



**ORION**  
TECHNICAL  
**COLLEGE**

# 2024 Annual Campus Security Report

Crime Awareness and Campus Security Act of 1990

Orion Technical College  
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[www.orion.edu](http://www.orion.edu)  
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## Introduction

Your safety is our concern. It also must be your concern. At Orion Technical College, we work very hard to prevent crime, accidents and illness, but nothing we do is as important as what you do – and, in some cases, don't do.

This publication contains valuable information about how you can help us keep you safe, on and off campus. Please pay special attention to the safety tips. Following them will greatly reduce the chances that you'll be the victim of crime, become injured or lose valuables.

Let's work together to have a safe year.

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

Because the law is tied to participation in federal student financial aid programs, it applies to most institutions of higher education - both public and private. It is enforced by the US Department of Education.

The "Clery Act" is named in memory of 19-year-old Lehigh University freshman Jeanne Ann Clery who was assaulted and murdered while asleep in her residence hall room on April 5, 1986. Jeanne's parents, Connie and Howard, discovered that students hadn't been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990".

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to add more reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery.

The above information was provided by Security on Campus, Inc.

## **Emergency Numbers**

### **Orion Technical College**

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Emergency Number            9-1-1  
Non-Emergency Number      (563) 674-6633

### **Davenport Police**

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Emergency Number            9-1-1  
Non-Emergency Number      (563) 326-7979

### **Davenport Fire**

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Emergency Number            9-1-1  
Non-Emergency Number      (563) 326-7906

## **To Report a Crime**

All persons are strongly encouraged to report crime to either the police or Orion Technical College in a timely and accurate manner. Contact Davenport Police at (563) 326-7979 (non-emergencies), dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lot or loitering around vehicles or inside building should be reported to Orion Technical College personnel.

Patricia McCracken	Director/Regional Director of Operations & Finance
Rachel Lopez	Director of Student Services
Instructors	Classroom

## **Confidential Reporting Procedures**

Orion Technical College is unable to promise confidentiality to those who report crimes to anyone except counselors or, under certain circumstances, to a physician or nurse or a hospital.

Reports that are confidential by law will not be reported for inclusion in the annual crime statistics report.

## **Crime Reporting (Limited Voluntary Confidential)**

Orion Technical College encourages anyone who is the victim or witness to any crime to promptly report the incident to the Davenport Police Department as soon as possible (Orion Technical College does not maintain campus police). Because police reports are public records, the Davenport Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to any Orion Technical College personnel.

If you see a crime or suspicious activity occurring on campus and you would like to anonymously report it, please fill out the Silent Witness Form, which can be found in the back of this booklet, as well as in the office of the Campus Director. Please fill in as much information as possible.

## **General Procedures for Reporting a Crime or Emergency**

Crimes and emergencies that take place on Orion Technical College property, including the parking lot, should also be reported to any Orion Technical College personnel. Front desk staff will take crime and emergency reports. Orion Technical College personnel do not have enforcement authority in cases of crimes.

Crimes should be reported to Orion Technical College to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Orion Technical College does not have a MOU (memorandum of understanding) with any law enforcement agency.

## **Policy Addressing Counselors (With and Without Confidential Reporting Procedures)**

Orion Technical College does not have a policy since we do not maintain counselors.

### **Campus Police Authority and Jurisdiction (Whose Police Have Arrest Authority)**

Orion Technical College does not have a policy since we do not maintain Campus Police. Everyone is encouraged to accurately and promptly report all crimes to Orion Technical College and the Davenport Police Department. Orion Technical College does not have a MOU (memorandum of understanding) with any law enforcement agency.

### **Campus Law Enforcement (Whose Police Do Not Have Arrest Authority)**

Orion Technical College does not have a policy since we do not maintain Campus Law Enforcement. Everyone is encouraged to accurately and promptly report all crimes to Orion Technical College and the Davenport Police Department. Orion Technical College does not have a MOU (memorandum of understanding) with any law enforcement agency.

**Orion Technical College complies with the Cleary (Campus Security) Act and publishes its Crime Awareness and Campus Security report on its Consumer Information/Disclosure page on the website (<http://www.orion.edu/campussecurityreport>). Note that Orion Technical College does not report on completion or graduation rates for student athletics, as Orion Technical College neither offers athletics nor has an athletic department.**

### **Crime Prevention Programs**

Periodically during the year, Orion Technical College provides community education programs that are available to students, faculty and staff as well as the community. Issues such as personal safety, sexual assault, awareness of rape, acquaintance rape prevention, forcible and non-forcible sex offenses, alcohol and drug abuse prevention, and related topics may be available.

#### ***Tip:***

- To enhance personal safety, and especially after an evening class, we encourage you to walk with a companion and, when possible, park closest to the entrance.
- Always plan the safest route to your destination.
- Do not leave purses open and in plain sight when out of the room for breaks, lunch or clinics.
- Let others know where you are going and when you will return.
- Walk with a companion whenever possible.
- Use public walkways and stay in well-lit and traveled areas.
- When walking, take note of potential hiding spots and use caution as you approach them.
- Avoid carrying large amounts of cash or valuables.
- Remain aware of your surroundings.
- If you feel uncomfortable in a situation, leave as soon as possible.
- Always lock your vehicle doors, even while you are driving.
- Park in well lighted areas and remove valuables from sight.

## **Criminal Activity Off Campus (Whose Police Monitor and Do Not Monitor Off-Campus Activity)**

Orion Technical College does not have a policy since we have no off campus student organizations nor do we maintain Campus Police.

## **Reporting the Annual Disclosure of Crime Statistics**

Orion Technical College's Financial Aid Office prepares this report (to comply with the Jeanne Clery Act) in cooperation with the Davenport Police Department and Orion Technical College reported incidents.

Campus crime, arrest, and referral statistics include those reported to the Davenport Police and designated campus officials (including but not limited to directors, deans, department heads, faculty and staff). These statistics may also include crimes that have occurred in private residences or businesses and is not required by law.

No formal police report is required for a crime to be included in the statistics. Every effort is taken to ensure that all persons required to report do so, and that the statistics are as accurate and complete as possible.

This report is available for review in the Student Services Office and on the website by October 1st of each year. Copies of the annual crime report will be distributed via email to all enrolled students, faculty and staff, and new students will receive a copy electronically as part of their continuous registration.

## **Implementation of Title IX, VAWA/Campus SaVE Act, and Related Sex Discrimination, Sexual Harassment and Sexual Violence Legislation**

Orion Technical College is committed to providing a learning and a working environment that is free from sexual misconduct. Orion Technical College complies with the ***Title IX, VAWA/Campus SaVE Act***. It is the policy of the College that sexual misconduct in any form will not be tolerated and is committed to upholding a safe, non-threatening and respectful environment. Any violation of this policy may result in discipline up to and including termination from the college.

### **I. Introduction**

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in any education program or activity operated by a recipient that receives federal financial assistance. As an educational institution subject to Title IX, Orion Technical College<sup>1</sup> has adopted this Title IX Non-Discrimination & Grievance Process Policy (the "Policy").<sup>2</sup> As set forth in detail herein, Orion Technical College:

- Does not discriminate on the basis of sex, including in admissions and employment, and is committed to providing an educational and workplace environment that is free from sex-based discrimination, harassment, and retaliation;
- Prohibits discrimination on the basis of sex in its educational programs and activities, as required by law;
- Is committed to promoting fairness and equity in all aspects its operations; and

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<sup>1</sup> Orion Technical College may be referred to interchangeably as the "School" throughout this Policy.

<sup>2</sup> All capitalized terms not defined within this Policy are defined in Appendix A.

- Values and promotes the equal dignity of all community members and is committed to the pursuit of just resolutions with respect the rights of all parties involved.

This Policy is adopted to prevent discrimination prohibited under Title IX and provide a prompt, fair, and impartial process to address complaints of alleged discrimination based on sex.

Inquiries about this Policy or the application of Title IX may be referred to Orion Technical College's Title IX Coordinator, the Assistant Secretary of the Department of Education's Office for Civil Rights, or both.

## **II. Overview of Title IX Policy and Grievance Process: General Provisions**

### **Responsibilities of the Title IX Coordinator**

The Title IX Coordinator oversees implementation and enforcement of this Policy, which includes primary responsibility for coordinating the School's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The School's Title IX Coordinator is identified below and may be contacted with questions about this Policy, to file a report or formal complaint, or to otherwise assist individuals in ensuring equal access to the School's educational programs or activities in compliance with Title IX.

