

The background of the cover is a grayscale photograph of a modern campus building with large windows and a flat roof. A large, bright yellow rectangular box is overlaid on the right side of the image, containing the report's title and institution name in blue text. The overall aesthetic is clean and professional.

2018 ANNUAL CAMPUS SECURITY REPORT

**Southeast Kentucky
Community
& Technical College**

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INTRODUCTION

Southeast Kentucky Community and Technical College annual Security and Safety Report is provided to meet the requirements of the Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and the revisions of 2000 and 2010, and the Kentucky Postsecondary Education Campus Security (Michael Minger) Act of 2000

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to this act.

The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the Crime Awareness and Campus Security Act of 1990, was championed by Howard and Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit agency Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

The Clery Act was revised under the Higher Education Opportunity Act (HEOA) of 2008.

Beginning on July 1, 2010, the Clery Act requires colleges and universities to have emergency response and evacuation procedures in place. Institutions must include a summary of the emergency response procedures in their annual security report.

Federal Law

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (referred to as the “Clery Act”) is part of the Higher Education Opportunity Act. It requires institutions of higher education that receive federal financial aid to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community. The U.S. Department of Education (ED) is responsible for enforcing the Clery Act. ED's Clery Act Compliance Division is responsible for conducting investigations and issuing findings of violation. Institutions that violate the Clery Act may face warnings, up to \$35,000 per violation fines, the limitation or suspension of federal aid, or the loss of eligibility to participate in federal student aid programs.

The *Campus Sexual Violence Elimination Act*, or Campus **SAVE** Act is a 2013 amendment to the federal Jeanne Clery Act. SAVE was designed by advocates along with victims/survivors and championed by a bipartisan coalition in Congress as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education.

SAVE requires colleges and universities, both public and private, participating in federal student aid programs (covering virtually every campus in the United States) to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention educational programming.

State Law

The Kentucky Campus Safety and Security Act (referred to as the Michael “Minger Act”) requires higher education institutions in Kentucky to report crime statistics to current and prospective students and employees, to maintain a daily crime log, to report a fire or threat of fire to the State Fire Marshal immediately, and to issue special reports when there is an ongoing threat to the safety of students and employees. An annual report of campus safety policies, programs and statistics must also be submitted to the Kentucky Council on Postsecondary Education.

CRIME STATISTICS/ INFORMATION GATHERING

Southeast Kentucky Community and Technical College’s Security and Safety department is responsible for tracking and reporting crime statistics related to the applicable federal and KY state regulations. The Operation’s Manager of Security and Safety provides crime statistics which are made available at the SKCTC Safety and Security web link.

Crime information and statistics are gathered from internal SKCTC Security and Safety Incident Reports (IR), as well as from police agencies. Additional information may also be sought from SKCTC’s Student Affairs.

Definitions of Crimes

Criminal Homicide

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

Negligent Manslaughter: The killing of a person through gross negligence.

Sex Offenses

Forcible: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. This includes attempts.

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

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

Sexual Assault with An Object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person; forcibly and against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. (An object or instrument is anything used by the offender other than the offender’s genitalia.)

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

Non-forcible: Any unlawful, non-forcible sexual intercourse.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. (In Kentucky the age of consent is eighteen (18) years old.)

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

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (Simple assaults are excluded.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (This does not include thefts from motor vehicles.) This includes all cases where automobiles are taken by persons not having lawful access even though the

vehicles are later abandoned – including joyriding.

Arson: Any willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes

Any criminal offense (as listed above) committed against a person or property which is motivated, in whole or part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

The Clery Act Categories of Bias

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites). Hate Crimes are any criminal offenses committed against a person or property which is motivated by the offender's bias.

Gender: A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

Sexual orientation: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

Ethnicity/national origin: A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Hate crimes include any of the offenses listed above and the offenses motivated by bias below:

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

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: 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.

Arrests and Referrals for Disciplinary Action

The Clery Act requires reporting of arrests and referrals for disciplinary actions for the following violations:

Weapons (carrying, possessing, etc.): The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification also encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations: The violations laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

SNAP Alert

Southeast Kentucky Community & Technical College through KCTCS, uses the SNAP (Safety Notification Alert Process) to communicate official information during an emergency or crisis situation that disrupts normal campus operations or threatens the immediate health or safety of faculty, staff, and students.

