2019 Annual Security Report

Safety and Security Policies and Procedures for Capella University Learners and Employees

Effective Date: September 30, 2019
ANNUAL SECURITY REPORT – OVERVIEW ................................................................. 3
DEFINITION OF NONCAMPUS BUILDINGS OR PROPERTY .............................. 4
CAMPUS SECURITY AUTHORITY ........................................................................ 4
CRIME PREVENTION PROGRAM ......................................................................... 6
TIMELY CRIME ALERTS TO THE CAMPUS COMMUNITY ........................................ 7
EMERGENCY RESPONSE, NOTIFICATION, AND TESTING POLICY ....................... 7
CAPELLA UNIVERSITY CAMPUS SECURITY AUTHORITY ACTIONS ..................... 8
HOW TO ASSIST THOSE WITH DISABILITIES DURING AN EVACUATION ............... 9
MAINTENANCE OF CAPELLA UNIVERSITY LEASED SPACE ................................ 10
REPORTING CRIMINAL ACTIVITIES .................................................................... 10
REPORTABLE OFFENSES ......................................................................................... 10
MONITORING STUDENT CRIMINAL ACTIVITY OFF CAMPUS ............................... 11
POLICIES AND PROGRAMS CONCERNING ALCOHOL AND DRUGS ..................... 11
DISCRIMINATION, HARRASSMENT, AND ASSAULT POLICY ............................... 15
DEFINITIONS .......................................................................................................... 15
PROCEDURES ......................................................................................................... 19
SEXUAL ASSAULT PREVENTION AND AWARENESS ............................................. 25
REGISTERED SEX OFFENDER INFORMATION ......................................................... 30
FIRE DATA AND ANNUAL FIRE REPORT .............................................................. 30
APPENDIX: ANNUAL CRIME REPORT ................................................................ 31

The information, policies and procedures contained in the 2019 Annual Security Report are subject to change without notice. The most up-to-date information, policies and procedures can be found on Capella’s website.
ANNUAL SECURITY REPORT – OVERVIEW

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), this annual security report contains important safety and security information pertaining to Capella University, as well as crime statistics for the previous three calendar years (i.e., the 2019 report includes crime statistics for calendar years 2016, 2017, and 2018). Pursuant to federal law, this report is prepared by Capella University each year and provided to all current learners and employees, and made available to all current and prospective learners and employees upon request. An electronic copy of this report can be obtained at http://www.capella.edu/content/dam/capella/PDF/2019_Annual_Security_Report.pdf Contact safetyandsecurity@capella.edu to receive a printed copy.

Safety and security declaration and personal responsibility
Capella University is committed to providing our learners and employees with a safe and secure environment to learn and work. In addition to reading and understanding the policies and information contained within this report, learners and employees of Capella University are encouraged to take personal responsibility for their safety and security and to immediately report all suspected criminal activity and emergencies to the police by dialing 911.

Policies related to sexual harassment/sexual assault
In compliance with the Violence Against Women Act (VAWA), Capella University includes information on Sexual Assault Awareness and Prevention in its 2019 Annual Security Report.

- This information applies to all Capella University learners, employees, and contractors.

- It defines a range of offenses that are related to sexual assault, including domestic violence, harassment, stalking, dating violence, and all other prohibited acts, language, and behaviors that are sexual in nature, interfere with an individual's academic performance, and/or create an intimidating, hostile, or offensive academic environment.

- It includes official policies and procedures for reporting prohibited acts and allegations.

- It describes investigative procedures when such allegations are received, and outlines all possible sanctions Capella University may impose on offenders.
• It outlines protective measures Capella offers to victims following allegations of sexual harassment, as well as written explanation of a victim’s rights and options and written notification of counseling, health, legal assistance, and other services available for victims.

DEFINITION OF NONCAMPUS BUILDINGS OR PROPERTY

As a university offering programs of study online, Capella University does not maintain on-campus buildings, property, or student housing facilities as defined by the Clery Act, and, as such, the required disclosure requirements for this category do not apply. However, learning spaces used by Capella University at required residences are considered to be noncampus buildings or property, for which the university is required to disclose the crime statistics detailed in this report.

During 2018, Capella University did not maintain on-campus buildings.

As it relates to Capella University, the Clery Act defines noncampus buildings or property as:

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

CAMPUS SECURITY AUTHORITY

Campus security authority is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution.

• A campus police department or a campus security department of an institution. If your institution has a campus police or security department, those individuals are campus security authorities. A security department can be as small as one person.

• Any individual or individuals who have responsibility for campus security but do not constitute a campus police department or a campus security department (i.e., an individual who is responsible for monitoring the entrance into institutional property). This includes individuals who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, or escort students around campus after dark.
• Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

• An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An *official* is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

The following positions at Capella University comprise the Campus Security Authority:

• Physical safety and security administrator and HR manager—SafetyandSecurity@Capella.edu

• Supervisor of Learner Affairs—LearnerAffairs@Capella.edu

• Senior director of human resources—HumanResources@capella.edu

• Senior manager of events—EventsTeam@Capella.edu

• Onsite police officers at residences (varies by location)—EventsTeam@Capella.edu

The Campus Security Authority will:

• Serve as a point of contact for learners and employees regarding emergencies, crime, and safety and security issues.

• Notify the property management, hotel security, or building security whenever a crime is suspected to have occurred on noncampus property.

• File a report with the local police department whenever there is a theft of company property that has traceable identification or if there has been a pattern of thefts.