ORION TECHNICAL COLLEGE

Title IX Coordinator: Patricia McCracken

3940 Elmore Ave, Davenport, IA 52807

Tel.: (563) 674-6633

Email: [pmccracken@orion.edu](mailto:pmccracken@orion.edu)

Web: [www.orion.edu](http://www.orion.edu)

Individuals may also contact the U.S. Department of Education's Office for Civil Rights with Title IX questions. *(Please note that inquiries to OCR alone are not sufficient to allow appropriate responsive action by the School. To ensure your concern is appropriately addressed under this Policy, please file a report with the School's Title IX Coordinator).*

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

### **How to Make a Report or Formal Complaint of an Alleged Title IX Violation**

Any person may report alleged sex discrimination, sexual harassment, or retaliation to the Title IX Coordinator, irrespective of whether the reporting person is the alleged victim of such conduct. A report is differentiated from a Formal Complaint ("Complaint"), which is a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that the School investigate the allegation(s) and implement the School's Grievance Process. A report or complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail at any time (including during non-business hours), using the contact information in the section immediately above or as described below:

1) To the Title IX Coordinator



2) Online via the reporting form available on page 24 of the link to our website:

<http://www.orion.edu/campussecurityreport>.

3) By telephone (563) 674-6633.

4) To the Campus Center Director if the Title IX Coordinator is not available.

The college strongly encourages students to report concerns immediately. In addition to violating college policy, sexual misconduct might also constitute criminal activity. Students are encouraged to inform the police and/or seek medical attention. The chances of a successful criminal investigation are greatly enhanced if evidence is collected and maintained immediately by authorities. Students can inform and discuss the matter with law enforcement and hospital personnel without making a formal criminal complaint or a formal college complaint. For emergencies, contact 9-1-1 or the Davenport Police Department at [\(563\) 326-7979](tel:5633267979). Assistance can be obtained 24 hours a day, 7 days a week from the Regional Iowa Crisis Line: 800-228-1625 and the 24-hour toll-free number: 866-921-3354.

### **After Making a Report or Formal Complaint**

Upon receipt of a report or Complaint, the Title IX Coordinator shall undertake an initial assessment to determine appropriate next steps as required under this Policy, including making an initial threat assessment to ensure there is no immediate danger to Complainant or the campus community and, if there is, to take appropriate action, which may include emergency removal of Respondent as described below.

The Coordinator shall contact Complainant to discuss the availability of appropriate supportive measures that may be implemented with input from the Complainant irrespective of, and in addition to, any resolution process including the formal Grievance Process, and will notify Complainant about the right to have an advisor.

If the report has been made without filing a Complaint, the Title IX Coordinator will review the allegations and discuss options with the Complainant, including the option of proceeding with a Complaint. If the Complainant does not want to proceed with a Complaint, the Coordinator may initiate a Complaint if the Coordinator determines that a Complaint is warranted.

If the Complainant files a Complaint, or the Title IX Coordinator initiates a Complaint, the matter will proceed as described under the Grievance Process.

After submission of a Complaint and after notifying the Respondent of the Complaint's allegations, the parties will be notified of the availability of informal resolution, as applicable. All parties must voluntarily consent in writing to any informal resolution process. The parties may withdraw such consent at any time and resume the formal Grievance Process.

At all stages of the process, irrespective of any resolution or grievance process which may be implemented, responsive and reasonable supportive measures will be implemented to ensure continued access to the School's educational program or activities.

### **Emergency Removal of Respondent**

The School reserves the right to remove a Respondent from its education program or activities on an emergency basis when the Respondent poses an immediate threat to the health or safety of any student or campus community member. The School will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. If an emergency removal is imposed, the Respondent will be

given notice of the removal and the option to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the removal should not be implemented. Emergency removal decisions are not subject to appeal.

### **Administrative Leave of Employee Respondent**

Respondents that are School employees may be placed on administrative leave during the pendency of a grievance process as determined by the School and the Title IX Coordinator.

### **Complainant's Decision to Pursue a Complaint**

If a Complainant does not wish to be identified, does not wish for an investigation to take place, or does not want a Complaint to be pursued, the Complainant may make such a request to the Title IX Coordinator, who will evaluate the request in light of the duty to ensure campus safety and compliance with state and federal law. The School will comply with Complainant's wishes unless the Coordinator determines that initiating a Complaint is warranted under the circumstances.

If the Coordinator independently initiates a Complaint, the Complainant may have as much or as little involvement in the process as the Complainant desires. The Complainant retains all rights of a Complainant under this Policy irrespective of participation level. Irrespective of whether a Complaint is filed, the School shall offer supportive measures to ensure Complainant's continued access to the School's educational program and activities. If the Complainant elects not to file a Complaint, the Complaint shall retain the right to file a Complaint later.

### **Complaint Dismissal**

#### *Mandatory Dismissal*

The School must dismiss a Complaint if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the Complaint does not constitute sexual harassment as defined in under Title IX; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the School (including buildings or property controlled by recognized student organizations); and/or
- 3) The School does not have jurisdiction over the Respondent; and/or
- 4) The conduct did not occur against a person in the United States; and/or
- 5) At the time of filing a Complaint, the Complainant is not participating in or attempting to participate in the education program or activity of the School.

#### *Discretionary Dismissal*

The School may dismiss a formal complaint or any allegations therein if at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Complaint or any allegation therein; or
- 2) The Respondent is no longer enrolled in or employed by the School; or
- 3) Circumstances prevent the School from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.

Upon any dismissal, the School shall promptly send written notice of the dismissal and its rationale simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below.

Dismissed Complaints may include conduct that could be considered a potential violation of the School's Student Code of Conduct or Employee Handbook and may be addressed through other applicable, non-Title IX conduct policies and procedures accordingly.

### **Consolidated Complaints**

If a Complaint involves one or more Complaint, Complainant and/or Respondent and allegations arising out of the same set of circumstances, the School may elect to consolidate complaints.

### **Time Limits on Reporting**

There is no time limitation on making a report or Complaint. However, acting on reports or Complaints is significantly impacted by the passage of time and occurrence of other events (including, but not limited to, the rescission or any revision of this Policy), and is at the discretion of the Title IX Coordinator, who may, among other things, document allegations for future reference, offer supportive measures and/or Remedies, and/or engage in informal or formal action, as appropriate. Additionally, if the Respondent is no longer subject to the School's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Remedies may be more limited or impossible.

### **Anonymous Report or Complaint**

If a Complainant makes a report anonymously, it will be investigated by the School to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or Remedies can be provided. Anonymous reports typically limit the School's ability to investigate and respond, depending on what information is shared. In some situations, the Title IX Coordinator may proceed with the issuance of a Formal Complaint even when the Complainant's report has been made anonymously.

### **Confidentiality**

The School shall undertake reasonable efforts to preserve the confidentiality of reports and Complaints. The School shall not disclose any report or Complaint except as provided herein and as necessary to effectuate this Policy, or as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99, or as required under applicable law.

Certain professionals have a legal and/or ethical responsibility to maintain communications made in the scope of their professional roles in strict confidence.<sup>3</sup> Some of these roles include licensed professional counselors/mental health providers, licensed medical and health care providers, victim advocates, ordained/licensed clergy, licensed attorneys and rape crisis or domestic violence resources. Complainants or Respondents wishing to speak to someone confidentially are encouraged to seek out such resources. Communications with such professionals are considered legally privileged and cannot be revealed without a party's express written consent.

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the School's education program or activity, including measures designed to protect the safety of all parties or the School's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available upon receipt of a report or a complaint alleging possible sexual harassment. At the time that supportive measures are offered, the School will inform the Complainant, in writing, that they may file a formal complaint with the School either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to

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<sup>3</sup> In highly limited circumstances, such as when presenting an immediate threat or danger to another, or when subject to a court order, confidential communications may be revealed without the consent of a party.

ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The School shall maintain the confidentiality of the supportive measures to the greatest extent reasonably practicable, provided that confidentiality does not impair the School's ability to provide supportive measures or otherwise fulfill its obligations under this Policy. The School will implement measures in a way that does not unreasonably burden the other party.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, referral to medical or healthcare services, referral to community-based services, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

### **Amnesty for Complainants and Witnesses**

The School encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the School community that Complainants choose to report misconduct to School officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the School may offer parties and witnesses amnesty from minor violations of other School policies – such as underage alcohol consumption or personal use of illicit drugs – that may be associated with the incident.

Amnesty is not applicable to more serious allegations, such as physical abuse of another or illicit drug distribution.

### **Right to an Advisor**

The parties have the right to select an advisor of their choice to accompany them to any or all meetings and interviews during the resolution process. There are no limits on who can serve as an advisor; it may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. Under Title IX, cross-examination is required during the hearing, and must be conducted by the parties' advisors. If a party selects an advisor of their choice, this advisor must perform cross-examination on their behalf during the hearing, as the parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an advisor, or the advisor does not appear for a hearing, the School will provide one for the limited purpose of conducting cross-examination on behalf of the party.

An advisor who is also a witness to the allegations in the complaint creates potential for bias and conflict-of-interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s) and may, but will not necessarily, impact the Final Determination.

The School cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not select or retain an attorney or cannot afford an attorney, the School is not obligated to provide the other party with an attorney.