Students, faculty, and staff are encouraged to register for SNAP notifications which include the options of receiving messages via e-mail, SMS text, and phone calls.

<http://kctcs.edu/snap>

SKCTC has an emergency notification system (*SNAP*) that may be used to communicate official information during an emergency or crisis situation that disrupts normal campus operation or threatens the immediate health or safety of all campus locations. This system is only used when immediate action is required.

More information on *SNAP* can be found at: <http://kctcs.edu/snap> Parents also have the ability to sign up for SNAP notifications on the SKCTC website. For the community, the SKCTC website also displays information regarding SNAP emergencies during an emergency event. In the event of a medical emergency, **call 911 immediately**. The President, along with assistance from the System office, will determine the content of the message. SNAP software includes pre-scripted messages covering events such as violent incident, severe weather, bomb threats, etc, but messages can also be customized as needed.

*A common theme of all awareness and crime prevention during orientation is to encourage students and employees to be aware of their responsibility for their own security and the security of others. “See something, hear something, say something”.

SNAP TEAM SKCTC MEMBER LIST



Name	E-Mail	Desktop Number
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Cathie Day	cathie.day@kctcs.edu	606-589-3027
Milton Ghigliotty	mghigliotty0001@kctcs.edu	606-248-0756
Rebecca Parrott	rebecca.parrott@kctcs.edu	606-248-0756
Chris Washington	cwashington0002@kctcs.edu	606-589-3223
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Deborah Young	deborah.young@kctcs.edu	606-589-3323
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Elijah Buell	e.buell@kctcs.edu	606-589-3040
Heather Lewis	hlewis0052@kctcs.edu	606-589-3026

REPORTING OF CRIMES AND OTHER EMERGENCIES

SKCTC encourages the prompt and accurate reporting of all criminal matters. If you are the victim of a crime and do not want to pursue action within the SKCTC System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Operations Manager can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, SKCTC can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

- Cumberland Campus– Dial 911 or 9-911 from any campus phone for emergencies and 606-589-2105 or 606-573-3131 for non-emergencies.
- Middlesboro Campus– Dial 911 or 9-911 from any campus phone for emergencies, and 606-248-0583 for Non-emergencies.
- Whitesburg Campus– Dial 911 or 9-911 from any campus phone for emergencies, and 606-435-6069 for non-emergencies.
- Harlan Campus– Dial 911 or 9-911 from any campus phone for emergencies, and 606-573-3131 for non-emergencies.
- Pineville Campus – Dial 911 or 9-911 from any campus phone for emergencies, and 606-248-0138 for non-emergencies.
- Reporting can also be done by contacting the Director for Safety And Security at 606-589-3091
- SKCTC will ensure prompt reporting of all crimes to campus safety personnel and to the appropriate law enforcement agencies when the victim of a crime elects or is unable to file a report.

Timely Warnings

SKCTC will issue a Timely Warning Notice in the event that it receives notice of an alleged Clery Crime (defined above) occurring on any campus, on public property within or immediately adjacent to any campus, or in or on non-campus buildings or property controlled by SKCTC where it is determined in its judgment, that the allegations present a serious or continuing threat to the college community. For purposes of this report, "timely" means as soon as reasonably practicable after an incident has been reported to the Campus Security Authorities identified by SKCTC, or local police agencies that have concurrent jurisdiction have reported the information to SKCTC. Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act crimes: arson, homicide, burglary, robbery, forcible and non-forcible sex offenses, aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking and Hate Crimes, as defined by the Clery Act.

