



2023 Annual Security Report

Safety and Security Policies Procedures for
Capella University Learners and Employees

Effective Date: October 1, 2023

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Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) requires universities to provide all current and prospective learners and employees with their security policies and regulations, and the statistics of crime occurrences. These security regulations are designed to ensure the safety of all individuals at Capella University (“Capella” or “University”), and as such, all members of the campus community and visitors are expected to conduct themselves in a manner that respects the rights of all within the community.

Observance of Capella University policies, as well as federal, state, and local laws, is required to fulfill the purposes of the University. Although the University strives to ensure a safe environment, each person must take ultimate responsibility for their own safety and that of their personal belongings.

Campus Security Procedures

For additional information on University policies and procedures, consult the Capella University Catalog, available online at <https://www.capella.edu/capella-experience/about/university-catalog/>, or, if a Capella University employee, the Employee Handbook available on the University’s employee intranet. Policies and procedures listed are subject to change at any time without prior notice.

Reporting a Crime or Emergency

Any person in immediate danger due to crime or an emergency should contact local police immediately by dialing 911.

When the emergency has subsided, the incident should be reported as soon as possible by calling the SEI Emergency Line at 1-877-616-7878.

For non-emergency situations, any person who is a victim, witness, or has knowledge of any criminal activity or other emergency on campus should report it immediately by emailing alert@strategiced.com. Person(s) reporting possible crimes will be asked to complete an incident report and/or a witness statement, including the date, time, place, nature of the incident, names of witnesses, if any, and any other pertinent facts, which may be distributed to other appropriate University officials as the situation warrants.

All reports will be investigated. The University does not have procedures for voluntary, confidential reporting of crimes, unless otherwise required by state law. Violations of the law will be referred to law enforcement agencies and when appropriate, to the Office of Academic and Community Standards or Human Resources, as appropriate, for review. When a potentially dangerous threat to the University community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.

Campus Security Authority

A Campus Security Authority (CSA) is a campus police or security department or an individual, who by virtue of their university responsibilities and under the Clery Act, has responsibility for campus security, is designated to receive and report criminal incidents so that they may be included and published in the university's Annual Security Report, or is an official with significant responsibility for learner and campus activities. CSAs at Capella University include the Office of Academic and Community Standards, the Corporate Emergency Management Team, and the ninth-floor security desk personnel at Capella headquarters.

Security Personnel

Local police have the authority to enforce all applicable regulations and laws. Capella University leadership is empowered to work closely with local and state authorities on incidents occurring at residency locations or Capella University property. The University does not maintain a memorandum of understanding with any law enforcement agency. Reports of violations of laws and regulations should be made promptly to the leadership team and/or to security personnel on duty, if available, to ensure that appropriate action is taken.

Security of Facilities

Capella University facilities have the primary purpose of supporting the educational programs of the University. They are available for use by current learners, alumni, and employees of Capella University, and upon request, may be available to the public. Employees are required to obtain Capella University identification cards and must be prepared to produce such identification upon request. Visitors to Capella University are asked to sign in with the receptionist upon entering the location. Most Capella University properties are equipped with electronic, centrally monitored security systems, including fire alarms.

Occasionally, Capella University will use video surveillance to monitor activities at a location. Video surveillance cameras are placed in public areas and are either clearly visible or a notice is posted in the surveillance area.

Crime Prevention Programs

An overview of Capella security policies is provided in the University Catalog, available at <https://www.capella.edu/capella-experience/about/university-catalog/>, and the Employee Handbook, available on the employee intranet. From time to time, Capella University will provide security information via e-mail, postal mail, flyers, or other appropriate means in local campus centers regarding security alerts and events. Local campus centers may also organize crime prevention events consistent with campus security needs, such as information sessions with local police.

In addition to the policies and information in the University Catalog, 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 facilities team 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 can do so.

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

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

Emergency Management

The University strives to safeguard the welfare of its learners, faculty, staff, and visitors and take steps to:

1) prevent and mitigate; 2) prepare for; 3) respond to; and 4) recover from emergencies in order to protect the University's essential functions during and after an emergency. In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of learners or employees occurring on campus or other Capella University facilities, the University will, without delay, and taking into account the safety of the community:

- Confirm the existence of a significant emergency or dangerous situation.
- Determine the appropriate campus center or University facilities to receive an emergency notification.
- Determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of the Crisis Response Team or a member thereof, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

After the initial notification, the University will provide adequate follow-up information to learners, faculty and staff as determined appropriate by the University's Crisis Response Team.

The Plan applies to a broad range of emergencies, including but not limited to medical emergencies, weather emergencies, explosions, fire, workplace/campus violence, active shooter, suspicious persons and packages, and other events impacting the health and safety of learners, faculty, staff, or the physical condition of Capella University's facilities. This policy applies to all University locations and campus centers, including University-owned property and University-leased space. Each campus center and facility should communicate with local emergency responders (fire, police, medical) requesting their cooperation to inform the University about reported situations that may warrant an emergency response or timely warning.