### **Conflict-of-Interest & Bias**

Title IX Personnel are trained to ensure they have no conflict of interest and are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias, conflict of interest or other misconduct by any Title IX Personnel contact either of the following to report the concern:

Regional Director of Operations & Finance: Patricia McCracken

CEO: Troy Harris

### **Resolution Timeline**

The School will make a good faith effort to complete the resolution process fairly and promptly. Duration of a matter that proceeds through the Formal Grievance Process is determined by many factors including, but not limited to, the cooperation and availability of the parties and witnesses, potential concurrent criminal investigations, and the School closures, among others. The School will avoid all undue delays within its control and will grant reasonable extensions of time, upon written request and showing of good cause, by a party. The School shall provide the parties written notice of delays and/or extensions, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **Notifications to Parties**

All notifications to the parties noted herein will be made by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official School records, or emailed to the parties' School-issued email or otherwise approved account. Once mailed, e-mailed and/or received in-person, notice will be presumptively delivered

### **Clery Act Reporting**

Reports or complaints of sexual assault, domestic violence, dating violence, and/or stalking that pose a serious or continuing threat of bodily harm or danger to members of the campus community may trigger a timely warning obligation by the School under the Clery Act. If a warning is deemed necessary, the School will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

In addition, the School is obligated to report and disclose crimes under the Clery Act, including the crimes of sexual assault, domestic violence, dating violence and stalking as defined in this Policy, for statistical reporting purposes only. Reports of these crimes do not include personally identifiable information and therefore preserves the confidentiality of any involved parties.

### **Retaliation**

The School prohibits retaliation under this Policy. Retaliation may include intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure. Alleged retaliation should be reported immediately to the Title IX Coordinator and will

be promptly investigated. The School will take appropriate action to protect individuals who fear that they may be subjected to retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation. Relatedly, a determination of responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

#### **The School's Mandatory Response Obligations**

Orion Technical College's mandatory response obligations under this Policy arise when Orion Technical College has Actual Knowledge of conduct that may constitute sexual discrimination, harassment, or retaliation, as defined herein. Actual Knowledge occurs when the Title IX Coordinator or a School official with authority to implement corrective measures ("OWA")<sup>4</sup> becomes aware of the potential occurrence of such conduct. Actual notice received by any of these OWAs constitutes Actual Knowledge upon which the School's mandatory response obligations arise under this Policy. Additionally, the School has identified staff and faculty to be Mandated Reporters<sup>5</sup> who are required under the School's policy to report known or suspected discrimination to the Title IX Coordinator. In these cases, the School must act to stop, remedy and prevent future recurrence of prohibited conduct through application of this Policy.

#### **Notice, Dissemination and Publication of Policy**

Title IX requires Orion Technical College to notify applicants for admission or employment as well as students, employees, and, if applicable, unions or professional organizations holding collective bargaining of collective agreements with the School, of this Policy. Orion Technical College complies with Title IX's notice requirements, including prominently publishing its Non-Discrimination & Grievance Process Policy and contact information for the Title IX Coordinator on its website and in other publications.

### **III. Sexual Harassment Defined, Jurisdiction & Scope of Policy**

#### **Sexual Harassment Defined**

For purposes of this Policy and the grievance process, Sexual Harassment has the meaning set forth below. Sexual Harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, gender and/or gender identity of those involved.

Sexual Harassment means:

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

- 1) Quid Pro Quo:
  - a. A School employee,
  - b. conditions the provision of an aid, benefit, or service of the School,
  - c. on an individual's participation in unwelcome sexual conduct; and/or
- 2) Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and,

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<sup>4</sup> The following have been identified and designated as OWAs: Patricia McCracken and Troy Harris.

<sup>5</sup> The School has identified the following as Mandated Reporters: Active Staff and Faculty who have completed Title IX training.

- e. objectively offensive,
- f. that it effectively denies a person equal access to the School's education program or activity.

3) Sexual assault, defined as:

- a. Sex Offenses, Forcible:
  - i) Any sexual act directed against another person,
  - ii) without the consent of the Complainant,
  - iii) including instances in which the Complainant is incapable of giving consent.
- b. Forcible Rape:
  - i) Penetration,
  - ii) no matter how slight,
  - iii) of the vagina or anus with any body part or object, or
  - iv) oral penetration by a sex organ of another person,
  - v) without the consent of the Complainant.
- c. Forcible Sodomy:
  - i) Oral or anal sexual intercourse with another person,
  - ii) forcibly,
  - iii) and/or against that person's will (non-consensually), or
  - iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- d. Sexual Assault with an Object:
  - i) The use of an object or instrument to penetrate,
  - ii) however slightly,
  - iii) the genital or anal opening of the body of another person,
  - iv) forcibly,
  - v) and/or against that person's will (non-consensually),
  - vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e. Forcible Fondling:
  - i) The touching of the private body parts of another person (buttocks, groin, breasts),
  - ii) for the purpose of sexual gratification,
  - iii) forcibly,
  - iv) and/or against that person's will (non-consensually),
  - v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f. Sex Offenses, Non-forcible:
  - i) Incest:
    - 1) Non-forcible sexual intercourse,

- 2) between persons who are related to each other,
- 3) within the degrees wherein marriage is prohibited by Ohio law.

ii) Statutory Rape:

- 1) Non-forcible sexual intercourse,
- 2) with a person who is under the statutory age of consent of 16 in Ohio.

4) Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
  - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Ohio or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Ohio.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to,



acts in which the Respondent 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.

(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

(iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### **Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and meanings apply:

*Force:* Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

*Coercion:* Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

*Consent:* Consent to sexual activity must be informed, voluntary, and mutual. It can be withdrawn at any time. There's no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Orion Technical College to determine whether this Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

*Incapacitation:* A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to an alleged sexual assault violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

#### **Jurisdiction of the School**

If the Respondent is unknown or is not a member of the School community, the Title IX Coordinator will assist the Complainant as requested in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement to file a police report upon request.

Further, even when the Respondent is not a member of the School's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. In addition, the School may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from School property and/or events. All vendors serving the School through third-party contracts are subject to the policies and procedures of their employers, or if applicable, to these policies and procedures to which their employer has agreed to be bound by their contracts.

#### **Scope of the School's Educational Program and Activities**

For purposes of this Policy, the School's educational program or activities includes locations, events, or circumstances, within the U.S., where the School exercises substantial control over both the Respondent and the context in which the alleged sexual harassment or discrimination occurs and also includes any building owned or controlled by the School or by a student organization that is officially recognized by the School. It also includes online, and cyber manifestations of conduct prohibited by this Policy, when those behaviors

occur in or have an effect on the School's education program and activities or use the School networks, technology, or equipment.

#### **IV. Formal Grievance Process**

If a Formal Complaint is filed, the matter will proceed through the Grievance Process as outlined below and will include an objective investigation, live hearing with opportunity for cross-examination and the right to appeal. This process will treat complainants and Respondents equitably. Any provisions, rule or practice adopted by the School as part of the grievance process, other than those required under Title IX and its implementing regulations will apply equally to both parties. The process will include an objective evaluation of all relevant evidence (inculpatory and exculpatory), will be conducted by trained Title IX Personnel, free from any known conflict of interest or bias, and presumes Respondent's non-responsibility until and unless demonstrated otherwise by the evidence and after a Final Determination as been rendered. Disciplinary sanctions or punitive measures will not be imposed against a Respondent unless and until there has been a finding of responsibility after application of the process. If at any stage of the investigation it is determined that conditions exist warranting dismissal, the complaint will be dismissed. Complainant will continue to be entitled to appropriate supportive measures in such cases.

The School requires impartiality in the process by ensuring there are no actual or apparent conflicts of interest or disqualifying biases of any Title IX Personnel. The parties may, at any time during the resolution process, raise a concern regarding bias, conflict of interest, or any irregularity which may taint the impartiality of the process. Such concerns should be reported in writing to the Title IX Coordinator, Regional Director of Operations & Finance, Patricia McCracken or CEO, Troy Harris, who will evaluate the concern and take appropriate corrective action to ensure integrity of the process.

#### **Notice of Allegations**

The Title IX Coordinator will provide written notice of the allegations to the Respondent and Complainant upon receipt of a Formal Complaint. The notice will be provided prior to any initial meeting or interview with the Respondent and their advisor, if applicable, allowing sufficient advanced notice to prepare.

The notice will include:

- A meaningful summary of all allegations,
- The identity of the parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies alleged to have been violated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Respondent is presumed not responsible for the reported misconduct unless and until a Final Determination has been rendered at the conclusion of the process,
- Notice that the parties will be given an opportunity to inspect and review all directly related and relevant evidence obtained during the investigation,
- The School's policy on retaliation,
- Information about the privacy of the process,
- The right to have an advisor of their choice, who may be, but is not required to be, an attorney,
- A statement informing the parties that the School's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,

- Detail on how the party may request disability accommodations during the interview process,
- An instruction to preserve any evidence that is directly related to the allegations.

