

**PREVENTION OF SEX DISCRIMINATION, SEXUAL HARASSMENT AND SEXUAL VIOLENCE:
TITLE IX POLICY for Park University**

Title IX specifically prohibits sex discrimination, and the University considers sex discrimination in all its forms to be a serious offense and a violation of this policy. Sex discrimination includes discrimination on the basis of pregnancy, sexual orientation, gender identity, and failure to conform to stereotypical notions of femininity and masculinity.

Harassment, whether verbal, physical, or visual, that is based on sex, is a form of prohibited sex discrimination. Sexual harassment also includes sexual violence.

Park University will not tolerate sex discrimination or harassment of applicants, students, or employees, whether by students, faculty, staff, administrators, contractors, or outside vendors. This policy prohibits sex discrimination, sexual harassment, and sexual violence even when the complainant and alleged perpetrator are members of the same sex, and it applies regardless of national origin, immigration status, or citizenship status. The University's prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

Park University recognizes not only its legal responsibilities but also its moral and ethical responsibilities to prohibit discrimination and harassment on the basis of sex and to take appropriate and timely action to ensure an environment free of such inappropriate conduct and behavior. The University has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official University program or activity (regardless of location), or off campus when the conduct creates a hostile environment on campus. The University will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

Additionally, Park University will not tolerate retaliation in any form against an applicant, student, or employee for reporting a violation of this policy or assisting in the investigation of a complaint. To file a Sexual Harassment, Title IX Complaint, complete the online form available through the Park University website: [Park University Sexual Harassment Report Form](#). You may also contact the following individuals directly:

- Roger Dusing, Chief Human Resources Officer and Title IX Coordinator. He can be reached by phone at: 816-584-6386 or by e-mail at: Roger.Dusing@park.edu.
- Dr. Jayme Uden, Associate Vice President & Dean of Students and Deputy Title IX Coordinator. He can be contacted as follows: by phone at (816) 584-6595 or by e-mail at: Jayme.Uden@park.edu.
- Dr. Rebekkah Stuteville, Vice Provost and Deputy Title IX Coordinator. She can be reached by phone at: 816-584-6597 or by e-mail at: Rebekkah.Stuteville@park.edu.
- Outside office hours, or if not accessible at the number and e-mail listed, please contact the Coordinator/Deputy Coordinators through the Campus Safety Dispatcher at (816) 584-6444.

Definitions for this Policy:

1. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of such individual's education or employment, unreasonably interferes with a person's work or educational performance, creates an intimidating, hostile, or otherwise offensive working or learning environment, or is used as the basis for academic or employment decisions affecting the individual.
2. Sexual Violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or against a person who is incapable of giving consent due to the victim's incapacity – which may be the result of the victim's youth, use of drugs or alcohol, and/or due to the individual's intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment under Park University's policy.
3. Retaliation is defined as taking adverse action against a student or employee making a complaint under this policy or against any person cooperating in the investigation of a complaint under this policy. Retaliation includes intimidation, threats, harassment, and other adverse action including adverse job action and adverse academic action against any such complainant or third party.
4. Sexual Misconduct is a blanket term that includes sex discrimination, sexual harassment, and sexual violence.
5. Domestic violence, dating violence, and stalking can also constitute sexual misconduct when motivated by a person's sex. These crimes, no matter the motivation behind them, are a violation of this policy. The definitions of these crimes are as follows:
 - "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a 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 or the victim under the domestic or family violence laws of the State of Missouri, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - Missouri's definition of domestic violence can be found at Mo. Rev. Stat. § 455.010.
 - Under Missouri law, domestic violence also includes the crime of "domestic assault" which can be found at Mo. Rev. Stat. §§ 565.072-565.074.

- “Dating violence” means violence committed by a person:
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.
 - Missouri law does not specifically define dating violence, but conduct of this nature is covered by Missouri’s definitions of domestic violence and domestic assault.
- “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (A) fear for his or her safety or the safety of others; or
 - (B) suffer substantial emotional distress.
 - Missouri’s definition of stalking can be found at Mo. Rev. Stat. § 455.010 and § 565.225.

Sexual Misconduct Grievance Procedure

General Standards

- A. These grievance procedures apply to complaints made to the University by students, employees, faculty, or third-parties against students, employees, faculty or third-parties. These procedures are the exclusive means of resolving complaints of sexual misconduct.
- B. These procedures provide for prompt, fair, and impartial investigations and resolutions. Any University employee involved in administering these procedures shall discharge their obligations fairly and impartially. If they determine that they cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, another appropriate individual will be designated to fulfill their role in administering these procedures.
- C. These procedures will be implemented by officials who receive annual training on the issues related to sexual misconduct, domestic violence, dating violence, and stalking and how to conduct an investigation that protects the safety of victims and promotes accountability.