• Report homicide, rape, robbery, assault, illegal drugs, and weapon possession to the local police department and cooperate with any resulting investigations.

• Report to the Safety and Security Department or physical safety and security administrator those allegations of Clery Act crimes that they are aware of and conclude were made in good faith.
Note: The only Campus Security Authority authorized to make arrests are police officers contracted to work on-site during residencies.

CRIME PREVENTION PROGRAM

Capella University has a crime prevention program in place that includes the following:

- An electronic card access system and policy in place at the headquarters office at 225 S. 6th Street, 9th floor, Minneapolis MN 55402, that requires all authorized Capella University employees and contractors to display and use their electronic card access badge to access Capella University leased space. The Safety and Security Department enables and disables electronic card access rights and maintains the Capella University card access badge database to ensure only those individuals authorized to access Capella University leased space are able to do so.

- A requirement that visitors sign in at the 9th-floor security/receptionist desk when visiting the headquarters office and receive a temporary badge with no card access privileges that identifies them as a visitor. In addition, visitors must be escorted by a Capella University employee or contractor at all times while on-site.

- Crime alert notices that pertain to the Minneapolis First Precinct are posted electronically by the Minneapolis Police Department from time to time. This information is reviewed and passed onto Capella University employees and learners as appropriate.

- Learners and employees are notified in person, by email, social media where/when appropriate, or by posting notices on the company intranet site when personal safety and/or criminal patterns are noted in close proximity to the headquarters office or location where a residency is being held.

- Security cameras are strategically located throughout the headquarters office to monitor and record activity taking place.

- Police officers, security officers, and emergency medical personnel are contracted to provide safety and security support at certain residences, learner events, and employee events.

- Employees, learners, and contractors are required to have and display their university-issued identification badge at residences.
TIMELY CRIME ALERTS TO THE CAMPUS COMMUNITY

The Campus Security Authority issues timely crime alerts to warn the campus community of significant emergencies or dangerous conditions that involve an immediate threat to the health or safety of learners or employees occurring in noncampus space, unless issuing a notification will in the professional judgment of responsible authorities compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. These timely crime alerts include Clery Act crimes as well as other emergencies (e.g., fire or infectious disease outbreak) and are made through the use of email, communications posted on the company’s internal websites (Stella and Campus), social media where applicable and appropriate, as well as physical postings where learners and employees are likely to see them. In addition, the Campus Security Authority makes timely reports to the campus community of those crimes considered to be a threat to learners and employees with the intent to aid in the prevention of similar occurrences.

EMERGENCY RESPONSE, NOTIFICATION, AND TESTING POLICY

Capella University maintains an emergency action plan that outlines the procedures to follow in the event of an emergency and how learners and employees will be notified. In conjunction with the emergency action plan, Capella University conducts a tabletop exercise each year in which a learner scenario and an employee scenario are tested. In addition, an unannounced fire drill is practiced once a year wherein employees of Capella University practice evacuating the headquarters building.

The following policy and procedure outlines what to do during an emergency evacuation.

EMERGENCY ACTION: EVACUATION

Evacuation is implemented when conditions make it unsafe to remain in a building. This action provides for the orderly movement of learners, faculty, and staff along prescribed routes from inside campus/venue buildings to a designated outside area of safety.

Evacuation is considered appropriate for, but is not limited to, the following types of emergencies:

- Fire
- Flood
- Explosion or threat of explosion
- Bomb threat
- Chemical accident
Emergency Evacuation Steps
Once the order to evacuate has been given, evacuate according to the evacuation plan for your location. Proceed to the nearest exit and out of the building to your designated assembly area or a safe area of refuge. Exterior assembly areas must be at least 100 feet away from the building.

- Do not go back to your work/school area for any reason (e.g., badge, personal belongings, to tell others, etc.).
- Treat all evacuations as if they are real. Remain calm. Take the stairs where applicable.
- Listen to instructions from emergency personnel.
- Do not return to the building until the all-clear signal has been given.
- Ensure that all personnel are accounted for.
- When it is safe to do so, first call 911, then report the incident to the Campus Security Authority.

CAPELLA UNIVERSITY CAMPUS SECURITY AUTHORITY ACTIONS

- Instruct learners, faculty, and staff to leave the building in an orderly manner using the designated evacuation routes and reassemble in the assigned assembly area.
- Take learners, faculty and staff roster when leaving the building or access it online in order to take attendance when everyone is reassembled in a safe location. Report attendance to the incident commander or designee.
- Remain in the assembly area until further instructions are given.
- The assembly area should be a safe location away from the building and away from where emergency response personnel and equipment arrive. If unsafe for the current emergency, designate an alternate assembly area.
- When clearance to return to the building is determined or received from the appropriate agency, an ALL CLEAR announcement will be made to return to the building and resume normal activities.
HOW TO ASSIST THOSE WITH DISABILITIES DURING AN EVACUATION

The needs and preferences of nonambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move and lifting may be dangerous.

Some nonambulatory people also have respiratory complications. Remove them from smoke and vapors immediately.