### **Investigation**

Trained Investigators will be assigned to investigate allegations contained in a Formal Complaint and will do so objectively. The burden to collect all evidence related to the allegations, including both inculpatory and exculpatory, rests on the School, and not on the parties. Investigators must be free from bias and conflicts of interest. Depending on the complexity of the case, more than one Investigator may be assigned.

### **Investigation Timeline**

The School will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. The School may undertake a reasonable delay in its investigation under appropriate circumstances. Such circumstances include, but are not limited to, a concurrent law enforcement investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. The School will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates as warranted. The School will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the School will implement supportive measures as deemed appropriate.

### **Concurrent Law Enforcement Investigation or Criminal Proceedings**

The School's grievance process is an administrative procedure required under Title IX to address sexual discrimination, and therefore is separate and independent of any law enforcement investigation or criminal proceedings. While a law enforcement investigation may necessitate a temporary delay in the School's grievance process, such law enforcement investigation does not replace the School's grievance process, as the School is legally obligated to address and remedy potential sexual harassment in its educational programs and activities as set forth in this Policy.

### **The Investigation Process**

Investigators serve free from conflict of interest, objectively and without bias. All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses and obtaining available, relevant evidence. The School, not the parties, bears the burden of gathering evidence and burden of proof. Parties have equal opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The investigation will be conducted within a reasonably prompt timeframe, allowing for thorough collection and evaluation of all evidence related to the allegations. The investigator will keep the parties informed as to estimated timelines, and any delays.

Prior to the conclusion of the investigation, the parties will be provided with an electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, (whether or not it will be used in reaching a determination. The parties will have a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence.

The Investigator will incorporate any relevant feedback provided by the parties during the review process, and the final report is then shared with all parties and their advisors through electronic transmission or hard copy at least ten (10) business days prior to a hearing.

### **Role and Participation of Witnesses in the Investigation**

Witnesses who are School employees are expected to cooperate with and participate in the School's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a Policy violation and may warrant discipline.

Interviews may occur in-person or remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used. The School will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

### **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

### **Evidentiary Considerations in the Investigation**

The investigation includes collection of all evidence directly related to the allegations, which is not otherwise privileged. Only evidence which is also deemed relevant is summarized in the investigative report which is considered by the Decision-Maker(s), in rendering a determination of responsibility. All parties are provided the opportunity to review all non-privileged evidence gathered during the investigation which is directly related to the allegations in the complaint, whether or not it is also included in the investigative report. All parties are also provided with a copy of the investigative report summarizing relevant evidence only.

Relevant evidence does not include evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such evidence is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent, and are offered to prove consent.

Privileged evidence is likewise excluded from both the investigation, investigative report and hearing unless a party expressly waives this privilege in writing and consents to the release of this information during the grievance process.

### **Investigative Report**

Upon conclusion of the investigation, the Investigator will create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a hearing, will send the report to each party and the party's advisor, if any, the investigative report in an electronic format or hard copy, for their review and written response.

### **The Hearing**

Upon conclusion of the investigation and distribution of the investigative report to the parties, the matter will proceed to the hearing stage of the grievance process. The hearing will be offered live, in real-time and will include cross-examination. A Decision-maker(s) will be appointed to preside over the hearing, evaluate the evidence and make a determination as to each allegation in the complaint. The Decision-maker will be independent and neutral and will not have had any previous involvement with the investigation. Investigators, Title IX Coordinator (or designee) or advisors are prohibited from serving as Decision-makers.

The School reserves the right to adopt any hearing protocols, which will be applied and be made available equally to both parties, to ensure the efficiency, order and decorum of the hearing process. Any such

protocols will be provided in writing to the parties, witnesses and participating individuals at least ten (10) days prior to the scheduled hearing date.

The School may designate an administrative facilitator of the hearing, which may include the Title IX Coordinator, as long as they do not have a conflict of interest.

The School may conduct the hearing virtually at their discretion or upon request of a party. Request for remote participation by any party or witness should be directed to the Title IX Coordinator made at least five (5) business days prior to the hearing.

The Decision-maker may question the parties and any witness at the hearing.

Only relevant questions, testimony and evidence may be proffered at the hearing, and the Decision-maker will make determinations as to relevancy of every question posed by an advisor during cross-examination before it is answered, and of any evidence offered.

Privileged evidence or testimony, likewise, may not be proffered during the hearing, without a party's waiver and written consent allowing its consideration at the hearing.

Parties may not conduct cross-examination. Advisors only will conduct cross-exam on a party's behalf. Only relevant questions will be allowed.

Parties, advisors, witnesses, and all participating individuals are expected to behave respectfully during the hearing. Harassing, intimidating or disruptive behavior will not be tolerated, and the School reserves the right to exclude anyone from participation in the process that fails to comport themselves accordingly.

An audio or audiovisual recording, or transcript will be made of the hearing, and will be made available to the parties for inspection and review. No other recording of the hearing will be allowed.

### **Evidentiary Considerations in the Hearing**

#### *Only Relevant Evidence Allowed*

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. Only evidence, which is directly related to the allegations, not subject to an enforceable legal privilege and not otherwise excludable as described here is considered relevant.

The hearing does not consider the following which are deemed not relevant: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

#### *Privileged Evidence Must be Excluded*

Evidence subject to any recognized legal privilege will not be allowed in the hearing without the prior written waiver of the privilege and consent for its consideration during the grievance process.

#### *When a Party/Witness Refuses to Submit to Cross-Examination*

If a party or witness does not attend, or chooses not to submit to cross-examination at the hearing, the Decision-maker may not rely on any prior statement made by that party or witness in the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

#### **Final Determination as to Responsibility and Standard of Proof**

Upon completion of the hearing, the Decision-maker will deliberate privately and will render a finding as to each allegation in the complaint by applying the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged. The decision will be provided simultaneously to the parties through the issuance of a written determination letter, delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official the School records, or emailed to the parties' the School-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The determination letter will include:

1. Identification of the allegations potentially constituting sexual harassment as defined under the Policy;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits methods used to gather evidence, and hearing held;
3. Findings of fact supporting the determination;
4. Conclusions regarding application of the School's code of conduct to the facts;
5. A statement, and rationale for, the results as to each allegation, including a determination regarding responsibility, and disciplinary sanctions the School imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Schools' education program or activity will be provided by the School to the Complainant; and
6. The School's permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final after expiration or exhaustion of any appeal rights.

#### **Sanctions, Disciplinary Action & Remedies**

The School may consider a number of factors when determining a sanction and/or remedy and will focus primarily on actions aimed at ending, and preventing the recurrence of, discrimination, harassment, and/or retaliation and the need to remedy the effects its effects on the Complainant and campus community. Sanctions will be imposed upon either expiration of the appeal window, or after Final Determination on any appeal filed.

Sanctions or actions may include, but are not limited to, those listed below. These may be applied individually or in combination and the School may assign sanctions not listed, as deemed appropriate.

*Student Sanctions:*

*Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any School policy, procedure, or directive will result in more severe sanctions/responsive actions.

*Required Conference:* A mandate to meet with and engage in either School-sponsored conference or external counseling to better comprehend the misconduct and its effects.

*Probation:* A written reprimand for violation of School policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any School policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

*Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension may or may not be placed on probation through the remainder of their tenure as a student at the School.

*Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend School-sponsored events.

*Withholding Diploma:* The School may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.

*Other Actions:*

*Employee Actions:*

*Warning – Verbal or Written*

*Performance Improvement/Management Process*

*Referral to Counseling and/or Monitoring of the Offender*

*Required Training or Education*

*Probation*

*Loss of Annual Pay Increase*

*Loss of Oversight or Supervisory Responsibility*

*Demotion*

*Suspension with pay*

*Suspension without pay*

*Termination*

*Other Actions:* In addition to or in place of the above sanctions, the School may impose any other sanction as deemed appropriate.

### **False Allegations and Evidence**

Making deliberately false and/or malicious accusations, knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation are policy violations subject to discipline.

### **Long-Term Remedies/Other Actions**



Following the conclusion of the resolution process, and in addition to any sanctions imposed, the Title IX Coordinator may implement additional long-term Remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These Remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Education to the individual and/or the community
- Alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Training or awareness campaigns
- Implementation of long-term contact limitations between the parties
- Adjustments to academic deadlines, course schedules, etc.
- Modified campus security measures

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no Policy violation is found.

The School will maintain the privacy of any long-term Remedies, provided privacy does not impair the School's ability to provide these services.

#### **Failure to Comply with Disciplinary Sanctions or other Remedies**

Respondents are expected to comply with any disciplinary sanction or remedy as set forth in the Final Determination or in response to a final outcome. Failure to abide by the sanction(s)/action(s) whether by refusal, neglect, or any other reason, may result in additional disciplinary action, including suspension, expulsion, and/or.

#### **Appeals**

Any party may file an Appeal on the following grounds. Appeals must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome. After expiration of the appeal window, the determination will be considered final, and any applicable sanctions will be imposed.