In determining whether to issue a Timely Warning, SKCTC will consider any factors reflecting on whether the alleged crime represents a serious or continuing threat to the college community, including, but not limited to, (1) the nature of the incident; (2) when and where the incident occurred; (3) when it was reported; (4) the continuing danger to the campus community; and (5) the amount of information known by the Security and Safety Department. If there is insufficient information available to determine whether the incident represents a continuing threat to the campus community, SKCTC will issue a Timely Warning unless based on the information available, it appears unlikely that there is an ongoing threat to the community, and will note in the content of the Timely Warning that, based on the information available, SKCTC does not have full information to evaluate the nature of the ongoing threat. SKCTC will, without delay, and

taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The Timely Warning Notice will typically include to the extent known, the date, time and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact law enforcement, and where applicable and appropriate, cautionary advice that would promote safety. In developing the content of the Timely Warning Notice, SKCTC will take all reasonable efforts not to compromise ongoing law enforcement efforts. Once it has been determined that an alert will be issued, SNAP will be utilized on incidents that pose an immediate threat to life safety. In confirming that there is a significant emergency, or dangerous situation, the operations manager will make efforts to consult with the appropriate personnel from the System's Office including the crisis coordinator. Additional input maybe garnered from additional administrators of SKCTC.

Security and Access to Campus Facilities

Access to SKCTC campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. SKCTC encourages an open environment with limited constraints to ensure the reasonable protection of all members of the community. While there are no physical barriers or ID checks to prevent

unauthorized personnel from entering the campuses or their facilities, SKCTC Security and Safety personnel will request that trespassers leave the premises. SKCTC does not have residential facilities. SKCTC Security and Safety personnel work with M&O and House Keeping personnel to ensure buildings are secured at the scheduled end of the day. SKCTC safety personnel and M&O personnel will also survey each campus for safety and security factors such as campus lighting, door locking mechanisms, and overgrown vegetation. Any deficiencies can be reported to M&O or to the operations manager.

SKCTC Buildings

Most academic facilities on SKCTC campuses are open during weekday business hours. Individuals who need access to these buildings during non-business hours or for special events should contact the M&O Department. SKCTC has no formal MOU with local, state, or federal law enforcement agencies, but works closely with these officials in criminal matters. Each campus has local law enforcement agencies that have primary responsibility of coverage. In criminal incidents, SKCTC will assist law enforcement agencies in gathering any intelligence within the limitations of statutory regulations and/or college policies. In the event local, state, or federal law enforcement agencies contact SKCTC requesting information of criminal nature, SKCTC personnel direct these agencies to contact the Operations Manager for Security and Safety. SKCTC security has no law enforcement authority

Evacuation and Emergency Response

In the event of an activation of the fire alarm system, the building in question will immediately be evacuated of all occupants. The

Security and Safety personnel as well as members of the Crisis Management Team (CMT) will assist in the orderly evacuation of the building. Incident Command System (ICS) principles will be enacted by all members assisting with the evacuation. The Operations Manager of Security and Safety is responsible for forwarding applicable information to the KY State Fire Marshal's office in the event of a fire or drill.

Evacuation drills are conducted once each semester as unannounced fire drills. A select group of CMT members are notified in advance of the drill so they can prepare and review their specific duties. Documentation of the date, time, weather, evacuation times, are recorded for each site. This documentation is kept for a minimum of seven years with the Operations Manager for Security and Safety. The objective in evacuations is to ensure all occupants have exited the building and remain a safe distance away from the structure. This also allows for responding emergency apparatus to safely access the campus and buildings. Evacuation drills are conducted once each semester as unannounced fire drills. Drills are reviewed by the Operations Manager for Security and Safety, with feedback provided to each campus Security and Safety Officer.

Escape route maps are posted in all SKCTC Campus Buildings.

1-866-EYE-ON-KY

What is Eye on Kentucky?

1-866-EYE-ON-KY is an anonymous tip line, which allows Kentuckians to report any suspicious criminal or terrorist activity they see. The tip line is sponsored by the Kentucky Office of Homeland Security and the Kentucky Intelligence Fusion Center

How it affects you

Keeping Kentucky safe begins at home...your home. If you see any type of suspicious activity in your community, you can report it to 1-866-EYE-ON-KY. Additionally, you can prepare yourself and your family for any type of emergency – natural or man-made – by preparing a family disaster plan and emergency supply kit. You'll find all the information you need by visiting

www.ProtectYourFamily.ky.gov.

What is suspicious activity?

- Persons asking unusual questions about building security;
- Persons taking pictures or video of buildings, bridges or other locations;
- Persons asking detailed questions about the schedules of public transportation;
- Persons seen timing the arrival/departure of public transportation;

- Persons seen loitering around non-public areas around reservoirs, water treatment plants, dams or power plants;
- Persons watching a building for extended periods of time;
- Suspicious vehicles parked in unusual places or at unusual times.

