

SEXUAL ASSAULT, SEXUAL HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING CRIME PREVENTION EDUCATIONAL PROGRAMMING

Educational programs are to be provided to Morgan Community College (MCC) students, Faculty & Staff to promote crime prevention, awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking and other sex offenses and to comply with the Drug-Free Schools and VAWA Act: These programs are listed below and are sponsored by various campus organizations throughout the year. MCC personnel facilitate programs and trainings for students, faculty, and staff.

SEXUAL ASSAULT AND SEXUAL HARASSMENT POLICIES

College Standards of Conduct

Morgan Community College attempts to provide a safe, comfortable academic and social environment. However, the campus is a part of society and is subject to the same concerns and problems inherent to that reality. All incidents of sexual assault are condemned by the College and will be dealt with immediately to the fullest extent of the law and the procedures of the College.

MCC is a community consisting of students, faculty, support staff, and administrators. The College does not attempt to define all "student conduct." It relies on students to assume the responsibility and obligation of conducting themselves in a manner compatible with the purpose of the College as an educational institution and the community as a place of residence. In addition to college rules and regulations, all students are subject to the same local, state, and federal laws as non-students and are beneficiaries of the same safeguards of rights as non-students. The academic community has a long and cherished tradition of expecting its members to conduct themselves in accordance with the highest standards of personal behavior.

Definitions of domestic violence, dating violence, sexual assault, consent, and stalking per Colorado law:

Domestic Violence (C.R.S. 18-6-800.3) 18-6-800.3. Definitions.

As used in this part 8, unless the context otherwise requires:

(1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

(2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Dating Violence (No Colorado Statute)

Definition to be used right now-Defined as the physical, sexual, or psychological/emotional violence within a dating relationship, as well as stalking. It can occur in person or electronically and may occur between a current or former dating partner. You may have heard several different words used to describe teen dating violence. Here are just a few:

- Relationship Abuse
- Intimate Partner Violence
- Relationship Violence
- Dating Abuse
- Domestic Abuse
- Domestic Violence

Sexual Assault (C.R.S. 18-3-402) Colo. Rev. Stat. § 18-3-402. Sexual assault Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if: The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented. Sexual assault is a class 4 felony, except as provided in subsections (3), (3.5), (4), and (5) of this section. If committed under the circumstances of paragraph (e) of subsection (1) of this section, sexual assault is a class 1 misdemeanor and is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501 (3). (3.5) Sexual assault is a class 3 felony if committed under the circumstances described in paragraph (h) of subsection (1) of this section. Sexual assault is a class 3 felony if it is attended by any one or more of the following circumstances: The actor causes submission of the victim through the actual application of physical force or physical violence; or The actor causes submission of the victim by threat of imminent death, serious bodily injury, extreme pain, or kidnapping, to be inflicted on anyone, and the victim believes that the actor has the present ability to execute these threats; or The actor causes submission of the victim by threatening to retaliate in the future against the victim, or any other person, and the victim reasonably believes that the actor will execute this threat. As used in this paragraph (c), "to retaliate" includes threats of kidnapping, death, serious bodily injury, or extreme pain; or The actor has substantially impaired the victim's power to appraise or

control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission. (Deleted by amendment, L. 2002, p. 1578, § 2, effective July 1, 2002.) (5) Sexual assault is a class 2 felony if any one or more of the following circumstances exist: In the commission of the sexual assault, the actor is physically aided or abetted by one or more other persons; or The victim suffers serious bodily injury; or The actor is armed with a deadly weapon or an article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon or represents verbally or otherwise that the actor is armed with a deadly weapon and uses the deadly weapon, article, or representation to cause submission of the victim. If a defendant is convicted of sexual assault pursuant to this subsection (5), the court shall sentence the defendant in accordance with section 18-1.3-401 (8) (e). A person convicted solely of sexual assault pursuant to this subsection (5) shall not be sentenced under the crime of violence provisions of section 18-1.3-406 (2). Any sentence for a conviction under this subsection shall be consecutive to any sentence for a conviction for a crime of violence under section 18-1.3-406. (II) The provisions of this paragraph (b) shall apply to offenses committed prior to November 1, 1998. Any person convicted of felony sexual assault committed on or after November 1, 1998, under any of the circumstances described in this section shall be sentenced in accordance with the provisions of part 10 of article 1.3 of this title.