It is University policy that each vice president, campus center leader, director, department chair, and supervisor is responsible for the health and safety performance in their respective units and that all employees will follow the emergency notification procedures described in company policies.

Note: The only campus security authority authorized to make arrests are police officers contracted to work on site during residencies.

Crisis Response Team

The University has designated a Crisis Response Team that will serve as the responsible authority for Capella University emergency response activities:

- Vice President, Campus & Community or designee
- University Provost & Chief Academic Officer or designee
- Chief Human Resources Officer or designee
- Vice President, Human Resources or designee
- Senior Director, Public Relations or designee
- Vice President, Real Estate or designee
- General Counsel or designee

Test: Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency management plans and capabilities.

Emergency Notification Procedures

Emergency Notification Procedures: In the event of an emergency or dangerous situation at a Capella University facility, any employee who is aware of the emergency should call 9-1-1 and alert the members of the Corporate Emergency Management Team by calling 877-616-7878. The team member who receives the call will determine, in consultation with other members of the Corporate Emergency Management Team as appropriate, whether a notification should be sent to one or more campus centers or facilities. If it is determined that an emergency notification should be sent, a member of the Crisis Response Team will send the notification to the identified campus community or facility through Capella University's third-party notification service provider, Everbridge, and Campus. The content of the notification will be determined by members of the Crisis Response Team, and certain messages will be pre-formulated to expedite the notification process. After notification of an emergency or dangerous situation, the Crisis Response Team will monitor events and circumstances and determine appropriate follow-up information that should be disseminated to the affected campuses and facilities, such as all-clear notices and updates about continuing steps taken to respond to the emergency, including residency cancellations and facility closures. If the emergency notification is due to the occurrence of a Clery Act crime, the University will issue a timely warning notice to learners in addition to the emergency notification.

Timely Warning Notifications

In addition to emergency notifications, similar notices (both in content and process) will also be issued, in a timely manner that will aid in the prevention of any Clery Act crimes that are reported to campus center leaders or local police agencies if the Crisis Response Team determines that the incident represents a threat to learners and employees.

Emergency Notification and Evacuation Testing: The University will annually publicize its emergency response and evacuation procedures in conjunction with annual tests of the emergency notification and evacuation plans.

The emergency notification system will be tested at least annually. Each calendar year, the Crisis Response Team will test the third-party notification system, evaluate the outcome, determine if any revisions to existing procedures are necessary, and advise the University's General Counsel of the date, time, and result of the annual test. In addition, test evacuation procedures at each facility will be conducted at least annually.

Each location will designate a safety representative to coordinate evacuation tests and assist with evacuation in the event of an actual emergency. Tests may be announced or unannounced and will be documented by the Leadership team. Documentation will include a description of the test, the date and time, and whether it was announced or unannounced. Documentation should be sent to legal@capella.edu with the subject line: Test of Evacuation Procedures.

Emergency Evacuations

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

A location-specific evacuation plan is followed if an order to evacuate is given. Individuals proceed to the nearest exit and out of the building to designated assembly areas 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 announcement 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.
- 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

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

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

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

Safety Tips

Here are some commonsense tips for personal safety and loss prevention:

- Protect your possessions; always keep book bags and purses with you or locked in a secure place.
- When working late at the University, ask the security guard or other learners to walk with you to your car.
- Walk with confidence - show you are alert and in control. Be aware of your surroundings. If you think someone is following you, abruptly switch directions and cross the street.
- If you are still being followed, go to a public place and ask for help. Have your car or house keys available before you reach your door.
- Do not flash large amounts of cash or other valuable objects.
- Walk with other people whenever possible; avoid isolated areas such as alleys, wooded areas, and poorly lit or deserted parking lots and streets.
- I.D. tags with your name, address, or license number on your key chains should be avoided; if lost, they could lead to theft.

- Keep car doors and windows locked.
- If your purse or wallet is being stolen, do not fight for it. Rather than risk personal injury, release it and report the incident to the security guard on duty or the Campus leadership.
- Immediately contact security or the Campus leadership to report any criminal incidents and/or suspicious persons.

Monitoring of Off-Campus Locations

Currently, Capella University does not have any off-campus facilities and therefore does not monitor reports of criminal activity at off-campus housing facilities, off-campus learner organization facilities or any other off-campus facilities. Capella University does, however, coordinate with local police departments to monitor crime in the neighborhoods immediately surrounding the campus facilities and residency locations.

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.

Campus Center Security Policies

Alcohol and Drug Policies

Drug-Free Policy

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.

Alcohol & Drug Policy

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 any University activity.

Legal Sanctions for Unlawful Possession of Alcohol and Drugs

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.

The following summary provides information on some of the potential legal penalties for drug and alcohol violations:

Alcohol Violations

The legal drinking age in the United States is 21 in all 50 states and the District of Columbia. Persons possessing or consuming alcohol under the legal drinking age may face fines or jail time. Many states impose severe penalties for persons using false identification to purchase or consume alcohol.