For more information visit:

www.homelandsecurity.ky.gov/tipline

If you "See Something, Hear Something, Say Something"

1-866-EYE-ON-KY

In case of emergency call 911 or local law enforcement

Crime Prevention Programs

Informational flyers are posted in all campus locations that direct faculty, staff and student to the Security and Safety web page. The Security and Safety web page includes educational flyers that can be printed or viewed. These flyers educate student, faculty and staff on what to do in the event of a variety of potential incidents on campus. Contact numbers are also listed if additional questions remain.

Drug and Alcohol Policy

KCTCS colleges are committed to providing a safe environment for students, faculty, and staff. The KCTCS colleges have adopted the following drug-free policy:

Being under the influence of alcohol or other drugs or the use, possession, distribution, manufacture, or sale of illegal or unauthorized drugs is prohibited and is punishable as a felony offense on campus or within 1000 yards of campus. Conduct that violates this definition, poses unacceptable risks, and disregards the health, safety and welfare of members of the KCTCS college community shall result in disciplinary action up to and including suspension or termination. The KCTCS Colleges are in compliance with the Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act amendment of 1989.

Continuous efforts are made to make students, faculty, and staff aware of the on-campus and off-campus programs which provide information and professional services on matters related to alcohol and drugs. SKCTC has no pastoral or professional counselors on campus. Other counseling, treatment, and rehabilitation services are available to Southeast Kentucky Community and Technical College employees and students are:

HARLAN COUNTY

Harlan County Health Department	Cumberland River Comprehensive Care
Clover Street	134 Comprehensive Drive
Harlan, KY 40831	Harlan, KY 40831
606-573-4820	606-573-1624

BELL COUNTY

Bell County Health Department	Cumberland River Comprehensive Care
111 N. 21st Street	324 N. 19th Street
Middlesboro, KY 40965	Middlesboro, KY 40965
606-248-39+3	606-248-4949
Bell County Health Department	Cumberland River Comprehensive Care
310 Cherry Street	112 Kentucky Avenue
Pineville, KY 40977	Pineville, KY 40977
606-337-7046	606-337-6137

LETCHER COUNTY

Kentucky River Community Care	Kentucky River Community Care
465 Hazard Road	PO Box 550
Whitesburg, KY 41858	Isom, KY 41824
606-633-4430	606-633-4439

Sexual Assault

SKCTC condemns sexual offenses committed by/against any member of the SKCTC campus community. Sexual assault violations that pertain to students are included in the SKCTC Student Code of Conduct.

To report a sexual assault, call 911 or contact the Operations Manager of Security and Safety at 606-589-3023. SKCTC will also work with the appropriate outside law enforcement agencies in these matters.

Additional information can be found on the following SKCTC web page: <http://www.southeast.kctcs.edu/> and at the Kentucky Sex Offender site: <http://kspsor.state.ky.us/>

For any additional information, please contact Allen Layne at 606-589-3091 or klayne0003@kctcs.edu. Also please visit SKCTC Security and Safety web page: <https://southeast.kctcs.edu/about/student-life/campus-safety.aspx>

Sexual Misconduct Policy Statements

The Kentucky Community and Technical College System is committed to creating and maintaining a community where all persons who participate in college programs and activities can work and learn together in an atmosphere free of sexual misconduct. Therefore, KCTCS will not tolerate sexual misconduct as defined in this procedure. Such acts are prohibited by KCTCS policy and procedure, as well as state and federal law. Persons found to have more likely than not violated this procedure are subject to penalties up to and including expulsion or separation from KCTCS, regardless of whether they are also facing related criminal or civil charges before a government agency or court of law.

The KCTCS Sexual Misconduct Procedure applies to KCTCS students, faculty, and staff, as well as

third parties who interact with the KCTCS community, and all KCTCS -sponsored programs, events, and activities, regardless of where the alleged sexual misconduct occurs. KCTCS will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct and, when appropriate, to discipline behavior that violates this procedure on sexual misconduct. KCTCS also will take steps in the event of sexual misconduct to remedy its discriminatory effects on the complainant and others, if appropriate. Provisions for the investigation and resolution of allegations are covered in the procedure and its appendices.