##### *Grounds for Appeal*

Appeals may be made on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

Any sanctions imposed as a result of the Final Determination are stayed during the appeal process.

Title IX personnel with prior involvement in the matter will not be permitted to serve as a Decision-maker in the appeal. Appeals will not include a hearing. A decision on the merits will be based on information provided in the appeal document. If an appeal is based on the availability of new evidence, this evidence must be described with specificity and must be available for review within a reasonably prompt timeframe for consideration.

The appeal outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, and the rationale supporting the findings. Appeal decisions will be made within seven (7) business days, barring exigent circumstances, including the review of new evidence not immediately available for submission with the appeal request. Decisions on appeal will be made by applying the preponderance of evidence standard.

Notification of the appeal outcome will be made in writing and will be delivered simultaneously to the parties by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official School records, or emailed to the parties' School-issued email or otherwise approved account. Once mailed, e-mailed and/or received in-person, notice will be presumptively delivered. Decisions on appeal are considered final.

### **Record Retention**

The School shall maintain the following records related to the implementation of this Policy for at least seven years:

1. Reports or Formal Complaints alleging sexual discrimination, including harassment.
2. Records of any dismissal of a Formal Complaint.
3. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
4. Any disciplinary sanctions imposed on the Respondent;
5. Any Remedies implemented by the School designed to restore or preserve equal access to the School's education program or activity;
6. Any appeal and the result therefrom;
7. Any Informal Resolution and the result therefrom;
8. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The School will make these training materials publicly available on the School's website; and
9. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the School's education program or activity; and
  - c. If no supportive measures were provided, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **Revision of this Policy**

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated subject to any relevant change in law or School policy, and on a recurring periodic basis, by the Title IX Coordinator. The School reserves the right to make changes to this Policy as necessary, which become effective when published.

This Policy will not restrict any rights guaranteed against government action by the U.S. Constitution and should be interpreted accordingly and should also be construed to comply with the most recent government regulations or applicable judicial decisions.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

### **V. Appendix A: Definitions**

**Actual Notice.** Notice of sexual harassment or allegations of sexual harassment to the School's Title IX Coordinator or any official of the School who has the authority to institute corrective measures on behalf of the School. The School receives notice when an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

**Complainant.** An individual who is alleged to be the victim of conduct that could constitute harassment, discrimination or retaliation under Title IX.

**Consolidated Complaint.** A formal complaint with more than one Complainant or Respondent arising when multiple parties submit formal complaints arising out of the same facts and circumstances and as deemed appropriate for consolidation by the Title IX Coordinator.

**Education Program or Activity.** Locations, events, or circumstances where the School exercises substantial control over both the Respondent and the context in which the alleged sexual harassment or discrimination occurs and also includes any building owned or controlled by the School or by a student organization that is officially recognized by the School.

**Final Determination:** A decision rendered and provided in writing to the parties of a Formal Complaint after application of the School's Grievance Process concluding whether or not Respondent is responsible for conduct alleged within a Formal Complaint in violation of this Policy.

**Finding:** A conclusion within the Final Determination as evaluated under the burden of proof that a specific allegation within a Formal Complaint did or did not occur.

**Formal Complaint.** A document filed and signed by the Complainant or signed by the Title IX Coordinator alleging a Policy violation by a Respondent and requesting that the School investigate the allegation(s).

**Formal Grievance Process.** The method of formal resolution designated by the School to address conduct that falls within the scope of this Policy, and which complies with the requirements of 34 CFR Part 106.45.

**Decision-maker(s).** A trained individual with responsibility for making a Final Determination as set forth in the School's Grievance Process. A Decision-maker must maintain neutrality and cannot perform the function of either the Title IX Coordinator or Investigator.

**Informal Resolution Process.** An alternative resolution process which may be available to the parties to seek Resolution of a Formal Complaint in lieu of the Formal Grievance Process. Informal resolution is facilitated by appropriately trained individuals, is made available at the discretion of the School and as deemed appropriate by the Title IX Coordinator, and offered only if informed, voluntary and written consent is made by all parties to a complaint. Any party may opt-out of the informal process at any time, and the matter will proceed through the Formal Grievance Process. Examples of informal resolution include, but are not limited to, mediation and restorative justice.

**Investigator.** A trained individual responsible for fulfilling the School's burden of gathering and evaluating all evidence related to allegations within a Formal Complaint as required under the School's Grievance Process.

**Mandated Reporter.** An employee of the School who is obligated by Policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

**Official with Authority.** An employee of the School explicitly vested with the responsibility to implement corrective measures for Title IX harassment, discrimination, and/or retaliation on behalf of the School.

**Parties.** The Complainant(s) and Respondent(s), collectively.

**Remedies.** Post-Finding actions directed to the Complainant and/or the community implemented to address safety, prevent the recurrence of harassment, and ensure continued access to the School's educational program.

**Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute harassment, discrimination or retaliation under Title IX.

**Sanction.** A disciplinary consequence imposed by the School on a Respondent who is found to have violated this Policy.

**Sexual Harassment.** Behavior or conduct as defined under Title IX and its implementing regulations at 34 CFR 106, and as more fully articulated in this Policy.

**Title IX Coordinator.** The School's employee responsible for ensuring compliance with Title IX.

**Title IX Personnel.** Those individuals collectively tasked with implementation of this Policy and Grievance Process including specifically, the Title IX Coordinator (including any designees as applicable), any Investigator or any Decision-maker.

Quad City Area Hospitals:

**Genesis Medical Center**

2303 Eastern Avenue, Davenport, IA  
1227 East Rusholme Street, Davenport, IA

**Unity Point Health**

4500 Utica Ridge Road, Bettendorf, IA  
2701 17<sup>th</sup> Street, Rock Island, IL  
500 John Deere Road, Moline, IL  
1518 Mulberry Avenue, Muscatine, IA

**Quad Cities Rape Sexual Assault Agency**

**Family Resources Rape Victim Advocacy Program (confidential, certified victim advocacy services)**

866-921-3354, Iowa  
309-797-1777, Illinois

<http://www.famres.org>

**Family Resources walk in Facilities:**

2800 Eastern Avenue, Davenport, IA  
1521 47<sup>th</sup> Avenue, Moline, IL

Surrounding Area locations:

901 Oregon St., Ste 4, Muscatine, IA

Call 866-921-3354 for facilities in Clinton and Maquoketa, IA

### **Child Abuse Reporting**

*Child means any person under the age of 18 years.*

Employees of Orion Technical College who are aware of (or suspects) physical or sexual child abuse are required to contact the Davenport Police Department at (563) 326-7979 to file a report.

When making a report of child abuse, the reporter should provide the following information to the best of his or her knowledge:

- Time of the report
- Circumstances leading up to the report
  - The names and home address of the child and the child's parents or other persons believed to be responsible for the child's care.
- The child's present whereabouts.
- The child's age.
- The nature and extent of the child's injuries, including any evidence of previous injuries.
- The name, age, and condition of other children in the same household.
- Any other information that you believe may be helpful in establishing the cause of the abuse or neglect to the child.
- The identity of the person or persons responsible for the abuse or neglect to the child.
- Your name and address.

### **Services for Students with Disabilities.**

Orion Technical College provides otherwise qualified students, faculty and staff members who have a disability with access to existing programs and reasonable accommodations, as defined by federal statute. Two primary pieces of legislation were enacted to protect the rights of individuals with disabilities. Section 504 of the Rehabilitation Act of 1973 states that no otherwise qualified individual with a disability may be discriminated against or denied access to the benefits or services of any program or activity receiving federal financial assistance. The Americans with Disabilities Act (ADA), which became effective January 26, 1992, further extended coverage to include any private or public college or college.

Orion Technical College complies with these laws by providing reasonable accommodations to qualified individuals with disabilities. A "reasonable accommodation" includes any auxiliary aids and services that do not fundamentally alter the nature of a program or course and do not create an undue burden upon the college. An "individual with a disability" is someone who has a physical or mental impairment that substantially limits one or more major life activity, has a record of such impairment, or is regarded as having such impairment. An "otherwise qualified individual with a disability" is a person who, with or without reasonable accommodations, can meet the essential program or course requirements.

The Campus Center Director or Designee is responsible for ensuring that otherwise qualified students, faculty and staff with disabilities have access to reasonable accommodations and have an equal opportunity to succeed. The Campus Center Director or Designee is accountable for maintaining the integrity of the college by complying with Section 504 and the ADA, determining eligibility for services and maintaining adequate documentation.

Students with disabilities who believe that they may need accommodations in a course are encouraged to contact the Campus Center Director or Designee at 563-674-6633 as soon as possible to determine documentation that will be needed and to better ensure that such accommodations are implemented in a timely fashion.

### **Timely Warnings**

Orion Technical College works closely with the Davenport Police Department to review current criminal activity and information. Orion Technical College will provide students, faculty and staff timely notification of crimes that present a threat and to heighten safety awareness.