Filing a Complaint

- A. Any student or employee who believes that he or she has been the subject of sexual misconduct and desires to have it investigated and resolved by the University should report the incident to the Associate VP and Chief Human Resources Officer (CHRO) who shall act as Park University's Title IX Coordinator. Deputy Title IX Coordinators include: the Dean of Students and the Associate VP for Academic Affairs. A complaint of sexual misconduct may be received by other Park University staff or faculty; however, he or she will forward it immediately to the Title IX Coordinator or Deputy Title IX Coordinator. In the case of sexual violence, they will seek the assistance of Campus Safety staff if immediate medical or safety needs exist. A form for filing these complaints is available online: [Park University Sexual Harassment Report Form](#). Refer to the Sexual Misconduct Policy for confidential reporting options.
- B. The Associate Vice President for Human Resources, who serves as Title IX Coordinator for Park University, is Roger Dusing and he can be reached by phone at: 816-584-6386 or by e-mail at: Roger.Dusing@park.edu. The Dean of Students, who serves as a Deputy Title IX Coordinator, is Dr. Jayme Uden and he can be contacted as follows: by phone at (816) 584-6595 or by e-mail at: Jayme.Uden@park.edu. The Associate Vice President for Academic Affairs, who serves as a Deputy Title IX Coordinator, is Dr. Rebekkah Stuteville, and she can be reached by phone at: 816-584-6597 or by e-mail at: Rebekkah.Stuteville@park.edu. Outside office hours, or if not accessible at the number and e-mail listed, please contact the Coordinator/Deputy Coordinators through the Campus Safety Dispatcher at (816) 584-6444.

- C. There is no statute of limitations for filing complaints of sexual misconduct, but the University encourages persons to make complaints as soon as possible because later reporting may limit the University's ability to investigate and resolve the matter.
- D. All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with these procedures, and the University will take disciplinary action where appropriate. The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. If the complainant does not wish to pursue resolution and/or requests that his or her complaint remain confidential, under Title IX – Park University will still investigate and take reasonable action in response to the complainant's request. The Coordinator/Deputy Coordinator will inform the complainant, however, that the University's ability to respond will likely be limited. Regardless of the complainant's request, under Title IX, Park University must evaluate the complainant's request that there be no formal or informal resolution and/or that the complainant remain confidential in the context of Park University's commitment to provide a reasonably safe and non-discriminatory environment for its students and employees. The Title IX Coordinator and/or Deputy Title IX Coordinators are responsible for evaluating confidentiality requests. The University reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. **As needed, and regardless of the complainant's request, under Title IX, Park University shall take prompt and effective action to limit the effects of the sexual misconduct and to prevent its reoccurrence.**
- E. It is a violation of this policy to retaliate against any member of the University Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.
- F. While the University encourages all good faith complaints of sexual misconduct, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

Investigation: Preliminary Matters

- A. The University will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation.

- B. In all complaints of sexual misconduct, Park University will undertake an appropriate inquiry and take immediate action to support and protect the complainant (and those investigating the complaint or providing information to the investigation). If a complainant has obtained an order of protection, temporary restraining order, or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Coordinator/Deputy Coordinator. The University will take all reasonable and legal action to implement the order.
- C. At any stage of the investigation, the University may implement appropriate interim steps pending the final outcome of the investigation. If appropriate, the Coordinator/Deputy Coordinator may impose a “no contact” order, which will include a directive that the respondent should not contact the complainant, directly or through proxies, whether in person or via electronic means, pending the investigation. The Coordinator/Deputy Coordinator may also take any further protective action that he or she deems appropriate concerning the interaction of the parties pending the investigation including directing appropriate Park University officials to alter academic, housing, and/or Park University employment arrangements, together with such other protections as the Coordinator/Deputy Coordinator shall deem appropriate. Consistent with Title IX, when taking steps to separate the complainant and the respondent, Park University shall minimize the burden on the complainant and will not, as a matter of course, remove the complainant from his or her classes, housing, or employment while allowing the respondent to remain. Violations of the Coordinator/Deputy Coordinator’s directive and/or protective actions will constitute separate violations of the Sexual Misconduct Policy that may lead to additional disciplinary action.
- D. During the investigation process, both a complainant and a respondent may ask a support person/advisor to accompany them at all stages of the process. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent may not be actively involved in any proceedings, and they must agree to maintain the confidentiality of the process.
- E. Some instances of sexual misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the University will assist the complainant in doing so. The potential for a criminal investigation, however, does not relieve the University of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the University will proceed with its own investigation and resolution of the complaint.
- F. During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include: (1) equal opportunity to identify and have considered witnesses and other relevant evidence; (2) similar and timely access to all information considered by the investigators; (3) equal opportunity to review any statements or

evidence provided by the other party; and (4) equal access to review and comment upon any information independently developed by the investigators.