The KCTCS Sexual Misconduct Procedure governs KCTCS' prohibition of sexual misconduct, dating violence, domestic violence, sexual assault, and stalking. These policies and procedures address the legal definition of those terms, the definition of consent, safe and positive options for bystander intervention, information on risk reduction, and policies and procedures should an incident of sexual misconduct occur.

Through enforcement of policy and by education of students, employees and volunteers, KCTCS seeks to prevent, correct, and discipline behavior that violates our policies and has a detrimental impact on our college community. To ensure a harassment-free work-place, KCTCS mandates the following:

- All employees complete applicable components of the mandatory KCTCS Harassment-Free Workplace Training program when initially hired and annually thereafter; additionally, volunteers must complete the training program when they begin their service.
- All employees, students, volunteers, customers, vendors, visitors, and other individuals shall engage in proper behavior and interactions.
- All supervisors, managers, and administrators shall take appropriate steps to report alleged incidents of harassment.

Upon receiving a complaint or becoming aware of suspect behavior, KCTCS officials shall take appropriate follow-up action for any alleged incidents of harassment. All students, employees and volunteers, particularly supervisors, have a

responsibility for keeping our environment free of harassment. Any student, employee or volunteer who becomes aware of an incident of alleged harassment, whether by witnessing the incident or being told of it, should report it to an immediate supervisor, the Title IX Coordinator, human resources staff, or the designated management representative with whom they feel comfortable.

When supervisors or managers become aware of alleged harassment, it is KCTCS policy that they immediately notify the college Title IX Coordinator, the college Human Resources Office, the KCTCS Human Resources Office, or KCTCS Office of Legal Services in order for the claim to be fully investigated.

Description of Primary and Ongoing Sexual Assault Awareness and Prevention Training:

In order to raise awareness around the issues of domestic violence, dating violence, stalking, and sexual assault KCTCS offers online training to all students through and employees using Safe Colleges. All KCTCS colleges provide the training in both the Fall and Spring semesters to students. Employees are required to take the training at the time of hire, and again in the fall of each year. The training platform provides the following in-formation to students and employees:

Definitions: Domestic Violence (KRS 403.720):

(1) "Domestic violence and abuse" means physical injury, serious physical injury, stalking, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple;

(7) "Substantial violation" means criminal conduct which involves actual or threatened harm to the person, family, or property of an individual protected by an order of protection.

Stalking (KRS 508.130):

(1) (a) To "stalk" means to engage in an intentional course of conduct:

1. Directed at a specific person or persons;

2. Which seriously alarms, annoys, intimidates, or harasses the person or persons; and
3. Which serves no legitimate purpose.

(b) The course of conduct shall be that which would cause a reasonable person to suffer substantial mental distress.

(2) "Course of conduct" means a pattern of conduct composed of two (2) or more acts, evidencing a continuity of purpose. One (1) or more of these acts may include the use of any equipment, instrument, machine, or other device by which communication or information is transmitted, including computers, the Internet or other electronic network, cameras or other recording devices, telephones or other personal communications devices, scanners or other copying devices, and any device that enables the use of a transmitting device. Constitutionally protected activity is not included within the meaning of "course of conduct." If the defendant claims that he was engaged in constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence.

Sexual Misconduct (KRS 510.140):

(1) A person is guilty of sexual misconduct when he engages in sexual intercourse or deviate sexual intercourse with another person without the latter's consent.

(2) Sexual misconduct is a Class A misdemeanor.

Lack of Consent (KRS 510.020):

(2) Lack of consent results from:

(a) Forcible compulsion;

(b) Incapacity to consent; or

(c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(3) A person is deemed incapable of consent when he or she is:

(a) Less than sixteen (16) years old;

(b) Sixteen (16) or seventeen (17) years old and the actor is at least ten (10) years older than the victim at the time of the sexual act;

(c) An individual unable to communicate consent or lack of consent, or unable to understand the nature of the act or its consequences, due to an intellectual disability or a mental illness;

- (d) Mentally incapacitated;
- (e) Physically helpless; or
- (f) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency.