To alert visually impaired individuals:

- Announce the type of emergency
- Offer your arm for guidance
- Tell person where you are going, obstacles you encounter
- When you reach safety, ask if further help is needed
- To alert individuals with hearing limitations:
  - Turn lights on/off to gain person’s attention
  - Indicate directions with gestures
  - Write a note with evacuation directions

To evacuate individuals using crutches, canes, or walkers:

- Evacuate these individuals as injured persons
- Assist and accompany to evacuation site, if possible
- Use a sturdy chair (or one with wheels) to move person
- Help carry individual to safety

To evacuate individuals using wheelchairs:

- Give priority assistance to wheelchair users with electrical respirators
- Most wheelchairs are too heavy to carry down the stairs; consult with the person to determine the best evacuation options
- Reunite person with the wheelchair as soon as it is safe to do so
MAINTENANCE OF CAPELLA UNIVERSITY LEASED SPACE

Capella University facilities management personnel are responsible for overseeing repairs of the Minneapolis headquarters office. The event planning staff is responsible for notifying host sites of needed repairs. This includes, but is not limited to, defective doors and locking mechanisms. All members of the campus community at the Minneapolis headquarters office are encouraged to report any known problems or hazards to facilities management right away at Facilities@Capella.edu. All members of the campus community at learner events and residences are encouraged to report any known problems or hazards right away to EventsTeam@Capella.edu. Prompt reporting enhances campus safety for all concerned.

REPORTING CRIMINAL ACTIVITIES

Learners and employees of Capella University are strongly encouraged to report any criminal activity that occurs within the university community to the police and/or Campus Security Authority.

Learners and employees can report criminal activity anonymously by contacting the SEI Ethics Hotline at 1.800.792.4380.

Emergencies

*In an emergency, first dial 9-1-1.* Thereafter, when safe to do so, report the criminal offense to the Campus Security Authority by calling 612-977-5877, calling the emergency information line 612-977-5911 and/or by email at safetyandsecurity@capella.edu.

Nonemergencies

For nonemergencies, report criminal offenses to the Campus Security Authority by calling 612-977-5877 or by email at safetyandsecurity@capella.edu.

REPORTABLE OFFENSES

In accordance with the Clery Act, Capella University discloses the following general categories of crime statistics that occurred on noncampus property classified based on the FBI’s *Uniform Crime Reporting Handbook*:

- **Criminal offenses:** Criminal homicide, including: a) murder and non-negligent manslaughter, and b) manslaughter by negligence. Sexual assault, including rape, fondling, incest and statutory rape; robbery, aggravated assault; burglary; motor vehicle theft; arson.
• **Hate crimes:** Any of the above-mentioned offenses, and any incidents of larceny theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.

• **VAWA offenses:** Any incidents of domestic violence, dating violence, and stalking.

• **Arrests and referrals for disciplinary action:** Weapons (carrying, possessing, etc.), drug abuse violations, and liquor law violations.

• **Unfounded crimes:** as described above, for criminal offenses, VAWA offenses, hate crimes, and arrests and referrals for disciplinary action.

**MONITORING STUDENT CRIMINAL ACTIVITY OFF CAMPUS**

Because Capella University is an online institution, off-campus learner criminal activity is not monitored. However, should Capella University become aware that a learner has been alleged to have committed a crime or has been convicted of a crime, Capella University will follow all applicable laws pertaining to the investigation and/or reporting of such allegations or court findings.

**POLICIES AND PROGRAMS CONCERNING ALCOHOL AND DRUGS**

University Policy 4.02.05 Drugs and Alcohol
Policy Revision Approval Date: March 13, 2007
Policy Revision Effective Date: April 1, 2007
Procedure Approval Date: May 13, 2014
Procedure Effective Date: June 1, 2014

**Policy Statement**

Capella University is committed to providing an environment free of alcohol and other drugs, including prescription medication and substances causing impaired performance. The unlawful possession, use, or distribution of drugs or alcohol on property owned, leased, or rented by Capella University, or as part of any of the activities of the university, is strictly prohibited. Use of alcohol at Capella events other than those where alcohol is offered is discouraged. Any impairment caused by drugs or alcohol that prevents the completion of event activities or interferes with the enjoyment of others will result in dismissal from the event. Prohibited conduct is subject to the sanctions and rights contained in this policy and other related policies and procedures.
Rationale
Capella University is committed to providing all learners, faculty, and staff an environment free of disruptive and dangerous behavior. This policy establishes the prohibited conduct and sanctions associated with alcohol or drug use necessary for maintaining the desired environment.

Definitions
None

Procedures
I. Standards of Conduct

A. The unlawful possession, consumption, manufacture, sale, and/or distribution of drugs or alcohol by learners, faculty, or staff are prohibited by Capella University whether on Capella University property or at a university activity.

B. In addition to Capella University sanctions, learners, faculty and staff who violate this policy may be subject to criminal prosecution under local, state, and federal law. Criminal penalties may include but are not limited to:

- A federal fine of $1,000 and one-year imprisonment for simple possession to a $2,000,000 fine and life imprisonment for continuing criminal enterprise, forfeiture of real and personal property, denial of federal benefits, and denial of federally-provided or supported professional and commercial licensure, as described in the Federal Controlled Substances Act, 21 U.S.C 801, and the DEA Federal Trafficking Penalties charts.

- Controlled substance and misuse of alcohol laws vary by state and will apply based on where the violation occurs.

II. Reporting a Violation

To report a violation, contact a university administrator or events staff member.

III. Sanctions

A. Staff and Faculty

- Prohibited conduct by Capella University staff and faculty members may result in disciplinary action up to and including immediate termination of employment as described in the Capella University Employee Handbook. Such violations may also have legal consequences.
• Staff and faculty members may be required to participate in a substance abuse rehabilitation or treatment program.