Stalking (C.R.S. 18-3-602)C.R.S. 18-3-601. [Formerly 18-9-111 (4) (a)] Legislative declaration. (2010)(1) The general assembly hereby finds and declares that:

- (a) Stalking is a serious problem in this state and nationwide;
- (b) Although stalking often involves persons who have had an intimate relationship with one another, it can also involve persons who have little or no past relationship;
- (c) A stalker will often maintain strong, unshakable, and irrational emotional feelings for his or her victim, and may likewise believe that the victim either returns these feelings of affection or will do so if the stalker is persistent enough. Further, the stalker often maintains this belief, despite a trivial or nonexistent basis for it and despite rejection, lack of reciprocation, efforts to restrict or avoid the stalker, and other facts that conflict with this belief.
- (d) A stalker may also develop jealousy and animosity for persons who are in relationships with the victim, including family members, employers and co-workers, and friends, perceiving them as obstacles or as threats to the stalker's own "relationship" with the victim;
- (e) Because stalking involves highly inappropriate intensity, persistence, and possessiveness, it entails great unpredictability and creates great stress and fear for the victim;

(f) Stalking involves severe intrusions on the victim's personal privacy and autonomy, with an immediate and long-lasting impact on quality of life as well as risks to security and safety of the victim and persons close to the victim, even in the absence of express threats of physical harm.

(2) The general assembly hereby recognizes the seriousness posed by stalking and adopts the provisions of this part 6 with the goal of encouraging and authorizing effective intervention before stalking can escalate into behavior that has even more serious consequences.

Stalking

While legal definitions of stalking vary from one jurisdiction to another, stalking generally refers to a course of conduct that involves a broad range of behavior directed at the victim. The conduct can be varied and involves actions that harass, frighten, threaten and/or force the stalker into the life and consciousness of the victim.

Stalking behaviors may be difficult to identify as such, since some can seem kind, friendly or romantic (e.g. sending cards, candy or flowers). However, if the object of the abuser's attention has indicated s/he wants no contact, these behaviors may constitute stalking. An important observation is examining the pattern of behavior in the apparent stalking incidents type of action, frequency, consistency, if the behavior stops when the stalker is told to cease contact, etc.

The definition of "consent" in reference to sexual activity per state statute (C.R.S. 18-3-401(1.5)) under "Unlawful Sexual Behavior";

"Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.

CONSENT IS...

- A voluntary, sober, imaginative, enthusiastic, creative, wanted, informed, mutual, honest, and verbal agreement.
- An active agreement: Consent cannot be coerced
- Never implied and cannot be assumed, even in the context of a relationship. Just because you are in a relationship does not mean that you have permission to have sex with your partner

Colorado Good Samaritan Law/Bystander

Bystander

A Bystander is a person who observes a conflict or unacceptable behavior. It might be something serious or minor, one-time or repeated, but the Bystander knows that the behavior is destructive or likely to make a bad situation worse. An individual may take action to prevent harm or intervene.

Colorado Good Samaritan Law 13-21-108. Persons rendering emergency assistance exempt from liability. (1) Any person licensed as a physician and surgeon under the laws of the state of Colorado, or any other person, who in good faith renders emergency care or emergency assistance to a person not presently his patient without compensation at the place of an emergency or accident, including a health care institution as defined in section 13-64-202 (3), shall not be liable for any civil damages for acts or omissions made in good faith as a result of the rendering of such emergency care or emergency assistance during the emergency, unless the acts or omissions were grossly negligent or willful and wanton. This section shall not apply to any person who renders such emergency care or emergency assistance to a patient he is otherwise obligated to cover.

(2) Any person while acting as a volunteer member of a rescue unit, as defined in section 25-').5-103 (II), C.R.S., notwithstanding the fact that such organization may recover actual costs incurred in the rendering of emergency care or assistance without compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.

(3) Any person, including a licensed physician, surgeon, or other medical personnel while acting as a volunteer member of a ski patrol or ski area rescue unit, notwithstanding the fact that such person may receive free skiing privileges or other benefits as the result of his volunteer status, who in good faith renders emergency care or assistance without other compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.

MEDICAL, LEGAL, COUNSELING AND SUPPORTIVE RESOURCES FOR VICTIMS

Medical

Morgan Community College provides referral counseling services provided by Centennial Mental Health, Colorado State Employees Assistance Program (C-SEAP) and Sexual Assault Response Advocates (S.A.R.A).

Domestic Violence Services:

SHARE	970.867.4444
Help for Abused Partners	970.522.2307
Lincoln County Victims Assistance	719.743.2889

Adams County Victims Assistance

303.622.9797

Hospitals:

Colorado Plains Medical Center (Ft. Morgan)	970.867.3391
East Morgan County Hospital (Brush)	970.842.6200
Bennett Fire District Ambulance (Bennett)	303.644.3572
Kit Carson Memorial Hospital (Burlington)	719.346.5311
Prairie View Care Center (Limon)	719.775.9717
Wray Community Hospital and Clinic (Wray)	970.332.4811

Law Enforcement/Legal

Legal options for victims of sexual assault include filing a criminal complaint with the Fort Morgan Police Department or civil action against the accused through an attorney. Legal options for victims of sexual harassment include all criminal and civil remedies, as well as filing complaints with the College's Human Resources Department.