Safe and Positive Options for Bystander Intervention:

Information on safe and positive options for bystander intervention was presented through the lens of social norms and dispelled the myth that most students wouldn't act if they saw a situation that was potential leading up to a sexual misconduct assault. Options for bystander intervention included direct intervention, distraction, and delegation.

Information on Risk Reduction:

Safe College's platform delivers risk reduction information without using language victim-shaming language. It encourages students to look out for one another and stand up and speak out when they see an abusive situation occurring. The program also provides a variety of tips to keep students mindful of their surroundings when at social events.

Reporting Procedures for Sexual Misconduct:

KCTCS encourages any individual who has suffered an incident of sexual violence to seek immediate assistance from a medical provider and/or law enforcement. This is the best way to ensure that evidence is preserved and that a timely investigation and response are initiated.

Importance of preserving evidence:

An individual who is considering making a criminal complaint or taking other legal action should seek medical care as soon as possible after the assault. It is important for the individual to not bathe, douche, or change clothing prior to the medical examination **in order to avoid inadvertently removing important evidence. The kind of evidence that supports a legal case against an accused should be collected within 72 hours of an assault.**

This evidence may also assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat in-juries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to college hearing boards/investigators or po-lice.

How and to whom:

KCTCS strongly encourages all individuals to report incidents of harassment, sexual assault, domestic violence, dating violence, and stalking to their college's Title IX Coordinator and/or local police. Reports can be made to the Title IX Coordinator by phone, email, or in person. Reports can also be made anonymously through Ethics Point.

<https://secure.ethicspoint.com/domain/media/en/gui/28458/index.html>.

Options about the involvement of law Enforcement:

All individuals who make a report of sexual misconduct to their college's Title IX Coordinator have the right to decide whether to file a report with local law enforcement. They may choose to notify local police independently, request assistance from the college to file a police report, or decline to notify such authorities. While KCTCS ultimately respects the rights of the complainant's decision to involve local police authorities there may be some circumstances that pose an on-going threat to the health and safety of the campus community that may warrant a police investigation. In these rare cases, a complainant still maintains the right to decide whether or not to cooperate with those authorities.

Rights of Victim's – Institutional Responsibilities for EPOs:

It is the responsibility of students, faculty and staff with emergency protective orders to bring this to the attention of college administrators. When this occurs, the college will attempt to assist in maintaining this protective order by calling local authorities should an individual violate this order. If an individual is violating an emergency protective order on a KCTCS campus, we encourage the EPO holder to notify police and/or campus security immediately.

Confidentiality

KCTCS seeks to respect requests for confidentiality in its response to incidents of discrimination, harassment, and retaliation. However, it may be necessary to reveal certain personally identifying information to investigate and address complaints effectively. In such cases, the college takes steps to ensure that information is only shared as necessary, on a need-to-know basis, to resolve the underlying allegations.

College employees, including faculty, administrators, staff, and student employees, must report to the Title IX Coordinator any incidents of possible sexual harassment, sex discrimination, or retaliation on campus of which they are aware.

Disciplinary Proceedings

In every report of sexual misconduct, KCTCS will make a prompt assessment of whether the report concerns conduct covered by KCTCS's sexual misconduct procedure. KCTCS will also assess any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

Initial Assessment

The initial steps for resolution of a complaint are the same whether the Respondent is a student, employee, or guest. Employee and guest Respondents will be processed in accordance with KCTCS employment policies and procedures. Student Respondents will be processed in accordance with the KCTCS Student Code of Conduct and student policies and the Hearing Procedures for Student Respondents.

In every report of sexual harassment or misconduct, KCTCS will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

After consideration of these factors, KCTCS has a range of response options, from informal resolution, which may include a remedies-based approach (reserved for less egregious violations) up through the disciplinary process. If the violation warrants, the SO Title IX Committee will refer the matter for investigation. The initial assessment may take one to three business days.

Investigation

When the Initial Title IX Assessment concludes that an investigation is required, the college Title IX Coordinator and the SO Title IX Committee will designate an investigator from System Office with specific training and experience investigating allegations of sexual harassment and sexual misconduct. KCTCS may use a team of multiple investigators, which may include the College Human Resources Director or other System Office investigators.