B. Learners

• Prohibited conduct by Capella University learners will result in sanctions pursuant to university policy 4.02.02 Learner Code of Conduct, up to and including dismissal from the university. Such violations may also have legal consequences.

• Learners may be required to complete an evaluation as a condition of continued enrollment. The cost of this evaluation, as well as any treatment costs, will be the responsibility of the learner.

IV. Reporting

Learners who violate the law will be reported to the appropriate law enforcement officials.

V. Prevention, Education, and Support Resources

A. Health risks

• The excessive use of alcohol, improper use of controlled substances, and use of illicit drugs pose significant health risks to individuals including addiction, permanent injury, and death. To make informed choices about drug and alcohol use, learners, faculty, and staff should educate themselves about the serious health consequences of the use, misuse, and abuse of alcohol and other drugs.

B. Resources

• Employee resources: Capella University faculty and staff should consult the Capella University Employee Handbook for Capella’s employee drug and alcohol policy and for related resources.

• Learner resources:
  o Capella learners may be eligible for LifeWorks. LifeWorks is a program providing free, confidential help and resources for personal and work-related issues including but not limited to addiction and recovery. Learners should contact Academic Advising for more information.
  
  o There are a variety of community organizations available to help individuals with substance abuse problems. Programs are listed in local telephone directories and on the Internet as well as in the resource table in this policy.
National Resources for Drug and Alcohol Abuse Prevention, Education, and Support

**Alcoholics Anonymous**
Support for people who want to achieve sobriety
www.aa.org

**Al-Anon Family Group**
Support and help for families and friends of problem drinkers
www.al-anon.alateen.org

**Narcotics Anonymous**
Support in a recovery environment for people who abuse substances
www.na.org

**Substance Abuse and Mental Health Services Administration**
U.S. Department of Health and Human Services agency “that leads public health efforts to advance the behavioral health of the nation . . . and whose mission is to reduce the impact of substance abuse and mental illness on America’s communities.”
www.samhsa.gov/

**LifeWorks**
Free and confidential support service for Capella learners
www.lifeworks.com

POLICY OWNERS

Academic Owner: President
Operations Owner: Learner affairs

RELATED DOCUMENTS

University policy 4.02.02 Learner Code of Conduct Employee Handbook

REVISION HISTORY

Original Policy Approval Date: July 27, 2002
Revision Dates: 3-13-07
Administrative edits as result of ongoing review: 12-20-07; 12-8-09; 2-22-10; 4-17-12; 10-23-13; 8-11-16; 11-1-16
DISCRIMINATION, HARRASSMENT, AND ASSAULT POLICY

University Policy 4.02.04 Discrimination, Harassment, and Assault
Policy Revision Approval Date: June 6, 2017
Policy Revision Effective Date: July 1, 2017
Procedure Approval Date: June 30, 2017
Procedure Effective Date: July 1, 2017

Policy Statement
Capella University does not discriminate on the basis of race, creed, national origin, religion, age, gender, gender identity or expression, disability, sexual orientation, marital status, veteran status, or status with regard to public assistance; or in its admission, enrollment, or employment policies or practices. Capella University prohibits the discrimination, harassment, or assault of any members of the university community and any retaliatory behavior related to reports of such conduct. This policy applies to alleged discrimination, harassment, consensual relationships, assault, or related retaliation against learners.

Rationale
Capella University is committed to providing learners an environment free of discrimination, harassment, and assault. This policy establishes the definitions, procedures, prohibited conduct, and sanctions necessary for maintaining the desired environment.

DEFINITIONS

Assault
Assault is the commission of an act with the intent to cause fear in another of immediate bodily harm or death, or the intentional infliction or attempt to inflict bodily harm upon another. Sexual assault is forced sexual activity without the expressed consent of both parties, or against a person incapable of giving consent, and includes but is not limited to threat of sexual assault, sexual battery, forced oral copulation, forced sodomy, rape, acquaintance rape, and rape by a foreign object. Domestic violence, dating violence, and stalking also constitute sexual assault.

Community
Community includes all Capella learners, faculty, administrators, staff, contracted workers, and others who participate in any Capella-related activities, including but not limited to fieldwork, practicum, and internship.
Consensual Relationship
A consensual relationship is a voluntary romantic or sexual relationship between a learner and a Capella employee or agent who is in a position of authority with respect to the learner.

Consent
The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter.

Dating Violence
Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on 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, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Discrimination
Discrimination is the segregation, separation, or disparate treatment of individuals based on race, creed, national origin, age, gender, gender identity or expression, religion, disability, sexual orientation, marital status, veteran status, or status with regard to public assistance. Discriminatory practices include any instances of treatment or behavior that interfere with an individual’s full participation in the university community, such as discouraging course participation or other activities designed to inhibit progress in a program of study.

Domestic Violence
Domestic violence is any felony or misdemeanor crime(s) of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person’s acts under domestic or family violence laws.

Harassment
Harassment encompasses any unwanted behavior that results in a hostile environment.
**Hostile Environment**
A hostile environment is an objectively hostile or abusive university setting caused by severe and pervasive harassment.

**Prohibited Conduct**
Prohibited conduct includes consensual relationships, dating violence, domestic violence, discrimination, harassment, sexual harassment, stalking, and retaliation, as defined in this policy, provided that conduct either a) occurs at a Capella University facility, office, Internet courseroom, or vehicle; b) occurs at or in connection with a course or other university-sponsored event; or c) is alleged to have created a hostile environment in a courseroom or other university-sponsored event.