Driving while under the influence of alcohol is a serious offense. In addition to restrictions on blood alcohol content for drivers above the legal drinking age, many states also have strict "zero tolerance" laws prohibiting driving under the influence of any amount of alcohol if the driver is under the age of 21.

Specific information on legal penalties for alcohol violations can be located at the following websites:

National

National Highway Traffic Safety Administration
<https://www.nhtsa.gov/risky-driving/drunk-driving>

Driving Laws published by NOLO
<https://dui.drivinglaws.org/resources/state-dui-laws.htm>

Drug Violations

Possession of any controlled substance, including drugs such as marijuana, cocaine, LSD, and ecstasy, as well as unauthorized prescription medications, drug paraphernalia, and materials used to manufacture or distribute illegal drugs, can result in serious penalties under federal and state laws, including imprisonment and large fines. Penalties increase sharply if the conviction involves possession, distribution, or the manufacture of controlled substances while on the grounds of a school or college.

In addition, learners convicted of possessing or selling illegal drugs (not including alcohol and tobacco) may be ineligible to participate in federal learner loan programs offered by the U.S. Department of Education. Additional information on penalties for violating controlled substance laws can be found at the website for the Drug Enforcement Administration, located at the following link:
<https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties>.

Drug Penalties Chart:
https://www.campusdrugprevention.gov/sites/default/files/2023-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf

Health Risks of Alcohol and Drug Use

The excessive use of alcohol, improper use of controlled substances, and use of illicit drugs pose significant health risks include physical and psychological addiction; permanent damage to vital organs, such as the brain and liver; complications during pregnancy; loss of motor coordination; psychological and mood disorders, permanent injury, death; and increased risk of several types of cancers. 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.

For additional information on alcohol- and drug-related health risks, please visit <https://nida.nih.gov/research-topics/commonly-used-drugs-charts>, www.drugfree.org and www.whitehousedrugpolicy.gov .

Treatment Resources for Alcohol and Drug Addiction

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

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.

Learners or employees who need assistance in overcoming alcohol or drug-related problems are encouraged to contact the substance abuse organizations listed below:

Substance Abuse & Mental Health Services Association

1-800-662-HELP (4357)

www.samhsa.gov

SAMHSA is the Federal agency charged with improving the quality and availability of prevention, treatment, and rehabilitative services in order to reduce illness, death, disability, and cost to society resulting from substance abuse and mental illnesses. The SAMHSA Web site has a treatment facility locator searchable by type of treatment, form of treatment, and forms of payment accepted.

Al-Anon Family Group

Support and help for families and friends of problem drinkers <https://al-anon.org>

Alcoholics Anonymous

www.aa.org

Alcoholics Anonymous is worldwide with meetings in almost every community. Contact a nearby central office, intergroup, or answering service to find specific locations. Telephone numbers for Alcoholics Anonymous are often listed in local telephone directories. Outside of the United States and Canada, contact the International General Services Office.

Narcotics Anonymous

www.na.org

Narcotics Anonymous is an international, community-based association of recovering drug addicts with nearly 76,000 weekly meetings in over 143 countries worldwide. To find a meeting in your area, contact one of the registered Narcotics Anonymous service committees and groups. If you do not find contact

information for your area on the website, please consult <http://www.drugrehablocator.com/> for information on how to receive help.

Awareness and Prevention

Sexual assault and violence are serious issues facing our society. Colleges and universities across the country are developing programs and materials to educate learners and staff on sexual assault prevention and awareness efforts. Capella University is committed to educating learners, faculty, and staff on these issues.

Rape and sexual assault are never the victim's fault, no matter where or how they happen. Information on these offenses and steps to minimize the potential for rape and 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 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.
- 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.

Sexual Misconduct & Domestic Violence

Discrimination, Harassment & Assault [Policy 4.02.04]

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, 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. This policy does not apply to allegations of sexual harassment or any retaliatory behavior related to reports of such conduct; such allegations are

subject to Capella University Policy 4.02.09 [Sexual Harassment policy, which follows]

Capella University is committed to providing 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.

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.

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.

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, discrimination, harassment, 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. Prohibited conduct does not include sexual harassment, which is covered by separate University Policy.

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; t) 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) non-acceptance 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 will be determined according to Capella's Human Resources policies, located on TheSource and in the *Employee Handbook*.

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 will 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; or
4. The Office of Academic and Community Standards.

B. Upon receipt of an allegation, a faculty member, official, administrator, or statutory designee will notify the Office of Academic and Community Standards.

C. The Office of Academic and Community Standards may be contacted at:

1. Email: OACS@capella.edu;
2. U.S. Postal Service: 225 S. 6th Street, Minneapolis, MN 55402; or
3. Phone: 1.888.CAPELLA (227.3552), request that an advisor connect the call to The Office of Academic and Community Standards.