What to Do If You Are Assaulted

DO: Victims of a sexual assault are encouraged to seek medical help, report the crime, and tell someone such as a counselor, friend, authority figure, parent or a campus security authority.

DO NOT: Medical help is important for your safety after a sexual assault. Until you are examined by a medical professional do not douche, bathe, shower, or throw away or wash clothing or bedding. Remember, it is critical to preserve medical and criminal evidence for a future judicial case. The decision is up to you to pursue criminal and/or college disciplinary charges.

Referrals

Any person may refer a victim or a student suspected of sexual assault and/or sexual harassment to the appropriate police department for assistance in filing an incident report with the appropriate authority. In cases of sexual assault/sexual harassment, which involve student-to-student misconduct, the same processes as other violations of the Student Code of Conduct will be followed. Where sexual assault and/or sexual harassment involve staff to student misconduct, the incident will be investigated by the Human Resources Department and/or the appropriate police department.

Anonymously Reporting Crimes

Individuals may report directly to a college by completing the Behavioral Intervention form located at <http://www.morganc.edu/about-mcc/bit/> . Individuals may also report crimes by calling the following:

- Vice President of Administration and Finance Ext. 3127
- Vice President of Student Success Ext. 3111
- Director of Human Resources Ext. 3129
- Morgan County Police Department Emergency 911

For the purposes of making timely warnings and annual statistical disclosures, a voluntary confidential report of a crime can be made to any by any person directly associated with the college.

The college employs no professional or pastoral counselors but does have a contract with professional counselors for anyone in the college community to visit if psychological assistance is needed. These counselors are not campus security authorities but the College encourages them to ask persons that they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics.

TO REPORT A CRIME OR EMERGENCY

Students, staff, and visitors should promptly report criminal incidents, accidents, and other emergencies to the Morgan County Police Department or other appropriate police department by dialing 911. Individuals may also report incidents in person at the campus Human Resources office. Members of the campus community are encouraged to report any activity, situation, or conduct that disrupts, adversely affects, or interferes with the function of the College and the pursuit of its educational purpose.

- Morgan Community College respects a victim's right to remain confidential and will attempt to respect confidentiality as much as possible. However, we cannot guarantee confidentiality. MCC has a Memorandum of Understanding with Centennial Mental Health and Sexual Assault Response Advocates (SARA) where victims can be seen on an emergency basis and who can maintain confidentiality. MCC is a part of the Colorado Community College System and therefore we may utilize other institutions within CCCS to provide accommodations and/or protective measures. The Clery Act report is available on the MCC website www.morgancc.edu or from MCC Student Services.

- In order to help reduce the risk of a potentially abusive relationship please see the following warning signs of an abusive person.
 - Threats of violence or abuse.
 - Explosive behavior, breaking objects, using force during an argument.
 - Jealousy, controlling, attempts to isolate from family and friends.
 - Blames others for feelings and problems
 - Cruelty to animals and/or children
 - Expects perfection or other forms of unrealistic expectations

Students are encouraged to travel in pairs or groups when walking to and from the parking lot, particularly in the evenings and at night. As the college becomes aware of potential threats to the college community, students and other members of the college community will be given timely notice regarding violent crimes reported on campus.

- Morgan Community College is dedicated to bringing awareness and prevention to the staff, students, and community. MCC hosts several awareness and prevention events throughout the academic year. The Behavioral Intervention Team is dedicated to address concerns as they arise. A list of local resources are available in Student Services and Human Resources.

Policy Statements-Sexual Assault Bill of Rights

The following rights shall be accorded by all campus officers, administrators and employees of Morgan Community College to victims of campus-related sexual assaults:

1. The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.
2. The right to be free from any kind of pressure from campus personnel that victims, (1) not report any crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials, or (2) report crimes as lesser offenses than the victims perceive them to be.
3. The right to be free from any kind of suggestion that campus sexual assault victims not report, or under-report crimes because:
 - i. victims are somehow "responsible" for the commission of the crime against them,
 - ii. victims were contributively negligent, or assumed the risk of being assaulted, or
 - iii. by reporting crimes they would incur unwanted personal publicity.
4. The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the institution permits to the accused, and the right to be notified of the outcome of such proceeding.
5. The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining evidence (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings.
6. The right to be made aware of, and assisted in exercising any options, as provided by state and federal laws or regulations with regard to mandatory testing of sexual assault suspects for communicable diseases and with regard to notification to victims of the results of such testing.

7. The right to counseling from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves.

8. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing, and transfer of classes if requested by the victim.