**Respondent**
The respondent is the person alleged to have engaged in prohibited conduct.

**Retaliation**
Retaliation is an adverse action taken in retribution for one’s reporting, supporting, or participating in an investigation related to an allegation of prohibited conduct, where the allegation is made in good faith.

**Sanction**
A sanction is a disciplinary action that may result from prohibited conduct. Disciplinary action against learners may include one or more of the following: a) formal written warning; b) mandated remedial activity; c) suspension from the university; d) dismissal from a program; e) dismissal from the university; f) cancellation of a previously-awarded academic credit or degree; or g) in cases where the prohibited conduct relates to the offending learner’s academic submission: i) nonacceptance of work submitted; failing an assignment; iii) lowering a grade for a course; or iv) failing a course. This list of possible sanctions is neither progressive nor exhaustive, and Capella University reserves the right to assess sanctions on a case-by-case basis. Disciplinary action against Capella employees related to alleged prohibited conduct committed against learners shall be determined according to Capella’s human resources policies, located on Stella and in the Employee Handbook.

**Sexual Assault**
Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.
Sexual Harassment
Sexual harassment includes unwelcome sexual advances, sexual assault, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including but not limited to the following:

- Conduct that interferes with an individual’s academic performance, or creates an intimidating, hostile, or offensive academic environment.

- Unwelcome, unnecessary, or coerced touching, kissing, grabbing, hugging, cornering, or other physical contact that is of a sexual nature or is sexually motivated.

- Unwanted sexual compliments or comments.

- Demand for sexual favors accompanied by implied or overt threats concerning employment, grades, compensation, tangible benefits, or recommendations.

- Unequal academic or employment performance standards, discipline, or work regulations because of sex.

- Deliberate or careless use of offensive or demeaning language that has a sexual connotation.

- Deliberate or careless dissemination of materials such as cartoons, articles, pictures, or graffiti that have sexual content, which are not necessary for the academic environment, and which are offensive to learners or employees.

Stalking
Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others or b) suffer substantial emotional distress. For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
Summary Suspension
Summary suspension is the immediate suspension of a learner. Summary suspension is a temporary status during which a learner is prohibited from engaging in identified university activities while an evaluation of the prohibited conduct is being completed.

Suspension
Suspension is a university-initiated temporary status during which a learner is denied access to the courseroom and prohibited from engaging in university activities until stated conditions have been met.

University Administrator
A university administrator is a university employee who holds a position of responsibility at a supervisory or managerial level, or higher. For purposes of faculty, university administrator refers to a faculty member holding the position of faculty chair or higher.

University Statutory Designee
The university statutory designee is the person or persons designated under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, and the Age Discrimination Act as the employee(s) primarily responsible for coordinating Capella University’s efforts to comply with said statutes. Unless otherwise indicated by Capella University, the university statutory designee shall be the university’s compliance analyst.

PROCEDURES
I. Reporting of Suspected Prohibited Conduct
   A. Anyone may report an instance of alleged prohibited conduct to:
      • The faculty member or official directly associated with the activity or event;
      • A university administrator;
      • The university statutory designee; or
      • Learner affairs.

   B. Upon receipt of an allegation, a faculty member, official, administrator, or statutory designee will notify Learner Affairs.
C. Learner affairs may be contacted at:

- Email: LearnerAffairs@Capella.edu;
- U.S. Postal Service: 225 S. 6th Street, Minneapolis, MN 55402; or
- Phone: 1-888-227-3552, request that an advisor connect the call to Learner Affairs.

D. Upon receipt of an allegation, Learner Affairs will document reports of prohibited conduct under this policy and will maintain such documentation as dictated by the applicable document retention policy.

E. An allegation of prohibited conduct under this policy must include:

1. The individual(s) against whom the alleged prohibited conduct is directed.
2. A brief description of the alleged prohibited conduct, including the date(s), time(s), and place(s).
3. The corrective action the learner is seeking.

F. In the event of a factual dispute at any stage of these procedures, and which follows the report of alleged prohibited conduct, the burden is on the alleged victim to establish that his or her version of the events in question is more likely true than not true.

G. If at any stage of these procedures the alleged victim requests that the complaint not be pursued, that request will be honored.

H. If at any stage of these procedures the alleged victim requests anonymity, good faith efforts will be undertaken to act consistently with that request. However, the learner is advised that the ability to maintain anonymity while pursuing a claim under this policy is limited.

I. The alleged victim maintains the right to notify law enforcement, including local police, at any time or to refrain from contacting such authorities. The alleged victim also maintains the right to seek an order of protection, no-contact order, restraining order, or similar lawful order from any court with jurisdiction. Upon the alleged victim’s request, Capella will assist the alleged victim(s) in notifying law enforcement authorities. Capella at all times retains the right to notify law enforcement, at its discretion, to protect its learners and/or employees.
II. Initial Resolution Process

A. The Initial Resolution Process shall be administered by Learner Affairs. Learner Affairs will consult with human resources when a faculty member or employee is involved.

B. Upon receipt of an allegation, Learner Affairs will determine whether the allegation as stated constitutes an allegation of prohibited conduct under this policy. In the event Learner Affairs determines that the allegation does not contain alleged prohibited conduct under this policy, there will be no further proceedings under this policy.

C. Learner Affairs may attempt to informally bring the matter to resolution, except in allegations involving alleged sexual assault, dating violence, domestic violence, or stalking. However, the alleged victim at all times retains the right to refuse informal resolution.

D. If an informal resolution is not reached, the allegation will be sent to an independent review panel or human resources for investigation and review.