D. Upon receipt of an allegation, the Office of Academic and Community Standards 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 their 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 will be administered by the Office of Academic and Community Standards. The Office of Academic and Community Standards will consult with Human Resources when a faculty member or employee is involved.
- B. Upon receipt of an allegation, the Office of Academic and Community Standards will determine whether the allegation as stated constitutes an allegation of prohibited conduct under this policy. In the event the Office of Academic and Community Standards determines that the allegation does not contain alleged prohibited conduct under this policy, there will be no further proceedings under this policy.

- C. The Office of Academic and Community Standards may attempt to informally bring the matter to resolution. 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. 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.
- B. Allegations of prohibited conduct under this policy will be investigated by Capella University's Human Resources department if the respondent is a Capella University employee or contractor. Allegations will receive a prompt, fair, and impartial investigation and resolution.
- C. 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.
- D. 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.
- E. 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.
- F. 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 the Office of Academic and Community Standards, unless the alleged victim requests extension, or circumstances beyond Capella University's control require extension.
- G. 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.
- H. 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.
- I. The Office of Academic and Community Standards facilitates communication between the independent review panel and/or Human Resources and the parties. Once a determination is reached, the Office of Academic and Community Standards will report the decision and any appeal opportunities to the alleged victim and the respondent in writing, simultaneously.

J. 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 their summary suspension and their right and opportunity to be heard by submitting a written response and/or appearing by telephone within 7 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 their written response or appearance by telephone beyond the 7 calendar day deadline set forth in Section IV.B. Such extensions will 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 coursework within 10 calendar days of returning to the courseroom without penalty.
 - b. If the respondent was in the last two weeks of the course, they have the option of receiving an Incomplete ("I") grade; in that case, the coursework 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, they must submit a formal, written appeal request to the Office of Academic and Community Standards. 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 their 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 will 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's Human Resources staff pursuant to this policy.

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 University Policy 4.02.09.

VII. All procedures in this policy apply to learners in GuidedPath and FlexPath programs.

[Steps to take if a sexual assault has occurred](#)

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 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.

Registered Sex Offenders

Individuals who have been convicted of sex offenses are required to register with state sex offender registries and provide notice of their enrollment or employment at an institution of higher education. Accordingly, all learners who are convicted sex offenders must notify the law enforcement agency of the jurisdiction in which they reside, of their enrollment at Capella University. Information on registered sex offenders living and working in the areas near Capella University campuses (if any) may be obtained through the following state law enforcement websites. Capella University is not responsible for the accuracy of data provided on the following website:

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>.

Sexual Harassment [Policy 4.02.09]

Capella University is committed to maintaining education programs and activities that are free of sex-based discrimination, as defined in Title IX of the Education Amendments of 1972 (Title IX). Capella University prohibits sexual harassment of any members of the University community and any retaliatory behavior related to reports of such conduct. To ensure the safety of learners and personnel, a healthy and thriving workplace and learning environment, and compliance with Title IX in Capella University's education programs and activities, Capella University has adopted this policy.

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

DEFINITIONS

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.

Complainant

A complainant is an individual who is participating in or attempting to participate in a Capella University Education Program or Activity and is alleged to be the victim of conduct that could constitute a violation of this policy if proved.

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.

Education Program or Activity

Education program or activity includes locations, events, or circumstances over which Capella exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

Formal Complaint

A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the institution investigate the allegation of Sexual Harassment.

Hostile Environment

A hostile environment is an objectively hostile or abusive Capella University setting caused by sexual harassment that is so severe, persistent, and pervasive that it effectively denies a person equal access to an Education Program or Activity.

Prohibited Conduct

Prohibited conduct includes Sexual Harassment and Retaliation, as defined in this policy, provided that the conduct either a) occurs in the context of a Capella University Education Program or Activity; or b) creates a hostile environment in a Capella University Education Program or Activity.

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.

Sanction

A sanction is a disciplinary action that may result from Prohibited Conduct. Disciplinary action may include one or more of the following: a) formal written warning; b) mandated remedial activity; c) suspension from Capella University; d) dismissal from a program; e) dismissal from Capella University; or f) cancellation of a previously-awarded academic credit or degree. 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.

Sexual Harassment

Sexual harassment is conduct that occurs within an education program or activity, on the basis of sex, and satisfies one or more of the following:

1. A Capella University employee, or contracted worker, conditioning the provision of a Capella University aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct that results in what a reasonable person would deem to be a Hostile Environment; or
3. "Sexual assault" as defined in the Clery Act at 20 U.S.C. 1092(t)(6)(A)(v); and "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). (34 C.P.R. 106.30(a) (2020); commonly known as the Violence Against Women Act or "YAW A").

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 Capella University activities while an evaluation of alleged Prohibited Conduct is being completed.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available, without fee or charge. Supportive Measures may include counseling, extensions of deadlines, course-related adjustments, modifications of class schedules, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas, and other similar measures. Capella University will maintain as confidential any supportive measures provided to a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the ability of Capella University to provide the Supportive Measures.

