- Academic accommodations through the Dean of Students Office
- Referral to Women and Children's Horizons or the Wisconsin Coalition Against Sexual Assault for additional counseling and support.

Confidentiality

Carthage is committed to maintaining the privacy of everyone involved in a report of sexual misconduct. In every investigation, hearing, and appeal, Carthage will make every effort to protect the privacy of the parties while balancing the need to investigate the alleged sexual misconduct.

Information related to a report of sexual misconduct will be shared only with those Carthage employees who are involved with the investigation, hearing, or appeal. All Carthage employees who are involved in these processes have received training regarding the safeguarding of private information. Carthage will not release information about an investigation, hearing, or appeal except as required or permitted by law or Carthage policy.

Students who wish to obtain confidential assistance through on-campus or off-campus resources without making a report to Carthage may do so by speaking with professionals who are obligated by law to maintain confidentiality. The *Resources section* of this policy identifies such professionals. As a reminder, students may seek confidential assistance on campus through the Health and Counseling Center or the Campus Pastor.

If Carthage receives a report of an incident sexual misconduct, but the complainant requests that their identity remain confidential, or declines to participate in the discipline process, Carthage will balance the requests with its responsibility to provide a safe and non-discriminatory environment for all community members. Carthage will take all reasonable steps to investigate and respond to the report consistent with such requests, while acknowledging that its ability to investigate may be limited by such requests.

If a report of sexual misconduct reveals an immediate threat to the Carthage community, Carthage may issue a notice to the community to protect the health or safety of the campus community. This notice will not contain any identifying information about the person who experienced sexual misconduct. Immediate threats include, but are not limited to, allegations of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to the Carthage community.

Sexual Misconduct Procedure

Carthage will use this procedure to take disciplinary action on every written complaint, except when the respondent is a Carthage faculty or staff member. In such circumstances, Carthage will follow the procedures in Carthage's Faculty Handbook or Employee Handbook, which are analogous to this procedure. If the respondent is not a community member, Carthage will follow this procedure as closely as possible, being mindful that circumstances may limit its ability to investigate, conduct a hearing, and levy sanctions. In certain circumstances, Carthage may use this procedure without receiving a written complaint.

Procedural Definitions

Report

Information provided about possible sexual misconduct.

Written Complaint

A written accusation of sexual misconduct that will be resolved through this conduct process. A person affected by an incident of sexual misconduct can file a written complaint with the Associate Dean of Students/Director of Student Conduct in the Dean of Students Office, which is located in the Todd Wehr Center. Its phone no. is 262-551-5800.

Complainant

A person who has experienced an incident of sexual misconduct and who has filed a written complaint.

Respondent

A person, group, or organization accused of sexual misconduct.

Hearing Panelists

Carthage faculty and staff members who serve on hearing and appeals panels. Hearing panelists will receive annual training on issues related to sexual misconduct and on conducting an investigation and hearing process that protects the safety of complainants and promotes accountability. Faculty members are appointed by the Office of the Provost, and staff members are appointed by the Director of Human Resources.

Hearing Panel

Three hearing panelists who conduct the hearing on and decide the outcome of a written complaint, including any sanctions against the respondent. Every hearing panel will have a chairperson who presides over the process. Every hearing panel will have at least one faculty member and one staff member. If possible, every hearing panel will have at least one male and one female member. If, because of bias or a conflict of interest, a hearing panelist cannot participate in a hearing panel, another hearing panelist will take their place.

Appeals Panel

Three hearing panelists who review appeals from a hearing panel's decision on a written complaint. Every appeals panel will have a chairperson who presides over the process. Every appeals panel will have at least one faculty member and one staff member. If possible, every appeals panel will have at least one male and one female member. Hearing panelists who served on the hearing panel for a written complaint will not serve on the appeals panel for the same written complaint. If, because of bias or a conflict of interest, a hearing panelist cannot participate in a appeals panel, another hearing panelist will take their place.

Title IX Advisor

Both the complainant and the respondent may choose one advisor who may accompany them to any meetings, hearings, and appeals. A Title IX advisor is only for a party's emotional support. An advisor may not communicate with the investigator, hearing panel, complainant, or respondent at any meeting, hearing, or appeal. A Title IX advisor may not speak on behalf of or act as a representative of the complainant or the respondent any meeting, hearing, or appeal.