III. Investigation and Review

A. Allegations of prohibited conduct under this policy will be investigated by an independent review panel if the respondent is a learner and if, by Capella University’s human resources department definition, the respondent is an employee or contractor. Allegations will receive a prompt, fair, and impartial investigation and resolution. This process will be conducted by school officials who receive annual training under this policy, which includes but is not limited to training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

B. Investigations of alleged prohibited conduct will include:

1. Notification to the respondent of the allegation of prohibited conduct.

2. An opportunity for both the alleged victim and the respondent to submit any writing, information, evidence, and/or witnesses supporting or refuting the allegation.

3. An opportunity for both the alleged victim and the respondent to be heard via teleconference.

Both the alleged victim and the respondent will be entitled to have the same opportunities to have others present on the teleconference, including the opportunity to be accompanied on the call by an advisor of their choice.
C. Following the investigation, the independent review panel and/or human resources will consider the alleged victim’s and respondent’s submissions, any teleconference statements, and any other evidence found during the course of the investigation.

D. The independent review panel and/or human resources will determine whether prohibited conduct has occurred and will issue a decision, including sanctions, if any, no later than 60 days after receipt of the matter from Learner Affairs, unless the alleged victim requests extension, or circumstances beyond Capella University’s control require extension.

E. In the event prohibited conduct is found, the independent review panel and/or human resources will determine steps to take to remedy the effects of any harassment, discrimination, assault, or retaliation and to prevent recurrence.

F. Such remedy may include, at the sole discretion of the independent review panel and/or human resources, an offer of counseling or other appropriate services to any person found to have been subjected to harassment, discrimination, assault, or retaliation.

G. Learner affairs facilitates communication between the independent review panel or human resources and the parties. Once a determination is reached, Learner Affairs will report the decision and any appeal opportunities to the alleged victim and the respondent in writing, simultaneously.

H. The alleged victim and the respondent have the right to appeal the decision as described in section V.

IV. Summary Suspension

A. Where the respondent is a learner and the alleged prohibited conduct is deemed to be egregious or to give rise to a perceived threat of danger or hostile environment for any Capella faculty, staff, employee, contractor, or learner, a respondent may be immediately suspended by use of this summary suspension process if it initially appears that the allegation of prohibited conduct is substantiated. The university administrator directly associated with the course, activity, or event in which the prohibited conduct occurs will have the discretion to determine, consistent with this section, when summary suspension is appropriate.

B. If summary suspension is issued, the university administrator directly associated with the activity or event during which the alleged prohibited conduct occurred will promptly notify the respondent of his or her summary suspension and his or her right and opportunity to be heard by submitting a written response and/or appearing by telephone within seven calendar days from the date said notification is issued.
C. The university administrator directly associated with the activity or event during which the prohibited conduct occurred will complete the procedures set forth in section III within 10 calendar days of the date of issuance of the notification of summary suspension.

D. The respondent may submit a written request for extension of time for his or her written response or appearance by telephone beyond the seven calendar day deadline set forth in section IV.B. Such extensions shall be automatically granted up to a maximum of 30 calendar days. However, in the event the respondent should exercise this right to an extension, the deadline for the university official’s decision under section III will be extended by the length of the learner’s extension, with the summary suspension remaining in effect the entire time.

E. Outcome:

1. In the event that the university administrator finds that the summary suspension was justified, the process continues as described in section III, with the suspension remaining in place unless and until reversed on appeal.

2. In the event that the university administrator finds that the evidence reviewed does not justify the summary suspension, or in the event that no decision is issued by the university administrator within the time constraints described in sections IV.C and IV.D, the summary suspension will expire. The process will continue as described in section III, but the respondent will return to the status previous to the summary suspension:

   a. In this instance, the respondent will have an opportunity to complete the missed course work within 10 calendar days of returning to the courseroom without penalty.

   b. If the respondent was in the last two weeks of the course, he or she must have the option of receiving an Incomplete (I) grade; in that case, the course work must be completed and submitted no later than two weeks after the course ends; or

   c. The respondent may choose to withdraw from the course and retake the course without financial penalty or any penalty for reusing work previously submitted to fulfill assignments for that specific course.
V. Appeal Process

If either party chooses to appeal the initial decision, he or she must submit a formal, written appeal request to Learner affairs. The appeal request must be submitted via mail or email and within 10 calendar days of being sent notification of the panel’s decision.

A. The president or president’s designee will receive and review the record developed at the investigation and review stage. In addition, at his or her sole discretion, the president or president’s designee may accept or reject any evidence not presented at the investigation and review stage of the appeal process.

B. Following the review, the president or president’s designee will issue a decision and report it to the alleged victim and the respondent as soon as practicable. Decisions shall be issued no later than 60 calendar days after receipt of appeal, unless the alleged victim requests extension or circumstances beyond the university’s control require extension.

The president or president’s designee may affirm or reverse the panel’s decision, in whole or in part, or may issue a new decision.

C. The decision of the president or president’s designee is final and will be communicated in writing to the alleged victim and respondent simultaneously.

D. A record of the final decision and all related materials will become part of the respondent’s official academic record and upon request, will be made available to all Capella University boards and any appropriate regulatory bodies.

E. Capella University employees and contractors are ineligible to appeal final decisions rendered by the university human resources staff pursuant to university policy 4.02.04 Discrimination, Harassment and Assault.