Suspension

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

University Administrator

A university administrator is a Capella 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.

PROCEDURES

- I. Reporting Suspected Prohibited Conduct
 - A. Capella University strongly encourages the prompt reporting of sexual misconduct to allow the University to respond promptly and effectively. If the reported respondent is not a member of the Capella community or is no longer associated with the University at the time of the report or at the time a resolution process is initiated, Capella may be unable to conduct an investigation or take disciplinary action.
 - B. 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 Title IX Coordinator; or
 4. The Office of Academic and Community Standards.
- C. Upon receipt of an allegation, a faculty member, official, or administrator will notify the Title IX Coordinator and/or the Office of Academic and Community Standards.
- D. The Office of Academic and Community Standards may be contacted at:
1. Email: OACS@capella.edu;
 2. U.S. Postal Service: 225 S. 6th Street, Minneapolis, MN 55402;
 3. Phone: 1.888.CAPELLA (.227.3552), request that an advisor connect the call to the Office of Academic and Community Standards; or
- E. By submitting a report online (including anonymous reports) through <https://secure.ethicspoint.com/domain/media/en/gui/77363/index.html>
- F. Upon receipt of an allegation, the Office of Academic and Community Standards will document reports of prohibited conduct under this policy and will maintain such documentation as dictated by the applicable document retention policy.
- G. Upon receipt of an allegation, the Office of Academic and Community Standards will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the Title IX complaint resolution process, including which members of the University may have access to and for what purpose information obtained during this process.
- H. 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) if known.
 3. The corrective action the learner or member of the Capella Community is seeking
- I. 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 their version of the events in question is more likely true than not true.
- J. If at any stage of these procedures the Complainant requests in writing (may be written or electronic writing) that the complaint not be pursued, that request will be honored unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
- K. If at any stage of these procedures the Complainant 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 may be limited by law or regulation in certain circumstances.
- L. The Complainant maintains the right to notify law enforcement at any time or to refrain from contacting such authorities. The Complainant 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 Complainant's request, Capella will assist the alleged victim(s) in notifying

law enforcement. Capella at all times retains the right to notify law enforcement, at its discretion, to protect its learners and/or employees or when required by law or regulation.

M. In the event an allegation of sexual harassment arises out of a Consensual Relationship as defined by University Policy 4.02.04, then the Additional Procedures for Reporting a Consensual Relationship set forth at University Policy 4.02.04 (IV) shall also be applied.

II. Initial Resolution Process

- A. The Initial Resolution Process will be administered by the Office of Academic and Community Standards. The Office of Academic and Community Standards will consult with Human Resources when a faculty member or employee is involved.
- B. Upon receipt of an allegation, the Office of Academic and Community Standards will determine whether the allegation as stated constitutes an allegation of prohibited conduct under this policy. A complaint will be dismissed in the event that, at any time during the investigation or hearing any of the following occur: a) the alleged conduct does not meet the definition of sexual harassment under this policy even if proved; b) the conduct did not occur in an educational program or activity; or c) specific circumstances prevent the institution from gathering evidence sufficient to reach a determination.
- C. Only after a formal complaint has been filed, the Office of Academic and Community Standards may offer both parties the opportunity to attempt an informal resolution of the matter. In order for any kind of informal resolution process to occur that forecloses the procedures contained in this policy, the following must occur:
1. Both parties must give voluntary, informed, written consent to attempt informal resolution.
 2. Both parties must be informed of any consequences of participating in an informal resolution process.
 3. Parties must be notified that they can withdraw from any informal resolution process at any time and resume the formal grievance process.
 4. Informal resolution is not available where allegations involve employee sexual harassment of a learner.
 5. If informal resolution is not reached, the allegation will be sent back to the formal grievance process as defined in this policy (or to Human Resources as appropriate) for investigation and review.
- D. At any time during any portion of the procedures contained in this policy, either party may request a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Capella University reserves the right, in its sole discretion, to deny such requests if they are made merely to delay or impede the prompt resolution of such matters.

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. Allegations will receive a prompt, fair, and impartial investigation and resolution. The 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 harassment, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- B. Allegations of prohibited conduct under this policy will be investigated by Capella University's Human Resources department if the respondent is a Capella University employee or contractor. Allegations will receive a prompt, fair, and impartial investigation and resolution.
- C. Throughout the investigation and review process, there will be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- D. Investigations of alleged prohibited conduct will include:
 - 1. Notification to the respondent of the allegation of prohibited conduct, that respondent is presumed not responsible, and that a determination regarding responsibility will be made at the conclusion of the process.
 - 2. An opportunity for both parties to submit any writing, information, evidence, and/or witnesses supporting or refuting the allegation. As a part of this opportunity, both parties have the ability to review any such information provided by another party to any interviews, meetings, or hearings, as long as the information is directly related to the allegations. Note that prior to a live hearing, both parties must have at least 10 calendar days to make corrections, provide context, and prepare responses to such information or evidence.
 - 3. Written notice of all hearings, investigative interviews, or other meeting where participation is invited or expected will include the date, time, location and participants. This will be provided in sufficient time for the party to prepare to participate.
 - 4. Prior to completion of the investigative report, Capella University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The institution will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
 - 5. Capella University will create an investigative report that fairly summarizes relevant evidence. The investigative report will be sent to each party and the party's advisor, if any, for their review and written response at least 10 calendar days prior to a hearing (if a hearing is required) or other time of determination regarding responsibility.
- E. Capella University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the institution obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3, then the institution must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3).
- F. Role and Appointment of Advisors
 - 1. During the course of any grievance proceeding, parties' advisors may be, but are not required to be, attorneys. Capella University will not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate

- in the proceedings, as long as the restrictions apply equally to both parties. During the investigative phase, advisors will only be allowed to interact with Capella University personnel and will not have direct contact with adverse parties or witnesses. During a live hearing, advisors will conduct cross-examination.
2. If a party does not have an advisor present at the live hearing, Capella University will provide, without fee or charge to that party, an advisor of the institution's choice solely for the purpose of conducting cross-examination on behalf of that party. The institutionally-provided advisor may be, but is not required to be, an attorney. Only advisors may cross-examine another party or adverse witness. To be clear, under no circumstances will one party be allowed to directly cross-examine another party or an adverse witness.
 3. A party must notify Capella University at least 7 calendar days prior to any hearing or proceeding at which an advisor may participate with the contact information for that advisor. If a party does not have their own advisor but will need to have one provided by Capella University, that party must also notify Capella University at least 7 calendar days prior to any hearing or proceeding at which an advisor may participate so that the University can arrange for advisor to be present and to have time to prepare for such hearing or proceeding.

G. Live Hearings, Examination, Cross-Examination, Relevance, Sexual History

1. Both parties will have an opportunity to participate in a live hearing. At the University's discretion, the hearing may be conducted virtually with technology enabling participants to simultaneously see and hear each other or with all parties physically present in the same geographic location. The University may also conduct the live hearing with some participants in the same geographic location, and others virtually, so long as both parties are provided the same opportunity (if any) to be present in the same geographic location.
2. During the live hearing, the decision-maker(s) will make an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and ensure that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
3. The decision-makers will not draw an inference solely based upon a party's or witness's failure or refusal to appear at live hearing or submit to cross-examination.
4. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
5. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) may issue a determination as to relevance and explain any decision to exclude a question as not relevant.
6. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions or evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
7. Capella University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review, without charge or fee, within a reasonably prompt timeframe.
8. During the course of the hearing, the decision-maker(s) may consult with Capella University's legal counsel by telephone or in person.

H. Determination of Responsibility

1. The decision-maker(s), who will not be the same person(s) as the Title IX Coordinator or the investigator(s), will issue a written determination regarding responsibility.
2. The decision-maker(s)' written determination will include:
 - a. The identification of the allegations potentially constituting Title IX Sexual Harassment as noticed.
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
 - c. Findings of fact supporting the determination.
 - d. Conclusions regarding the application of the institution's code of conduct to the facts.
 - e. A statement of, and rationale for, the result as to each material allegation, including a determination regarding responsibility, any disciplinary sanctions the institution imposes on the respondent, and whether remedies will be provided by the institution to the complainant.
 - f. The University's procedures and permissible bases for the complainant and respondent to appeal the determination of responsibility.
 - g. The institution will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. This constitutes the conclusion of the Title IX complaint resolution process.

IV. Appeal Process

- A. Both parties will have the opportunity to appeal, via written request to the Office of Academic and Community Standards within 10 calendar days of being sent notice of the outcome, on the following basis:
 1. Procedural irregularity that affected the outcome of the matter.
 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If either party chooses to appeal the initial decision on any other basis, they must submit a formal, written appeal request to the Office of Academic and Community Standards. The appeal request must be submitted via mail or email and within 10 calendar days of being sent notification of the panel's decision.
 1. The president or president's designee will receive and review the record developed at the investigation and review stage.
 2. Following the review, the president or president's designee will issue a decision and report. The president or president's designee may affirm or reverse the decision, in whole or in part, or may issue a new decision.
 3. The decision of the president or president's designee is final and will be communicated in writing to the alleged victim and respondent simultaneously.

4. 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.
5. Capella University employees and contractors are ineligible to appeal final decisions rendered by the University's Human Resources staff pursuant to this policy, except to the extent their appeal is made in their capacity as a Capella University learner.

V. Summary Suspension Procedures

- 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 their summary suspension and their right and opportunity to be heard by submitting a written response and/or appearing by telephone within 7 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 their written response or appearance by telephone beyond the 7 calendar day deadline set forth in Section IV.B. Such extensions will 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 coursework within 10 calendar days of returning to the classroom without penalty.