The investigation will be a fair and reliable fact-gathering process. The investigation will be conducted thoroughly, impartially, and fairly. The investigation will be respectful of individual privacy concerns, but must be performed in a manner that will ensure KCTCS's compliance with all state and federal laws, including provision of due process to the Respondent. It is the complainant's choice as to whether he/she participates in an investigation; however, KCTCS may proceed with an investigation without the complainant's participation. KCTCS will seek to complete the investigation within 20 (twenty) business days of receiving the complaint. This time frame may be extended depending on the circumstances of each case. At the conclusion of the investigation, the investigators will forward the report to the System Office Title IX Committee for review and evaluation.

Formal Resolution

When an investigation demonstrates that sufficient evidence exists that a violation of policy and procedure has occurred, Respondents will be subject to disciplinary action based on their relationship to KCTCS.

- For a student Respondent, disciplinary action may be taken by the student's home college following a finding of responsibility by the Responsibility Assessment Committee. (See Appendix B)
- For an employee Respondent, disciplinary action may be taken by the supervisor in accordance with employment policies and procedures.
- For a guest Respondent, KCTCS will take the necessary action to ensure the policy violation does not recur and, if appropriate, involve local law enforcement.

Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX assessment concludes that informal resolution may be appropriate, KCTCS will take immediate action to protect the rights of the Complainant and remediate and correct the policy violations leading to the complaint.

Timeframe

KCTCS seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a con-current criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

Prompt, Fair, and Impartial Process

KCTCS seeks to resolve all cases of sexual misconduct in a manner that is prompt, fair, and impartial by ensuring the following rights and

options are reserved for both the complainant and the respondent:

- The complainant and respondent will be provided the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. While this choice is available, KCTCS will not allow the advisor to address the investigators or the hearing board at any point during this process. The advisor is only available for emotional support and guidance.
- Both parties will receive simultaneous notification of the result of the disciplinary proceedings, procedures to appeal the results of a disciplinary proceeding, any chance to that result, and when the result becomes final.
- The investigations and disciplinary proceedings will be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking.

Sanctions for Policy Violation for Students:

Students found responsible for policy violations can result in the following sanctions:

1. Reprimand: Official written or oral statement to the student that he or she is guilty of violating a college regulation. A reprimand warns that any further such actions may result in a more severe sanction.
2. Restitution: Compensation to the college for damages to college property.
3. Social Probation: Status given to less serious policy violations, and in some cases, a restriction of privileges for a specified time.
4. College/Community Service: Service to the college or community of up to 16 hours be served within a specified time frame.
5. Educational Sanction: An educational sanction requiring attendance or participation in a pre-arranged class, program, or activity designed to prevent or deal with high-risk behavior.
6. Counseling: Student may be referred to counseling evaluation on appointment by Counseling Services.

7. Eviction: Forced removal from a classroom or other college property.
8. College Probation: Status that carries a severe warning that any further violation of college regulations that may result in the student going before the College Appeals Board for consideration of suspension or expulsion. **This may include restrictions of privileges for a specified period of time.**
9. Suspension: Forced withdrawal from the college for a specified period of time or until stated conditions have been met as determined by the College Appeals Board. College will place the Student Dean Hold service indicator for no future enrollments at the Home College or other KCTCS college during the specified period of time or until stated conditions had been met.
10. Immediate Suspension: A student may be suspended immediately when:
 - a. In the judgment of the chief executive officer (upon consultation with the chief student affairs officer), the presence of the student poses a serious threat to persons and/or property provided informal opportunity is first given to the student, except in the case of exigent circumstances, to discuss the matter and possible resolution.
 - b. The student refuses to cease disruptive behavior or conduct in violation of this policy after direct orders from the chief executive officer (upon consultation with the chief student affair's officer).
 - c. When such suspension is involved, the student must leave the campus immediately. Students re-fusing to do so will be removed by law enforcement authorities and charged with trespassing.
11. When a student is placed on immediate suspension, a disciplinary hearing will be held at the earliest reasonable time (see Student Code of Conduct Section 3.6.).
12. Expulsion: Permanent, forced withdrawal from the college as determined by the College Appeals Board.