VI. Additional Procedures for Reporting a Consensual Relationship

A. Any reported cases of a consensual relationship involving an employee will be reported to Human resources.

B. If Capella determines a prohibited consensual relationship exists, the university employee’s position of authority with respect to the specific learner at issue will be adjusted to eliminate the existence of the prohibited consensual relationship. Resolution of any discrimination, harassment, or assault resulting from the consensual relationship will be handled according to the procedures in sections II–V.
VII. All procedures in this policy apply to learners in GuidedPath and FlexPath programs.

POLICY OWNERS

Academic Owner: President
Operations Owner: Learner affairs

RELATED DOCUMENTS

University policy 4.02.02 Learner Code of Conduct
University policy 4.02.03 Learner Grievance

REVISION HISTORY

Original Policy Approval Date: July 27, 2002
Revision Dates: 7-1-05; 9-1-07; 2-3-12; 3-23-12 7-28-14; 11-7-14; 3-18-15; 12-11-15; 8-11-16; 6-30-17

Administrative edits as result of ongoing review: 12-8-09; 2-22-10; 4-24-13; 10-23-13; 11-1-16; 12-14-16; 1-10-18; 4-1-18

For additional information pertaining to employees regarding this topic, please refer to the Harassment policy located in the Capella University Employee Handbook and or/or contact HumanResources@capella.edu.

SEXUAL ASSAULT PREVENTION AND AWARENESS

Sexual assault and violence are serious issues facing our society. Colleges and universities across the country are developing programs and materials to educate students and staff on sexual assault prevention and awareness efforts. Capella University is committed to educating our learners, faculty, and staff on the issues. Though Capella University is an online institution without a physical campus, all of us at Capella realize the seriousness of these issues.

Awareness and Prevention
Rape and sexual assault are never the victim’s fault, no matter where or how it happens. Information on the issues and steps to minimize the potential for a sexual assault are provided in this section.

Capella University expressly prohibits the offenses of domestic violence, dating violence, sexual assault and stalking as defined below:
• Domestic Violence is any felony or misdemeanor crime(s) of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person’s acts under domestic or family violence laws.

• Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

• Sexual Assault is forced sexual activity without the expressed consent of both parties, or against a person incapable of giving consent (which is defined as voluntary, positive agreement between the participants to engage in specific sexual activity); it includes but is not limited to threat of sexual assault, sexual battery, forced oral copulation, forced sodomy, rape, acquaintance rape, and rape by a foreign object. Domestic violence, dating violence, and stalking also constitute sexual assault.

• Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

The following includes tips from the National Crime Prevention Council on how to try to avoid dangerous situations:

• Stay aware of your surroundings. Be aware of where you are and who is around you. Don’t use headphones in both of your ears. Stay focused on those around you and remain alert if someone is approaching you.

• Avoid isolated areas. When no one is around you, it is difficult to get help. Stay close to groups of people when you are walking and steer clear of streets that aren’t well lighted.

• Walk with confidence. Walk like you know where you are going even if you are lost.

• Trust your instincts. If you feel uncomfortable in your surroundings, leave.

• Lock your doors and your windows. Watch your keys and don’t put your name and address on the key ring.
• If you think someone is following you, switch directions or cross the street. If the person continues to follow you, move toward a public area/store. Yell for help if you are afraid.

• If a dating partner has abused you, report it to the police. Do not meet him or her alone. Do not let him or her in your home or car when you are alone.

• If you are a battered spouse/partner, call the police immediately. If you believe that you and/or your children are in danger, call a crisis hotline or a health center (the police can also make a referral) and leave immediately.

• If you are robbed or assaulted, report the crime to the police. Try to describe the attacker accurately. Your actions could help prevent someone else from becoming a victim.

Bystander Intervention
Everyone has a responsibility to preserve and maintain a safe learning environment within the Capella community of learners, faculty and staff.

The term bystander intervention refers to non-involved parties to an incident becoming involved. Bystander intervention requires a willingness to do what is right and the courage to intervene safely and appropriately.

If you witness a situation that concerns you, assess the situation thoroughly. You may be able to intervene before things escalate further:

• Determine if there is an immediate threat to the safety of yourself or others. If so, call 911 for assistance.

• DO NOT put yourself or others in harm’s way.

• If the situation hasn’t escalated to the point where law enforcement is required, determine if you can diffuse the situation.

• Subtlety, tact and humor can be very effective tools in diffusing a situation.

A Hypothetical Scenario
You are among a group of people in a bar after a colloquium session. One member of your group is intoxicated, to the point of not being able to make appropriate decisions. Another person appears to take advantage of the situation by suggesting going up to the person’s room for a nightcap.

It is obvious to you that the intoxicated person is not able to appropriately consent. What can you do?
Possible Intervention Strategies

- **Be subtle**: “I don’t know if that is such a good idea. I think we all have had enough and we have an early day tomorrow.” Often, other bystanders will pick up on the situation, understand your concerns and join in the diffusion.

- **Be direct**: “This person is not in any condition to go anywhere. This person’s friends will make sure the person is ok and we are watching out for this person.” This approach is a bit confrontational, but it can mitigate a situation quickly. You, however, need to determine if a direct approach will actually make the situation worse.

- **Create a distraction**: “Hey, I need your help down at the end of the bar. I am going to get a round for everyone and I need your help to carry them. Can you give me hand?”

There are many other ways to intervene in situations. Each situation requires a different strategy. But in every scenario:

- Be safe
- Be proactive
- Be courageous
- Do the right thing

To understand the importance of bystander intervention, watch this video: [1 is 2 Many PSA](#) (60 seconds).