- b. If the respondent was in the last two weeks of the course, they have the option of receiving an Incomplete ("I") grade; in that case, the coursework 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.

VI. Alcohol and Drug Use Amnesty

The health and safety of every learner at Capella is of utmost importance. Capella recognizes that learners who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Capella strongly encourages learners to report incidents of sexual misconduct. A witness to or individual who experiences sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to University officials or law enforcement will not be sanctioned under Capella's code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual harassment or sexual violence. Capella may request the individual attend an approved alcohol or drug education program and without assessing any charges for such program. This amnesty provision also applies to learner groups making a report of sexual misconduct. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

VII. Additional Procedures for reporting a consensual Relationship

In the event an allegation of sexual harassment arises out of a Consensual Relationship as defined by University Policy 4.02.04, then the Additional Procedures for Reporting a Consensual Relationship set forth at University Policy 4.02.04 (IV) shall also be applied.

VIII. All procedures in this policy apply to learners in GuidedPath and FlexPath programs.

Release disciplinary outcome to victims of crimes of violence or non-forcible sex offenses.

Capella University will, upon request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of the Title 18, United States Code), or a non-forcible sex offense (incest or statutory rape), the results of any disciplinary proceeding conducted by the Capella University against a student who is the alleged perpetrator of the offense. If the alleged victim is deceased as a result of the offense, the next of kin of the victim is permitted to make the request.

Reporting a Violation

To report a violation, contact a University Administrator or events staff member.

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.

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

Weapons

Learners may not have in their possession or control any type of weapon or firearm on Capella premises. A learner who is a sworn law enforcement officer may carry a weapon only with the prior approval of the Vice President of Campus & Community and only if the learner shows proof of his or her legitimate law enforcement position by presenting valid law enforcement credentials.

Hazing

Capella University forbids physical and/or psychological abuse or the threat of such abuse of any person on university premises or at university activities. This includes hazing, which is defined as initiation or discipline of fellow learners by means of horseplay, practical jokes, and tricks, often in the nature of humiliating or painful ordeals. Hazing is a violation of the Learner Code of Conduct and any learner engaging in hazing activities will be subject to disciplinary action as set forth in the Learner Handbook.

CAPELLA UNIVERSITY – CRISIS REFERRAL INFORMATION

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

- National Domestic Violence Hotline: 800.799-7233 or 800.787.3224 (TTY)
- National Sexual Assault Hotline: 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.

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 (RAINN) <https://www.rainn.org/resources>
Phone: 800.656.HOPE (4673)

Crime Statistics

Description of Statistics Reported

The Clery Act requires universities to provide crime statistics to their learners with regard to the following offenses, as defined by the Federal Bureau of Investigation's Uniform Crime Reporting Program.

- Criminal Homicide
 - Murder & Non-negligent manslaughter
 - Negligent manslaughter
- Sex Offenses: Rape, Fondling, Incest, Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Liquor, Drug and Illegal Weapons Possession Arrests

The Violence Against Women Reauthorization Act amended the Clery Act to require that universities provide crime statistics to their learners with regards to:

- Sexual assault
- Dating violence
- Domestic violence
- Stalking

Hate Crimes must also be reported. The Clery Act requires universities to report as a hate crime, by category of prejudice, any of the above offenses where the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity or disability. Additionally, universities must report any hate crimes involving the following crimes: larceny-theft, simple assault, intimidation, destruction/vandalism of property

The Clery Act also requires that universities report not only crimes occurring on campus but also crimes occurring on public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. Crime statistics for the prior three calendar years which are 2019, 2020, and 2021 for these categories of offenses are provided below. These crime statistics indicate the number of reported occurrences of each crime by campus, but do not necessarily reflect arrests or convictions. Capella University assumes no responsibility for the accuracy of crime statistics reported by local police jurisdictions.

Procedure for Annual Reporting of Crime Statistics

Throughout each calendar year the Office of General Counsel collects incident reports from the campuses and crime data from local police jurisdictions for inclusion in the University's annual crime statistics report. Campus incidents are classified according to the definitions in the Clery Act and applicable

regulations. This report to the campus community, including statistics for crimes required to be reported under the Clery Act, is published no later than October 1st of the year following the reporting period. Notification of the availability of this report will be sent via e-mail.

Campus Crime Reporting Areas

Below are descriptions of the locations of the University's facilities included in the 2022 crime statistics reporting. Crimes occurring within Capella facilities and associated parking areas are included in the statistics provided for campus crimes. Local police jurisdictions were requested to provide crime statistics for each campus address as well as the public streets and sidewalks immediately adjacent to each campus¹.

Minnesota

The **Capella University** headquarters are located at Capella Tower 225 S. 6th Street, 9th Floor, Minneapolis MN 55402.

¹ Please note that campuses that were not open and operating for the entire year (January – December 2021) are not included in the Clery crime reporting for 2023. Campuses that relocated during that time are included but reporting was completed for the most recent and current location.

