# ANNUAL SECURITY REPORT

- DEFINITION OF NONCAMPUS BUILDINGS OR PROPERTY
- CAMPUS SECURITY AUTHORITY
- CRIME PREVENTION PROGRAM
- CRIME LOG
- TIMELY CRIME ALERTS TO THE CAMPUS COMMUNITY
- EMERGENCY RESPONSE, NOTIFICATION AND TESTING POLICY
- MAINTENANCE OF CAPELLA UNIVERSITY LEASED SPACE
- REPORTING CRIMINAL ACTIVITIES
- REPORTABLE OFFENSES
- MONITORING STUDENT CRIMINAL ACTIVITY OFF CAMPUS
- POLICIES AND PROGRAMS CONCERNING ALCOHOL AND DRUGS
- DISCRIMINATION, HARASSMENT, AND ASSAULT POLICY
- FIRE DATA AND ANNUAL FIRE REPORT

## Definitions

- **Noncampus Buildings or Property**: Buildings or property located off the main campus.
- **Campus Security Authority**: The entity responsible for maintaining the security of the campus.

## Crime Prevention Program

- **Crime Log**: A record of crimes that occur on campus.
- **Timely Crime Alerts**: Notifications of crimes that may affect campus safety.

## Emergency Response

- **Emergency Action**: Evacuation procedures.
- **Emergency Response**: Kidnapping/missing person procedures.

## Maintenance

- **Maintenance of Capella University Leased Space**: Procedures for maintaining leased spaces.

## Reporting Criminal Activities

- **Emergencies**: Urgent situations requiring immediate response.
- **Nonemergencies**: Less urgent situations.

## Reportable Offenses

- List of offenses that must be reported.

## Monitoring Student Criminal Activity

- Procedures for monitoring criminal activity off-campus.

## Alcohol and Drugs Policies

- **Rationale**: Reasons for the policies.
- **Procedures**: Steps to follow.

## Discrimination, Harassment, and Assault Policy

- **Rationale**: Reasons for the policy.
- **Definitions**: Types of discrimination and harassment.
- **Procedure**: Steps to follow in cases of discrimination or harassment.

## Fire Data and Annual Fire Report

- Data and reports related to fire safety and prevention.
Annual security report

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 2014 report includes crime statistics for calendar years 2011, 2012, and 2013). Pursuant to federal law, this report is prepared by Capella University each year and provided to all current learners and employees and available to all current and prospective learners and employees upon request. An electronic copy of this report can be obtained at https://campus.capella.edu/web/about-capella/regulatory-information/crime-statement and a printed copy by contacting safetyandsecurity@capella.edu.

Safety and security declaration and personal responsibility

Capella University is committed to providing a safe and secure environment in which our learners and employees can 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.

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 and security policies detailed in this report.

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). 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:

- Senior Manager of Safety and Security – Christopher Wake SafetyandSecurity@Capella.edu
- Director of Learner Affairs – Raul Galarza LearnerAffairs@Capella.edu
- Director of Human Resources – Seth Lockner HumanResources@capella.edu
- Director of Events – Tom Clemens – EventsTeam@Capella.edu
- Onsite Police Officers at Residences (varies by location) EventsTeam@Capella.edu
- Onsite Event Planning Staff at Residences (varies by location) EventsTeam@Capella.edu
- Onsite Learner Affairs Staff at Residences (varies by location) LearnerAffairs@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 senior manager of safety and security those allegations of Clery Act crimes (see page 9 for list) that he or she is aware of and concludes were made in good faith.
- The only campus security authority authorized to make arrests are police officers contracted to work onsite 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, 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 provisions and deprovisions electronic card access rights and maintains the Capella University card access badge data base 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.
- Employees are notified by posting notices on the company intranet site or by e-mail when personal safety and/or criminal patterns are noted in close proximity to the headquarters office.
- 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.

**Crime log**

A crime log is maintained by the senior manager of safety and security, or in the case of sexual harassment, by the director of human resources, and by event planning staff during extended and focused seminars. The crime log includes all crimes reported to the campus security authority. The purpose of the crime log is to:

- Record all reported crimes on campus, in or around noncampus buildings that are in direct support of or in relation to the school’s education purpose such as company supported events and focused seminars, and public areas surrounding campus and supported events.
- Record by date and time when the crime was reported, the nature, and general location of each crime, and the disposition of the complaint, if known.
- Include a record of reported crimes within two business days of the report of the information, except where prohibited by law or when disclosure would jeopardize the confidentiality of the victim or investigation of the case.
- Disclose any information withheld once the adverse effect described is no longer likely to occur including:
  - Jeopardizing an ongoing criminal investigation or the safety of an individual;
  - Causing a suspect to flee or evade detection; or
  - Resulting in the destruction of evidence.
- Have the crime log open to public inspection during normal business hours for the most recent 60 days. Crime log requests older than 60 days will be available within two business days for public inspection.