Investigator

The Carthage employee who investigates reports and written complaints of sexual misconduct; normally either the Assistant Dean of Students or the Associate Dean of Students. If, because of bias or a conflict of interest, neither the Assistant nor the Associate Deans of Students can act as investigator, another staff member from Dean of Students Office/Student Affairs will act as investigator. Contact information for the Dean of Students Office/Student Affairs is listed in the Resources section of this Policy. Anyone who acts as an investigator will receive annual training on issues related to sexual misconduct and on conducting an investigation and hearing process that protects the safety of complainants and promotes accountability.

Procedure

Carthage prefers to receive reports, take statements, hold meetings, and conduct hearings in person. However, extenuating circumstances, such as breaks between terms or the unavailability of certain parties, may require parties or witnesses to appear and communicate by telephone, video chat, or similar methods. At the request of the complainant or the respondent, and for good cause, meetings or hearings may be conducted with the complainant and the respondent in separate rooms.

Records

After the conclusion of the investigation and before any hearing, either the complainant or the respondent may review any information that will be used at the hearing by making a request in writing to the Associate Dean of Students/Director of Student Conduct, who will schedule a time at which the party may inspect the information. The party may review the information and take notes, but may not make any copies or take any photographs of the information.

Time Frame

Carthage expects that investigations, hearings, and appeals will occur promptly. Extenuating circumstances, such as breaks between terms or the unavailability of key parties, may cause delays. At any point, either the complainant or the respondent may request an extension of any dates or deadlines by writing to the hearing chair, who will notify both parties of any such extension in writing. Carthage expects a sexual misconduct proceeding to follow this timeframe:

- (1) The investigator should contact the respondent within one day of the written complaint.
- (2) The investigator should conclude their inquiry within one week of the written complaint.
- (3) The hearing should occur within one week of the conclusion of the investigator's inquiry.
- (4) The hearing panel should make a decision within one week of the hearing.
- (5) The appeal panel should make a decision within one week of the appeal.

This timeframe is flexible, not absolute.

Investigation & Hearing

(1) Upon the filing of a written complaint, the investigator will notify the respondent of the written complaint, inform them of their rights and resources, and allow inspection of the written complaint. The respondent may submit a written rebuttal as soon as possible after inspecting the written complaint.

(2) The investigator will then review the written complaint and respondent's rebuttal and investigate the parties' claims. The investigator may request statements from the parties or witnesses, and may meet with witnesses, the complainant, and the respondent. The investigator will periodically update the complainant and the respondent regarding the progress of the investigation.

(3) Once the investigator has completed the investigation, they will forward the file to the hearing panel for review and scheduling of a hearing with the complainant and the respondent at their earliest convenience.

(4) At that hearing, both the complainant and the respondent will have the opportunity to present evidence about the written complaint. The hearing can include statements from the parties, questioning

of the parties, questioning of witnesses, and presentation of documentary or physical evidence. The hearing panel will control the hearing and have sole discretion regarding the presentation of evidence.

(5) After the hearing, the hearing panel will determine, by a preponderance of the evidence, whether the respondent violated the sexual misconduct policy. If the hearing panel determines that the respondent committed sexual misconduct, the hearing panel will also assess an appropriate sanction against the respondent.

(6) The hearing panel chair will notify the Associate Dean of Students/Director of Student Conduct of the hearing panel's decision, its rationale, and any sanction in a written hearing summary. The Associate Dean of Students/Director of Student Conduct will then communicate the hearing panel's decision to the complainant and respondent and notify both parties of their rights to appeal in writing. If the parties do not appeal within three days of receiving notification, the hearing panel's decision is final.

Appeals

Either the complainant or the respondent may appeal the hearing panel's decision within three days of receiving notification. A party may only appeal based upon one of the following grounds:

- New evidence that was not presented at the hearing.
- A determination or sanction unwarranted by the evidence.
- Other extenuating circumstances.

The appealing party must submit a written statement to the Associate Dean of Students/Director of Student Conduct that requests and sets forth the basis of the appeal. The Associate Dean of Students/Director of Student Conduct will convene an appeal panel. The appeal panel may do any of the following:

- Affirm the hearing panel's decision.
- Amend the original sanction.
- Require a new hearing and decision.

The appeals panel chair will notify the Associate Dean of Students/Director of Student Conduct of the panel's decision and rationale in a written summary. The Associate Dean of Students/Director of Student Conduct will communicate the outcome of the appeal to the complainant and respondent in writing.