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Center Director or designee constitutes an ongoing or continuing threat, the Campus Center Director or Designee will issue a “timely warning” notification. The warning will be issued by whatever means is appropriate. Such means may include conspicuous posting of information, announcement to the student body, email, or by postal mailing.

Whenever the City of Davenport issues a news release about an off-campus crime that represents an ongoing threat to the safety of students, faculty and staff, Orion Technical College will assist in publicizing the crime on campus.

### **Campus Emergency Response/Immediate Warning/Evacuation**

#### **Broad Emergencies**

The Director or designee will immediately and without delay notify the students, faculty and staff upon the confirmation of a significant emergency or dangerous situation (i.e. gas leak, tornado, contagious viruses, etc.) involving an immediate threat to their health or safety unless said notification will, in the professional judgment of the Director or designee, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. This will be made by announcement throughout the entire building.

The Director will determine which information is appropriate at various points in time and/or additional segments of the campus may be notified as the situation warrants. Orion Technical College will also alert the Davenport Police or Fire Department if the situation warrants such action.

Emergency Evacuation Routes are posted in each classroom.

Orion Technical College will also test the emergency response and evacuation procedures on at least an annual basis. Orion Technical College is working with the Davenport Fire and Police Departments to update, test and evaluate the emergency plan. Notification will be given to all students, staff and faculty once the updated plan is finalized.

#### **Specific Emergencies**

***Tornado Watch*** means that weather conditions are ripe to produce these storms. You should be alert to changing weather conditions and a “tornado warning” being announced.

***Tornado Warning*** is usually marked by a siren and means a tornado has been sighted in the county. Prepare to take cover immediately.

Flying debris and broken glass are the cause of most serious injuries and deaths from a tornado. If there is a tornado warning and sirens go off and you are in the building, seek protective shelter away from windows.

Close all windows and doors. Seek refuge in a small central room with no windows. **DO NOT GO OUTSIDE.** If you are in a vehicle, get out and seek shelter. All of these precautions should remain in effect until your area has been determined safe by the National Weather Service. Any request for medical aid should be directed to 9-1-1. **DO NOT** attempt to take unnecessary risks unless told to do so by Public Safety Officials.

**Fire Alarms** – When students are notified of a fire, leave the building in a quick, calm, safe and efficient manner. Take all your personal belongings with you that are within reach. Move away from the building but do not block the roads; the fire trucks will be responding. Do not attempt to return to the building until the Fire Marshall or a Orion Technical College designee has announced “ALL CLEAR.”

### **Security and Access Policy**

Orion Technical College facilities (Orion Technical College does not maintain any campus residences) are open from 7:30 a.m. to 10:50 p.m. Monday-Thursday, 9 a.m. to 4 p.m. on Friday, and by appointment only from 9 a.m. to 1 p.m. on Saturday. Outside these hours, the facilities are locked and may be opened only by authorized personnel. The parking lot is open to the public, including persons without business with Orion Technical College, and is not monitored.

The cooperation and involvement of students, faculty, and staff in campus safety is an absolute necessity. All must assume responsibility for their own safety and the security of their property by following simple, common sense precautions. For instance, valuables should be marked with a personal identification number and should not be left unattended, especially in areas or at times when persons other than Orion Technical College students, faculty, and staff have access to facilities. Vehicles should be locked in the parking lot and valuables, including purses, should not be left in plain view. When leaving at night, students are encouraged to walk with a companion and, when possible, not park far from the entrance. Students, faculty, and staff should also take measures to encourage the security and safety of others by not engaging in any activities that might put others at risk.

Please report all exterior burned out lights to front desk staff.

### **Security Awareness Programs**

During orientation, students are informed of ways to maintain personal safety. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees.

Periodically during the year, Orion Technical College provides community education programs which are available to students, faculty and staff as well as the community. Issues such as personal safety, sexual assault, awareness of rape, acquaintance rape prevention, forcible and non-forcible sex offenses, alcohol and drug abuse prevention, and related topics may be available. Information is disseminated to students, faculty and staff through various means.

When time is of the essence, information is released to the Orion Technical College community through security alerts posted prominently throughout the campus.

A common theme of all awareness and crime prevention programs is to encourage students, faculty and staff to be aware of their responsibility for their own security and the security of others.

### **Drug and Alcohol Abuse Prevention Program (DAAPP)**

## **Substance Abuse Program**

Orion Tech has established a program with a goal of reducing and/or eliminating drug and/or alcohol abuses. The staff and faculty are committed to providing support to those who need assistance in becoming aware of the hazards associated with substance abuse. Without violating federal and/or state laws, Orion Tech will make a legitimate effort to provide necessary programs and services consistent with a goal of educating students on how to deal with substance abuse. Whenever legally possible, the college will protect the confidentiality of the discussions relating to substance abuse. Please see the Student Services Coordinator for referrals to substance abuse resources.

## **Substance Abuse Policy**

In accordance with The Drug-Free Schools and Communities Act Amendments of 1989, Orion Tech is committed to creating a drug free environment that promotes the intellectual, social, emotional, ethical, and physical well-being of its campus members. The commitment includes maintaining a campus environment conducive to the intellectual and personal development of students and to the safety and welfare of all members of the campus community. The staff and faculty are committed to providing support and directing students to resources associated with substance abuse. If a student has, or knows of students who have problems in this area he/she is urged to contact the Student Services Advisor. Whenever legally possible, the college will protect the confidentiality of the discussions relating to substance abuse.

## **Alcohol and Drug Resources and Services**

Orion Technical College does not provide on campus substance abuse counseling; however, there are several sources of such treatment and counseling available in the community. If necessary, students, faculty and staff in need of counseling or treatment may contact the following resources in the Quad City and surrounding areas. (Orion Tech does not suggest nor endorse any program over another.)

***Alcoholics Anonymous 24 hour service:*** (309)764-1016.

[www.aaquadcities.org](http://www.aaquadcities.org) (Covers Illinois District 90, Iowa District 9 and Illowa Intergroup)

The Illowa Intergroup, 1706 Brady Street, Midtown Plaza Suite 201, Davenport, IA 52803

Office hours: 9:00 to 5:30 Monday- Friday

## ***Quad Cities Area of Narcotics Anonymous***

Helpline: (800) 897-6242

P.O. Box 37, Davenport, Iowa 52805

<https://qcana.org>

## **Treatment Services**

### ***Center for Alcohol & Drug Services, (CADS)***

Davenport, IA- (563)326-1150 or (563)326-4116 or 563-322-2667

Rock Island, IL-(309)788-4571

<https://cads-ia.com>



**Riverside Alcohol & Drug Treatment Center**

1616 Cedar Street, Muscatine, IA 52761

(309)779-2800

<http://www.unitypoint.org/quadcities/services-riverside-inpatient-center.aspx>

River Bend Christian Counseling – Moline (309) 757-0300

Tri-County Alcohol and Drug Services, LLC - East Moline (309) 752-9740

Alcohol and Drug Education Clinic, Inc – Rock Island (309) 794-1097

Family Counseling and Psychology Center, P.C., DUI Services - Rock Island (309) 788-6374

Alcohol and Drug Educational Services – Rock Island (309) 786-2992

New Life Outpatient Center-Davenport (563) 355-0055

Margaret Stutsman Lodge-East Moline (309)792-2840

Good Shepherd Foundation – Geneseo (309) 944-6205 or (309) 944-3258

Bridgeway, Inc – Kewanee (309) 852-5541

The Abbey-Bettendorf (563)355-4707

The above is meant as a list of possible resources for alcohol or drug counseling and treatment. It is not an endorsement of any method or provider of drug or alcohol treatment, and Orion Technical College does not guarantee the effectiveness or availability of the above providers.

Resource information (booklets, pamphlets, brochures, etc.) regarding health and safety concerns from substance use/abuse, and information regarding community services, are available in the Student Services Office. There are many people and services available for someone who needs support, information, or treatment.

**Sanctions for Violation of Local, State, and Federal Laws**

Local statutes adhere to State guidelines regarding sanctions for violations.

***Alcohol Use***

Iowa State law considers the illegal possession and use of alcohol a simple misdemeanor. Please see the following link for full detail: <https://www.legis.iowa.gov/docs/code/2014/123.47.pdf>

Federal laws likewise prohibit the underage use of alcohol. Please see the following link for full detail: <http://nationalsubstanceabuseindex.org/alcohollaws.htm>

***Drug (Controlled Substance) Use***

Iowa State law considers the manufacture, delivery, or possession of illegal drugs to be a class "B" felony, punishable by confinement of up to fifty years and fines up to \$1 million. Please see the following link for a full detail: <https://www.legis.iowa.gov/docs/code/2022/124.401.pdf>

Federal law (specifically the Controlled Substances Act passed in 1970) likewise prohibits the manufacture, distribution and possession of controlled substances. Please see the following link for full detail on the limitations and sanctions for violation of this act: <http://nationalsubstanceabuseindex.org/act1970.htm>

**Discipline for Violation of Substance Abuse Policy**

1. Direct involvement or participation in the selling of any controlled substance or paraphernalia associated with controlled substances on or about school property or at school sponsored events will result in the following:
  - a. Dismissed from school.