**Timely crime alerts to the campus community**

The campus security authority issues immediate 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 iGuide), social media where 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 in which 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 the building. This ACTION provides for the orderly movement of faculty/learners 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
- Explosion or threat of explosion
- Bomb threat
- Chemical accident

**ANNOUNCEMENT:**

1. Fire alarm (bell or horn signal).
2. Provided time is available, make an announcement over the public address system:
   
   Example: "Attention please. We need to institute an EVACUATION of all buildings. Please move to the designated assembly area. Learners and faculty please remain together."

3. Implement special-needs evacuation plan (see details below).
4. Use messengers with oral or written word to deliver additional instructions to others located in hold areas.

**CAPELLA UNIVERSITY SITE ADMINISTRATOR:**

- The assembly area should be a safe location on the campus/venue away from the building and emergency response equipment that may arrive. If unsafe for the current emergency, designate an alternate assembly area.
- When clearance to return to the buildings is determined or received from appropriate agencies, announce **ALL CLEAR** to return to campus/venue and resume activities.

**FACULTY ACTIONS:**

- Instruct learners to leave the building in an orderly manner using the designated evacuation routes and reassemble in the assigned assembly area.
- Take the learner roster when leaving the building and take attendance when the learners are reassembled in a safe location. Report attendance to the incident commander or designee.
- Remain in the assembly area until further instructions are given.
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.

The following policy and procedure outlines how to handle a missing learner or kidnapping situation:

<table>
<thead>
<tr>
<th>EMERGENCY RESPONSE</th>
<th>KIDNAPPING/MISSING PERSON</th>
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</thead>
</table>

CAPELLA UNIVERSITY SITE ADMINISTRATOR ACTIONS:
If foul play is suspected:
- Verify information with the source of the abduction/missing person report.
- Contact law enforcement within 24 hours of person going missing. (Call 911).
Provide a picture and complete information about the employee/learner: name, age, description, home address, emergency contact information, and custody information if known (Emergency Protective Order, Domestic Violence Order).

Provide suspect information to the police, if known.

Contact the family of the employee/learner involved and establish a communication plan with them.

Obtain the best possible witness information.

Conduct a thorough search of the campus/venue.

Relay current information to police, family, and essential campus faculty.

Designate an employee as a key point of contact to personally answer the phone (no voicemail) and to receive and provide up-to-date status as it becomes available.

Advise law enforcement of the employee or learner’s emergency contact information with name, email, and phone number.

Provide law enforcement access to University records as permitted by law.

When the learner/employee is found, consult with law enforcement regarding notification of all appropriate parties involved.

EMPLOYEE/LEARNER ACTIONS:

Notify a member of the Capella University campus security authority, providing essential details:
- Name and description of the learner/employee
- When and where the learner/employee was last seen
- Suspect description (where applicable)
- Vehicle information (where applicable)

Move learners/employees away from the area of abduction (where applicable).

Missing student notification requirements include:

- Capella University makes available the option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing; if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency

- Capella University advises students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation

For further information or questions regarding the Capella University Emergency Action Plan, contact SafetyandSecurity@Capella.edu.
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 to 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.

Capella University does not currently have a policy for students to report crimes anonymously. Employees are encouraged to report criminal activity anonymously through ComplyLine.

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 612-977-4377 or by email at safetyandsecurity@capella.edu.

Nonemergencies:
For nonemergencies, report criminal offenses to the campus security authority by calling 612 977-4377 or by email at safetyandsecurity@capella.edu.

Reportable offenses

Capella University discloses the following three general categories of crime statistics per the Clery Act which are classified based on the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting Handbook:

- **Criminal offenses:** Criminal homicide, including: a) Murder and non-negligent manslaughter, and b) negligent manslaughter. Sex offenses including: a) forcible and b) nonforcible sex. Robbery, aggravated assault, burglary, motor vehicle theft, and 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.
- **Arrests and referrals for disciplinary action:** Weapons (illegal possession, carrying, possessing, etc.), drug abuse violations, and liquor law violations.

The following is the list of crimes compiled in accordance with the definitions used in the Uniform Crime Reporting system of the Department of Justice, FBI, as modified by the Hate Crime Statistics Act:

- Criminal homicide including murder, non-negligent manslaughter and negligent manslaughter
- Forcible and nonforcible sex offenses
- Robbery
- Theft
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes
- Arrests for drug law violations and illegal weapons possession
- Persons not arrested but referred for campus disciplinary action for liquor, drug, and weapons law violations

Additional reportable offenses include:
- Attempted motor vehicle theft
- Vandalism

**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 student 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**

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 University 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.

**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;

1. 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.