Campus Crime Statistics 2020 - 2022

Capella University's campuses are discrete locations. We are providing data for our campus centers, public property, and noncampus (residency locations) properties for the timeframes these properties were leased.		Murder & Non-Negligent Manslaughter		Negligent Manslaughter		Rape		Fondling		Incest		Statutory Rape		Robbery		Aggravated Assault	
		On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property
Florida	Rosen Centre Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Rosen Plaza Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Georgia	Atlanta Campus Center	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Marriott Marquis (Atlanta) Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Augusta Campus Center	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illinois	Hyatt Regency O'Hare Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minnesota	Bloomington Mall of America Residencies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nevada	South Point Casino Hotel & Spa Residencies	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	4
Texas	La Cantera Resort & Spa Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Hyatt Regency Lost Pines Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	Hyatt Regency Crystal City Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Hyatt Regency Reston Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Lansdowne Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
North Carolina	Embassy Suites Charlotte-Concord Golf Resort & Spa Residency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

N/A indicates that the law enforcement agency did not provide Crime Statistics to Capella University

Burglary		Motor Vehicle Theft		Arson		Liquor Law Violations		Drug Abuse Violation		Weapons Possession		Domestic Violence		Dating Violence		Stalking		Hate Cri
On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
0	1	0	20	0	0	0	0	0	0	0	0	0	19	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

N/A indicates that the law enforcement agency did not provide Crime Statistics to Capella University

Capella University's campuses are discrete locations. We are providing data for our campus centers, public property, and noncampus (residency locations) properties for the timeframes these properties were leased.		Murder & Non-Negligent Manslaughter		Negligent Manslaughter		Rape		Fondling		Incest		Statute
		On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site
State	Jurisdiction											
Arizona	Grand Resort & Spa Residency	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
Florida	Rosen Shingle Creek Residency	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
	Hyatt Regency Orlando Residency	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
	Hyatt Regency Jacksonville Residency	0	0	0	0	0	0	0	0	0	0	0
Minnesota	Bloomington Mall of America Residencies	0	0	0	0	0	0	0	0	0	0	0
Texas	La Cantera Resort & Spa Residency	0	0	0	0	0	0	0	0	0	0	0
	Hyatt Regency DFW Residency	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
Virginia	Hyatt Regency Reston Residency	0	0	0	0	0	0	0	0	0	0	0
Ohio	Renaissance Cleveland Hotel Residency	0	0	0	0	0	0	0	0	0	0	0

N/A indicates that the law enforcement agency did not provide Crime Statistics to Capella University

ry Rape	Robbery		Aggravated Assault		Burglary		Motor Vehicle Theft		Arson		Liquor Law Violations		Drug Abusi
	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	On Site
N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0

N/A indicates that the law enforcement agency did not provide Crime Statistics to Capella University

e Violation	Weapons Possession		Domestic Violence		Dating Violence		Stalking		Hate Crimes Note: we report all Clery Act crimes that are				
	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Race	Religion	Sexual Orientation	Public Property	On Site
	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	0
	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	0
	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0

N/A indicates that the law enforcement agency did not provide Crime Statistics to Capella University

3 Hate Crimes both in the above chart and in the Hate Crime Chart below. The chart below also includes larceny-theft, simple assault, intimidation, destruction/vandalism of property.

Orientation	Gender		Gender Identity		Disability		Ethnicity		National Origin	
	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site
N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A
N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A
N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0

N/A indicates that the law enforcement agency did not provide Crime Statistics to Capella University

Capella University's campuses are discrete locations. We are providing data for our campus centers, public property, and noncampus (residency locations) properties for the timeframes these properties were leased.		Murder & Non-Negligent Manslaughter		Negligent Manslaughter		Rape		Fondling		Incest		Statutory Rape	
		On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property
State	Jurisdiction												
Arizona	Arizona Grand Residency	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Embassy Suites Phoenix Scottsdale Residency	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Florida	Rosen Shingle Creek Residency	0	0	0	0	0	0	0	0	0	0	0	0
	Sawgrass Marriott Residency	0	0	0	0	0	0	0	0	0	0	0	0
Illinois	Q Center Residency	0	0	0	0	0	0	0	0	0	0	0	0
	Hyatt Regency O'Hare Residency	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Texas	Embassy Suites Denton	0	0	0	0	0	0	0	0	0	0	0	0
	Hyatt Regency DFW Residency	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Georgia	Sheraton Atlanta Residency	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Omni Atlanta Residency	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

N/A indicates that the law enforcement agency did not provide Crime Statistics to Capella University

and in the Hate Crime Chart below. The chart below also includes larceny-theft, simple assault, and vandalism of property.

Gender Identity		Disability		Ethnicity		National Origin	
On Site	Public Property	On Site	Public Property	On Site	Public Property	On Site	Public Property
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
0	0	0	0	0	0	0	0
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

N/A indicates that the law enforcement agency did not provide Crime Statistics to Capella University