Accommodations/Protections:

Students and employees who file claims of harassment have a variety of accommodations and/or

protective remedies available to them. One or more of the following may apply to the situation:

- Referral to counseling services and other resources
- rescheduling of exams or assignments (in conjunction with appropriate faculty)
- No-contact letter
- Temporary class schedule reassignment
- Provision of an escort on campus property
- Temporary work reassignment

One or more of the following protective remedies may be enacted for the respondent:

- Administrative leave during the investigation and resolution
- Immediate temporary suspension from the college during the investigation and hearing process
- Interim volunteer duty reassignment
- Suspension of volunteer duty during the investigation; report of the matter to local law enforcement in the jurisdiction in which the college is located
- Ban from college location(s)
- limited access to college facilities or organizations pending resolution of the report
- Report of the matter to local law enforcement in the jurisdiction in which the college is located

KCTCS further reserves the right to apply any other remedy that can be tailored to the involved individuals to achieve the goals of this policy. Complainants and respondents will be provided a copy of the KCTCS policy and procedure containing available resources and detailing the applicable resources, rights, and responsibilities involved in the complaint, investigation and adjudication process.

Sex Offender Registry

In compliance with the Federal Campus Sex Crimes Prevention Act of 2000, KCTCS, through the Kentucky State Police, makes information available to the campus community concerning registered sex offenders who may be employees or students at your college.

The Kentucky State Police provides sex crime offender registration information to the public through the Sex Offender Registry website. Search the KSP Sex Offender Registry Website

<http://kpsor.state.ky.us/>

According to the Kentucky State Police, this website is for public safety and awareness. Pursuant to KRS 525.070 and 525.080, use of information from this website to harass a sex offender is a criminal offense punishable by up to 90 days in the county jail. More severe penalties apply for more severe crimes committed against a sex offender.

Key Contact Information

- ❖ **Kenneth A. Layne - Director of Safety/Security** 606-589-3091
606-273-1334
- ❖ **Dr. Vic Adams – President Southeast KCTCS** 606-589-3000
- ❖ **Kent Lewis – District M &O Supervisor** 606-589-3111

SKCTC Campus Directors

- ❖ **Dr. Rebecca Parrott** Middlesboro Campus 606-248-0416
- ❖ **Elijah Buell** Cumberland Campus 606-589-3014
- ❖ **Debbie Young** Whitesburg Campus 606-589-3323
- ❖ **Elijah Buell** Harlan Campus 606-589-3023
- ❖ **Dr. Rebecca Parrott** Pineville Campus 606-248-0138

Campus Safety & Security Survey – Cumberland Campus On Campus

(blank fields represent “0”)

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			2
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Larceny-Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey – Cumberland Campus Public Property

(blank fields represent “0”)

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Larceny-Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey – Whitesburg Campus On Campus

(blank fields represent “0”)

	2015	2016	2017
Crime Category	-	-	-
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey - Whitesburg Campus Public Property

(blank fields represent "0")

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey – Middlesboro Campus On Campus

(blank fields represent “0”)

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey - Middlesboro Campus Public Property

(blank fields represent "0")

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey - Harlan Campus On Campus

(blank fields represent "0")

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey - Harlan Campus Public Property

(blank fields represent "0")

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey - Pineville Campus On Campus

(blank fields represent "0")

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Campus Safety & Security Survey - Pineville Campus Public Property

(blank fields represent "0")

Crime Category	2015	2016	2017
<i>Arson</i>			
Assault			
Burglary			
Criminal Damage			
Manslaughter			
Menacing			
Motor Vehicle Theft			
Murder			
Reckless Homicide			
Robbery			
<i>Sex Offenses – Forcible</i>			
Sex Offenses – Non-Forcible			
Stalking			
Terroristic Threatening			
<i>Theft</i>			
Wanton Endangerment			
Weapons Possession			
Category of Prejudice			
Bias – Race			
Bias – Gender			
Bias – Religion			
Bias – Sexual Orientation			
Bias – Ethnic			
Bias – Disability			
<i>Arrests Only</i>			
Drug-related Violations			
Liquor-law Violations			
Other Alcohol Violations			
Disciplinary Actions			

Contact Allen Layne at 606-589-3091 or klayne0003@kctcs.edu for any questions.