2. 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
   1. 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.
   2. Staff and faculty members may be required to participate in a substance abuse rehabilitation or treatment program.

B. Learners
   1. 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.
   2. 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
   1. Employee resources: Capella University faculty and staff should consult the Capella University Employee Handbook for drug and alcohol policy and related resources.
   2. Learner resources
      a. Capella University 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.
      b. 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:

<table>
<thead>
<tr>
<th>Organization Name</th>
<th>Description</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholics Anonymous</td>
<td>Support for people who want to achieve sobriety.</td>
<td><a href="http://www.alcoholics-anonymous.org">www.alcoholics-anonymous.org</a></td>
</tr>
<tr>
<td>Al-Anon Family Group</td>
<td>Support and help for families and friends of problem drinkers.</td>
<td><a href="http://www.al-anon.alateen.org">www.al-anon.alateen.org</a></td>
</tr>
<tr>
<td>Substance Abuse and Mental Health Services Administration</td>
<td>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.</td>
<td><a href="http://www.samhsa.gov/">http://www.samhsa.gov/</a></td>
</tr>
<tr>
<td>LifeWorks</td>
<td>Free and confidential support service for Capella learners.</td>
<td><a href="http://www.lifeworks.com">www.lifeworks.com</a></td>
</tr>
</tbody>
</table>

**Drug and alcohol policies and programs for faculty and staff**

Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

University authorities will cooperate fully with local, state, and federal law enforcement agencies.

The legal use of prescribed drugs is permitted only if it does not impair an individual's ability to perform effectively and in a safe manner that does not endanger other individuals.

Capella University complies with the requirements of the Drug Free Workplace Act of 1988. Under this act, employees must notify human resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after the conviction. Capella University is required to notify the Department of Education within 10 days of an employee’s conviction and must take action against an employee within 30 days of a violation of the policy.

The dangers of drug and alcohol abuse in the workplace include injuries and accidents; reduced productivity, absenteeism and increased health care costs; adverse effects on the individual, their family, co-workers, and others.

Drug counseling and assistance programs:
- Capella University faculty and staff should consult the Capella University Employee Handbook for Capella’s employee drug and alcohol policy and for confidential help and resources.
- The university maintains policies, procedures, and drug-free awareness programs to provide the appropriate information to learners, faculty and staff. 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 above.
Employees with questions about this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the director of human resources without fear of reprisal. For additional information regarding this topic, employees should refer to the Drug Free Workplace policy located in the Capella University Employee Handbook and/or contact HumanResources@capella.edu.

**Discrimination, harassment, and assault policy**

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. Alleged discrimination, harassment, assault, or retaliation against Capella University employees are covered separately under the Sexual and Other Unlawful Harassment policy located on Stella and in the Employee Handbook.

**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 university activities.

**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.

**Dating Violence**

Dating violence is 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, type of relationship, and frequency of interaction between the persons involved in the relationship.

**Discrimination**

Discrimination is the segregation, separation, or disparate treatment of individuals based on gender, age, race, creed, national origin, religion, disability, sexual orientation, marital 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, 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.

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 or supporting 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, ii) 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 human resources policies, located on Stella and in the Employee Handbook.

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 fear for his or her safety or the safety of others or suffer substantial emotional distress.

Summary suspension
Summary suspension is the immediate suspension of a learner. It 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
      1. The faculty member or official directly associated with the activity or event
      2. A university administrator
      3. The university statutory designee
   B. Upon receipt of an allegation, a faculty member, official, administrator, or statutory designee will notify Learner Affairs.
   C. 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
   D. 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.
   E. If at any stage of these procedures the alleged victim requests that the complaint not be pursued, that request will be honored.
   F. If at any stage of these procedures the alleged victim requests anonymity, good faith efforts will be undertaken to act consistent with that request. However, the learner is advised that the ability to maintain anonymity while pursuing a claim under this policy is limited.
   G. 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. If 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 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 by teleconference.
C. 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.
D. 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.
E. 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.
F. 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.
G. The alleged victim and the respondent have the right to appeal the decision as described in section V.
IV. Summary suspension

A. When the respondent is a learner and the alleged prohibited conduct are deemed to be egregious or 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 has the option of receiving an incomplete. In that case, the course work must be completed and submitted no later than two weeks after the course ends.
      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 by mail or email and within 10 calendar days of being sent notification of the panel’s decision.

A. The president or president 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 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 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 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.

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 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.

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

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.
Capella University periodically leases non-campus property for events, colloquia, residencies and workshops. Crime statistics for these non-campus 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 non-campus locations.

### NON-CAMPUS PROPERTY

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### CAMPUS PROPERTY / STUDENT HOUSING FACILITIES

Capella University does not maintain student housing facilities nor a physical campus for student learning facilities. As such, Clery Act reporting requirements related to those areas are not applicable.

* Include only incest and rape