- b. A report will be filed with the police.
2. Anyone involved with or participating in consuming, using, or giving alcoholic beverages or controlled substances or paraphernalia associated with controlled substance, or are under the influence of same or possession of same, on or about school property or school sponsored activities, will be:
  - a. Dismissed from school
  - b. Advised to enter a substance abuse program
  - c. Informed they are not going to be considered for readmission unless evidence of participation in an approved substance abuse program is supplied to the school as part of the appeal process.

***Conviction of a drug-related offense may render a student ineligible for federal financial aid for at least one year. Depending on the nature and severity of the conviction, a student may lose federal financial aid eligibility for an indefinite period.***

## **Health Risks Associated with Substance Abuse**

### ***Alcohol Use***

The use of alcohol serves as a depressant that affects the central nervous system of the body. Effects of alcohol use include, but are not limited to, slowed motor skills, loss of judgment, blurred vision, physical sickness, blackouts, and in extreme cases death. Impact on student success includes poor attendance, poor test performance, failure to complete assignments, and course failure.

### ***Drug Use***

The use of drugs, (controlled substances) has a multitude of mind altering, debilitating, and in some cases catastrophic effects for the user. Effects include, but are not limited to, slowed motor skills, loss of appetite, lack of motivation, irritability, inability to concentrate, violent outbursts and in some instances death. Impact on student success includes poor attendance, inability to concentrate or focus, poor academic performance, and course failure.

## **Parental Notification Guidelines for Alcohol and Controlled Substance Violations**

These guidelines were developed in response to the Higher Education Amendments of 1998. These amendments created an exception to the Family Educational Rights and Privacy Act (FERPA), thus enabling universities to notify parents or legal guardians, under certain circumstances, of a student under 21 years old's use or possession of alcohol or a controlled substance. This change supports the practice of Orion Technical College of establishing a collaborative partnership with parents and actively involving them, when appropriate, in addressing student behavior as it relates to alcohol and drugs.

Notification of parents is done when Orion Technical College believes it will help the student. When practicable, conversations normally are held with the student before contact is made with parents, in an effort to determine whether such contact is the best course of action.

Generally, Orion Technical College contacts parents in an effort to provide support for students' physical health and safety, academic success, and personal development. Factors that are considered when deciding to contact parents may include, but are not limited to:

- A situation in which a student has received medical attention

- The occurrence of an arrest and consequent criminal charges
- A major disruption to Orion Technical College's educational mission
- Substantial harm caused to other students, or
- Significant property damage

Contacts are made, if possible, by a personal appointment with parents or by phone. Written communication is used only when other attempts to contact parents have failed. The goal is to develop a partnership between Orion Technical College and the parents for the good of the student.

Parent contacts are not to be viewed as a "disciplinary sanction" but rather as a positive engagement of the broadest possible resources to help a student succeed in his/her educational endeavor. Parents are encouraged to discuss the situation with their son or daughter.

Questions or concerns regarding these guidelines should be directed to Campus Director or Designee.

## **Alcohol and Substance Abuse Information Prevention Programs**

### **Health Effects of Alcohol**

Chronic heavy drinking increases the risk of degenerative diseases, such as liver cirrhosis (damage to liver cells), pancreatitis (inflammation of the pancreas), and cancer (liver, mouth, throat, larynx and esophagus).

Some consequences of chronic heavy drinking include vitamin deficiencies, stomach ailments, digestive problems, skin problems, sexual impotence, obesity, central nervous system damage, memory loss, physical dependence, and psychological disorders.

Intoxication increases the risk of death from automobile crashes, the leading cause of death of college-aged people. It increases injuries during recreation and work; and a higher likelihood of homicide and suicide.

Drinking alcohol during pregnancy causes fetal alcohol syndrome, the most common preventable birth defect today.

Alcohol abuse is associated with violent behavior and may lead to inappropriate risk taking to the point of severe injury or death, unplanned pregnancies, and sexually transmitted diseases.

Recent studies show that alcohol consumption has the potential to trigger long term biological changes that may have detrimental effects on the developing adolescent brain, including neurocognitive impairment.

Moderate alcohol consumption lowers the long term risk of heart disease.

Alcoholic energy drinks have long term health effects that are not yet understood. In the short term, the stimulants in these drinks do not improve physical impairment from alcohol but can deceive the drinker into risky behaviors.

## Academic Impact

The National Institute on Alcohol Abuse and Alcoholism (NIAAA) Task Force on College Drinking reports that about 25 percent of college students report academic problems caused by alcohol abuse such as missing class, lower grades on exams, and falling behind.

<https://www.niaaa.nih.gov/publications/brochures-and-fact-sheets/college-drinking>

## Health Effects of Drugs

Type of drug (and generic effects)	Name	Possible Effects
Stimulants speed up action of the central nervous system.	Amphetamines (speed, uppers, pep pills, bennies)  Cocaine (coke, snow, crack, rock – legally classified as a narcotic)	Hallucinations may occur. Tolerance, psychological and sometimes physical dependence can develop. Continued high doses can cause heart problems, malnutrition and death. Confusion, depression, and hallucinations may occur. Tolerance and physical dependence can develop. Effects are unpredictable – convulsions, coma, and death are possible. Smoking may cause lesions in lungs.
Depressants relax the central nervous system.	Barbiturates (barbs, good balls, downers, blues) Tranquilizers	Confusion, loss of coordination, etc., may occur. Tolerance and physical and psychological dependence can develop. An overdose can cause coma and/or death. Depressants taken in combinations or with alcohol are especially dangerous.
Cannabis alters mood and perception	Marijuana (grass, pot, weed, reefer)  Hashish (has)  Hashish oil (hash oil)	Confusion, loss of coordination. With large doses, hallucinations may occasionally occur. Long-term use may cause moderate tolerance and psychological dependence.

		Long-term use may cause damage to lung tissue.
Hallucinogens temporarily distort reality	<p>Lysergic acid diethylamide (LSD, acid)</p> <hr/> <p>Phencyclidine (PCP, angel dust) legally classified as a depressant.</p> <hr/> <p>Mescaline (MDA, DMT, STP, psilocybin, “designer drugs”).</p>	<p>Hallucinations, panic may occur. Effects may recur (flashbacks) even after use is discontinued. Possible birth defects in users’ children.</p> <hr/> <p>Depression, hallucinations, confusion, irrational behavior. Tolerance develops. An overdose may cause convulsions, coma and death.</p> <hr/> <p>Effects are similar to those of LSD.</p>
Narcotics lower perception of pain	<p>Heroin (H, scag, horse, junk, smack)</p> <p>Morphine (M, dreamer)</p> <p>Codeine Opium</p>	<p>Lethargy, apathy, loss of judgment and self-control may occur. Tolerance and physical and psychological dependence can develop. An overdose can cause convulsions and death. Risks of use include malnutrition, infection and hepatitis.</p>
Deliriant cause mental confusion	<p>Aerosols, lighter fluid, paint thinner, amyl nitrate, other inhalants (poppers)</p>	<p>Loss of coordination, confusion, and hallucinations may occur. An overdose can cause convulsions and death. Psychological dependence can develop. Permanent damage to lungs, brain, liver, and bone marrow can result.</p>
Cigarettes		<p>Long-term cigarette smoking is linked to emphysema, lung cancer, and heart disease. Physical and psychological dependence can result.</p>
Smokeless tobacco		<p>Long-term use of chewing tobacco or snuff is linked to oral cancer of gums, mouth, pharynx, larynx and</p>

		esophagus. Physical and psychological dependence can result.
Passive smoke		Combination of secondhand smoke exhaled by the smoker and side stream smoke from the burning end of tobacco products accounts for an estimated 8000 deaths due to cancer a year. More than 3000 known toxic substances in tobacco smoke.

**Mental/Physical Health**

Orion Technical College does not provide mental health or medical counseling. If a student, faculty or staff is aware of a mental or physical health condition they have been diagnosed with, it may be shared confidentially with the appropriate faculty or staff at Orion Technical College. If a mental or physical condition impedes a student, faculty or staff’s ability to function as a student, faculty or staff, then Orion Technical College may pursue modifications to student or employment status to protect the student, faculty or staff and other students, faculty or staff.

Vera French Mental Health 1441 West Central Park Avenue Davenport, Iowa 52804	563-383-1900
Robert Young Center Mental Health 2701 17 <sup>th</sup> St Rock Island, IL 61201	24/7 Crisis Intervention 309-779-2999
Genesis Medical Center ER 1227 E Rusholme St Davenport, IA 52803	563-421-1000
Trinity Bettendorf Hospital 4500 Utica Ridge Rd Bettendorf, IA 52722	563-742-5000

**Whistleblower Protection and Anti-Retaliation Policy**

Orion Technical College prohibits any retaliatory action against any individual “with respect to the implementation of any provision” of the Clery Act.