These are important steps to take right away after an assault:

- Get away from the attacker to a safe place as fast as you can. Then call 911 or the police.
- Call a friend or family member you trust. You also can call a crisis center or a hotline to talk with a counselor. One hotline is the National Sexual Assault Hotline at 800-656-HOPE (4673). Feelings of shame, guilt, fear, and shock are normal. It is important to get counseling from a trusted professional.
• Do not wash, comb, or clean any part of your body. Do not change clothes if possible, so the hospital staff can collect evidence. Do not touch or change anything at the scene of the assault.

• Go to your nearest hospital emergency room as soon as possible. You need to be examined, treated for any injuries, and screened for possible sexually transmitted infections (STIs) or pregnancy. The doctor will collect evidence using a rape kit for fibers, hairs, saliva, semen, or clothing that the attacker may have left behind.

While at the hospital:

• If you decide you want to file a police report, you or the hospital staff can call the police from the emergency room.

• Ask the hospital staff to connect you with the local rape crisis center. The center staff can help you make choices about reporting the attack and getting help through counseling and support groups.

Additional Resources
There are many local, regional and national organizations available to assist those needing additional support or information.

If you are sexually assaulted, it is not your fault. Don’t be afraid to ask for help or support. Help is available.

• National Domestic Violence Hotline: 1-800-799-7233 or 1-800-787-3224 (TTY)

• National Sexual Assault Hotline: 1- 800-656-HOPE (4673)

There are many organizations and hotlines in every state and territory. These crisis centers and agencies work hard to stop assaults and help victims. Find contact information for these organizations. You also can obtain the numbers of shelters, counseling services, and legal assistance in your phone book or online.

More information on sexual assault
For more information about sexual assault, call or click on https://www.womenshealth.gov at 800- 994-9662 and/or contact the following organizations:

• Loveisrespect.org
  Phone: 866-331-9474 (TDD: 866-331-8453)

• National Center for Victims of Crime
  Phone: 800-394-2255 or 202-467-8700 (TDD: 800-211-7996)
• National Crime Prevention Council  
  Phone: 443-292-4565

• National Sexual Violence Resource Center  
  Phone: 877-739-3895 or 717-909-0710 (TDD: 717-909-0715)

• Office on Violence Against Women, OJP, DOJ  
  Phone: 202-514-2000 (TDD: 800-877-8339)

• Rape, Abuse, and Incest National Network  
  Phone: 800-656-HOPE (4673)

Related University Policies
Capella University Policies related to Safety and Security include:

4.02.02 Learner Code of Conduct
4.02.04 Discrimination, Harassment, and Assault
4.02.05 Drugs and Alcohol

REGISTERED SEX OFFENDER INFORMATION
The Dru Sjodin National Sex Offender Public Website (NSOPW) is a public safety resource that provides the public access to sex offender data nationwide. NSOPW is a partnership between the U.S. Department of Justice and state, territorial, and tribal governments, working together for the safety of adults and children. To look up sex offender data nationwide on the NSOPW database, visit: http://www.nsopw.gov/en

FIRE DATA AND ANNUAL FIRE REPORT
Capella University does not maintain on-campus buildings, property, or student housing as defined by the Clery Act, and as such, does not report fires that occur in on-campus housing, generate an annual fire report, or maintain a fire log that is accessible to the public.
**APPENDIX: ANNUAL CRIME REPORT**

Capella University periodically leases noncampus property for events, colloquia, residencies and workshops. Crime statistics for these noncampus properties are reported in this section for the timeframes these properties were leased. Capella University makes good-faith attempts to obtain all relevant crime statistics from local police authorities at all noncampus locations.

<table>
<thead>
<tr>
<th>Noncampus Property</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criminal or Sex Offenses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Murder/negligent manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Murder/non-negligent manslaughter</td>
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<td>Rape</td>
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<td>Fondling</td>
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<tr>
<td>Incest</td>
<td>0</td>
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<tr>
<td>Statutory rape</td>
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<tr>
<td>Robbery</td>
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<tr>
<td>Aggravated assault</td>
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<tr>
<td>Burglary</td>
<td>0</td>
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<tr>
<td>Motor vehicle theft</td>
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<tr>
<td>Arson</td>
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<tr>
<td><strong>VAWA Offenses</strong></td>
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<tr>
<td>Domestic Violence</td>
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<tr>
<td>Dating Violence</td>
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<tr>
<td>Stalking</td>
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<td>0</td>
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<tr>
<td><strong>Arrests</strong></td>
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<td></td>
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<tr>
<td>Weapons: carrying, possessing, etc.</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug abuse violations</td>
<td>0</td>
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<td>0</td>
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<tr>
<td>Liquor law violations</td>
<td>0</td>
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<tr>
<td><strong>Disciplinary actions</strong></td>
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<tr>
<td>Weapons: carrying, possessing, etc.</td>
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<td>Drug abuse violations</td>
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<td>Liquor law violations</td>
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<tr>
<td><strong>Unfounded crimes</strong></td>
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</tbody>
</table>

There were no reported hate crimes for 2016, 2017, or 2018.
**Campus Property/Student Housing Facilities**
Capella University maintains Campus Learning centers in Atlanta, Georgia, and Orlando, Florida. There are no reportable crimes at these locations for the period represented in this report.

Capella University does not maintain student housing facilities. As such, Clery Act reporting requirements related to those areas are not applicable.