The decision of an appeals panel is final.

Sanction

The penalty assessed against any respondent found responsible for violating the sexual misconduct policy will include one or more of the listed sanctions:

- No Contact Order—The respondent may not contact the complainant.
- Probation—Any further violation of Carthage's policies may result in immediate removal from the residence halls, suspension, or dismissal.
- Removal from Housing—The respondent will be removed from on-campus housing at Carthage and relocated to another or an off-campus residence.

- Ban from College Facilities—The respondent may not enter certain areas of campus or use certain campus services.
- Activity Restrictions—Restrictions may be placed on the respondent’s ability to participate in college activities (e.g. co-curricular, extra-curricular, or campus events such as athletic competitions, theater performances, speakers, or more.)
- Suspension—The respondent is dismissed as a student for a specified time (typically no less than the remainder of an academic term and could be years). Suspension can be a specific duration or indefinite and subject to later reconsideration. Unless otherwise specified, suspension includes a ban from campus until the date the respondent is eligible for re-application.
- Expulsion—The respondent is permanently dismissed from Carthage. Unless otherwise specified, dismissal includes a ban from campus and no eligibility to return to Carthage.

Educational Programs

The College presents information about the prevention and awareness of sexual misconduct to all new students and faculty during their respective orientations, which includes:

- (A) An explanation and review of this sexual misconduct policy;
- (B) A description of safe and positive options for bystander intervention; and
- (C) Information about risk reduction.

The Dean of Students Office and Student Conduct have contracted with CampusClarity to provide an online sexual misconduct education course to all new students titled *Think About It*.

Ongoing education regarding sexual misconduct topics is provided by the Health & Counseling Center and Student Conduct. These programs may be presented in classes, on residence hall floors, or for organizations. The content of these programs are tailored to the particular group or audience.

CRIME DEFINITIONS

The definitions that follow are in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program.

Murder/Non-Negligent Manslaughter - The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter - The killing of another person through gross negligence.

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.

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.

Burglary-The unlawful entry of a structure to commit a felony or theft.

Motor Vehicle Theft-The theft or attempted theft of a motor vehicle.

Hate Crimes-A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of Clery, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

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.

Weapon Law Violations-The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacturing, 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.

Drug Abuse Violations-Violation of State 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, Benzedrine).

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 the aforementioned. Drunkenness and driving under the influence are not included in this definition.

Sex Offenses-Forcible (2013) - Any sexual act directed against another person, forcibly and/or against that person's will where the victim is incapable of giving consent.

A. Forcible Rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against the person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however, slightly, the genital oral or anal opening of the body of another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Rape (2014-2015) - 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(2014-2015) - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Sex Offenses-Non-forcible - Unlawful, non-forcible sexual intercourse.

A. Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

The definitions of forcible and nonforcible sex offenses are excerpted from the Federal Bureau of Investigation's National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.

THE 2015 CRIME STATISTICS AT CARTHAGE

The table below presents a summary of criminal acts reported on the Carthage campus for the period of January 1, 2015 to December 31, 2015. The offenses listed were reported to Allied Barton Security and/or the Dean of Students Office for investigation and action. The Carthage campus traditionally has been free of criminal threat to members of the community.

OFFENSES REPORTED AT CARTHAGE

Crimes Reported						
OFFENSE (Reported By Hierarchy)	2015		2014		2013	
	Total	Hate Crimes	Total	Hate Crimes	Total	Hate Crimes
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses - Forcible					5	0
Rape	5	0	4	0		
Fondling	0	0	3	0		
Sex Offenses - Non-forcible					0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	6	0	17	0	19	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0

Crimes Reported						
VAWA OFFENSES	2015		2014		2013	
	Total	Hate Crimes	Total	Hate Crimes	Total	Hate Crimes
Domestic Violence	0	0	0	0	0	0
Dating Violence	1	0	0	0	0	0
Stalking	0	0	0	0	1	0

Arrests			
Offense	2015 Total	2014 Total	2013 Total
Liquor Law	0	0	0
Drug Law	1	0	0
Illegal Weapons	0	0	0

Disciplinary Referrals			
Offense	2015 Total	2014 Total	2013 Total
Alcohol	187	259	305
Drugs	179	265	150
Weapons Possession	0	0	0