## **Peer to Peer (P2P) File Sharing and Copyright Information**

Orion Technical College is committed to protecting the sensitive, personal information of its students, faculty, staff members and affiliates and encourages individual best practices. No staff or faculty has permission to upload personal student information from databases to a USB or personal cloud or otherwise remove from the premises.

## **Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws**

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).

## **Orion Technical College Student-Assigned Email and Canvas Classroom**

Google Classroom, .edu email accounts and all associated apps supplied to students are for academic purposes. The college feels these “tools” help enhance the learning environment through sharing of information and disseminating information in an efficient manner. Please use these tools with integrity and professionalism. The following includes the expectations for professional conduct and the corrective discipline if these are violated. If you have questions concerning the use of this or other educational technology, please speak with your instructor.

Students are expected to respect their .edu email accounts and access to any educational software (such as Google Classroom). Please adhere to the following guidelines:

When using school email addresses or Canvas Classroom, please do not –

- Breach the security of another user’s account
- Disrupt the learning environment in any online platform or discussion board
- Use the school email account, educational software, or social media to communicate harassing or abusive images or messages
- Access or exchange obscene, pornographic, or otherwise inappropriate material
- Use the school email account or educational software for illegal activities, personal commercial gain, or political activities such as campaigning for candidates or lobbying public officials

Violations of these guidelines will result in disciplinary action up to and including termination.

All .edu accounts are property of Orion Technical College and this privilege may be revoked at any time if in violation of student conduct is found.

Information shared on .edu accounts and educational software can be investigated by administration if violations of the Student Catalogue take place.

Email accounts will remain active up to 1 year after graduation or termination

**Missing Student Notification**

Orion Technical College does not have a Missing Student Notification policy since we do not maintain on-campus housing facilities.

**Fire Safety and Fire Statistics**

Orion Technical College does not have a Fire Safety policy since we do not maintain on-campus housing facilities.

**Annual Fire Safety Report**

Orion Technical College does not publish an Annual Fire Safety Report since we maintain no on-campus housing facilities.

**Fire Log**

Orion Technical College does not maintain a Fire Log since we maintain no on-campus housing facilities.

**Orion Technical College’s Annual Security Report**

**Not All Law Enforcement Agencies Responded**

**Orion Technical College reached out to the Davenport Police Department and the Scott County Sheriff; however, not all responded. Orion Technical College prepared this report in a “good faith effort” to contact the appropriate agencies.**

Criminal Offenses						
Criminal Offenses	On Campus			Public Property		
	2021	2022	2023	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	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	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0

This report includes statistics for the previous three years concerning reported crimes that occurred on-campus and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters. Students can obtain a copy of this report by asking the Director or designee.

Crime Statistics						
Crime Reported	On Campus			Public Property		
	2021	2022	2023	2021	2022	2023
Aggravated Assault	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Burglary*	0	0	0	0	0	0
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Sex Offense Forcible	0	0	0	0	0	0
Sex Offense Non-Forcible	0	0	0	0	0	0
Other hate crime involving bodily injury	0	0	0	0	0	0

Crime Statistics						
Arrests	On Campus			Public Property		
	2021	2022	2023	2021	2022	2023
Alcohol Law Violations	0	0	0	0	0	0
Alcohol Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Weapons Possession Violations	0	0	0	0	0	0
Weapons Possession Referred for Disciplinary Action	0	0	0	0	0	0

Crime Statistics						
	On Campus			Public Property		
	2021	2022	2023	2021	2022	2023
Sexual Assault	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

\*Starting with 2010 reporting, an incident must meet 3 conditions to be classified as a Burglary. (1) There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted. (2) The unlawful entry must occur within a structure, which is defined as having four walls, a roof and a door. (3) The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft.

Hate Crimes are any occurrence of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, larceny-theft, intimidation, destruction/damage/vandalism of property and any other crime involving bodily injury reported to local law enforcement agencies or a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias.

Hate Crime Statistics

2021 - No hate crimes reported
2022 - No hate crimes reported
2023 - No hate crimes reported

**Department of Education Clergy Definitions**

**Hate Crimes**

Crimes that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. The categories of bias include: race; gender; religion; sexual orientation; ethnicity/national origin; and disability.

Simple Assault – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (except “Arson”) – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**On-Campus**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes.

**Public Property**

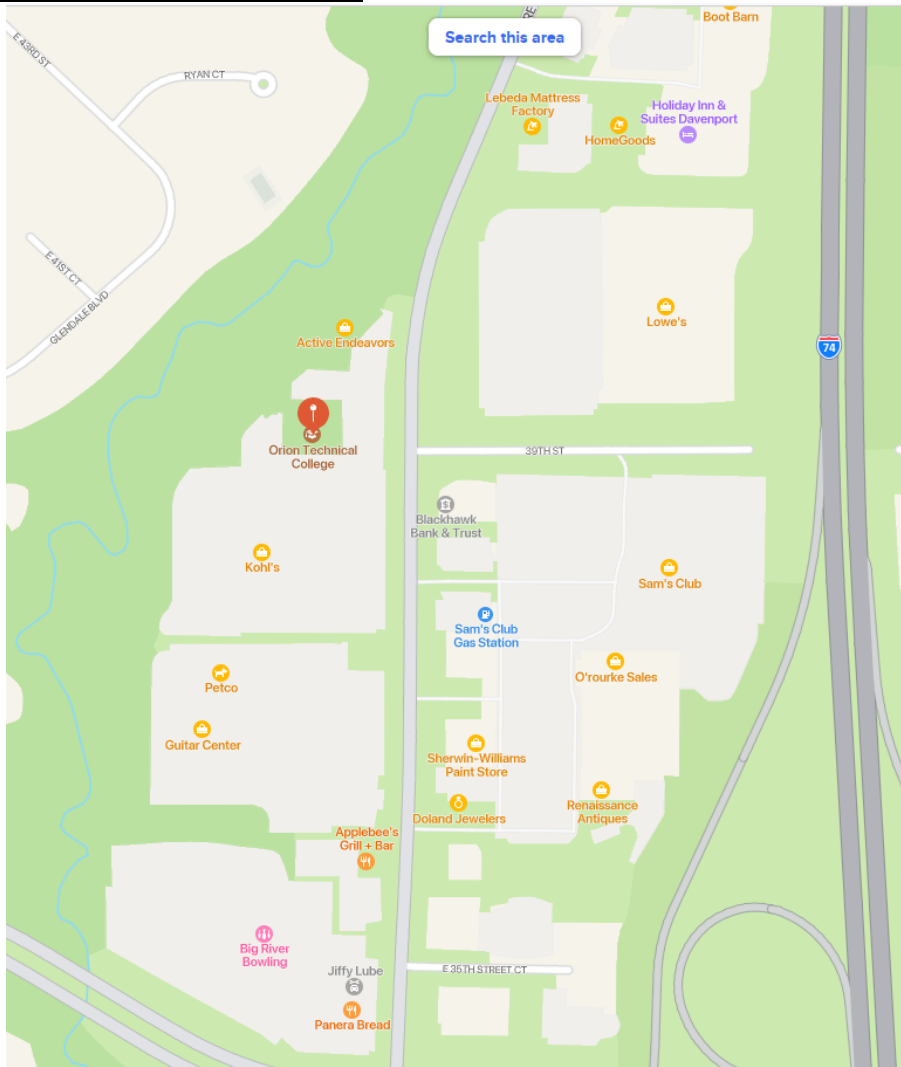
All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property, for purposes of data collection and this report, does not include businesses or private residences adjacent to the campus.

1. "Public Property" statistics include police reports taken from Davenport Police Department. Every effort has been made to comply with the definitions contained in the Handbook for Campus Crime Reporting; however, Public Property statistics provided by municipalities are not independently verified by Orion Technical College, and may include reports of crimes that occurred in private residences or businesses or in other "non-campus" locations.
2. Municipal police departments provide statistics for Public Property according to F.B.I. Uniform Crime Reporting (U.C.R.) requirements. Sex Offenses have been re-categorized pursuant to the Uniform Crime Reporting National Incident Based Reporting System (NIBRS), as required by the Campus Security Act.

**Sex Offenses**

The F.B.I. defines "forcible sex offenses" as forcible rape, forcible fondling, forcible sodomy and sexual assault with an object. "Non-forcible sex offense" is defined as incest and statutory rape.

# Map of Campus and Surrounding Grounds





Silent Witness Form

What type of crime occurred?

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Enter the exact location or address where this crime occurred.

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Date of Crime: \_\_\_\_\_

Time of Crime: \_\_\_\_\_ am or pm

Explain why you suspect a crime was committed at the location:

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Suspect(s) Name:

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Other information that might be helpful:

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