Investigation: Initial Meeting

- A. Once the Coordinator/Deputy Coordinator has been notified of an allegation of sexual misconduct, the Coordinator/Deputy Coordinator will schedule a meeting, typically within one to two business days, with the complainant in order to advise the complainant of Park University's sexual misconduct policy and forms of support or immediate interventions available to the complainant, including referral to appropriate law enforcement agencies, medical providers, and/or counseling and psychological services. If the conduct is criminal in nature, as, for example, assault, rape, or attempted rape, Park University strongly recommends that the complainant report the incident to law enforcement officials. Staff in Campus Safety, Student Success, and/or Human Resources will assist the student or employee with reporting the incident to law enforcement officials.
- B. The complainant shall be advised of accommodations that may be appropriate, such as a change in academic, housing, or employment arrangements. Such accommodations will be implemented upon request of the victim if they are reasonably available, and they are available regardless of whether the victim chooses to report the incident to local police. In addition, the complainant will be paired with a Park Advocate who will continue to communicate with and provide assistance to the complainant. The respondent student or employee will also be provided with a Park Advocate who will communicate with and provide assistance to the respondent.
- C. At this meeting, the Coordinator/Deputy Coordinator will ascertain from the complainant how he or she wishes to proceed, whether by formal or informal resolution, or whether the complainant does not wish to pursue resolution of any kind. If the complainant wishes to proceed with either formal or informal resolution, the Coordinator/Deputy Coordinator will determine the name of the respondent as well as the date, location, and nature of the alleged sexual misconduct. The complainant will be asked to submit a written statement describing the details of the sexual misconduct; however, the complainant shall not be required to submit a written statement particularly if they have been so traumatized by the alleged incident that writing it down would be emotionally difficult. In such a case, the Coordinator/Deputy Coordinator shall create a written record based upon the complainant's statement.
- D. If the complainant wishes to proceed with formal or informal resolution, the Coordinator/Deputy Coordinator will promptly commence an investigation. If the respondent is a student, the Chief Conduct Officer/Associate Dean of Students will cause a transcript hold to be placed on the respondent's student transcript pending the final resolution of the complaint. During the investigation, and until the matter is finally

resolved, the student respondent may not withdraw. Two Park University staff or faculty from the pool of trained Title IX Investigators will be assigned to investigate the allegations.

Investigation: Informal Resolution

- A. Informal means of resolution, such as mediation, may be used to investigate and resolve a complaint of sexual misconduct. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Coordinator/Deputy Coordinators. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the complainant may terminate the informal process at any time. In any event, informal resolution, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence.

Investigation: Formal Resolution

- A. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the investigators may receive counsel from University administrators, the University's attorneys, the Coordinator/Deputy Coordinators or other parties as needed.
- B. During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have an opportunity to respond to the allegations and present supporting witnesses or other evidence. The investigators will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.
- C. At the conclusion of the investigation, the investigators will prepare a draft written report. The report will explain the scope of the investigation and identify findings of fact. The investigators will present the report to the appropriate Deputy Title IX Coordinator, and the Deputy Coordinator will review the draft, revise as necessary, and finalize it.
- D. If the final written report finds that any allegations in the complaint were found to be substantiated by a preponderance of the evidence resulting in a policy violation, the Deputy Coordinator will prepare an addendum setting forth the discipline and remedial measures.
- E. If a complaint of sexual misconduct is found to be substantiated, the University will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the student sanctions range from a verbal warning to expulsion. For employees – sanctions range from a verbal warning to termination of

employment. Other remedial steps may include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons. The university will consider the concerns and rights of both the complainant and the respondent.

- F. Once the Investigation is completed and a final decision is made, both the complainant and respondent will be informed of the outcome in writing within three business days. The decision is final; only subject to the appeal procedure below.

Appeals

- A. The complainant or respondent may appeal the determination of a complaint only on the following grounds:
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the investigators, would result in a different decision;
 - There was a procedural error significant enough to call the outcome into question;
 - There was a clear error in factual findings;
 - Bias or prejudice on the part of the investigators; or
 - The punishment or the corrective action imposed is disproportionate to the offense.
- B. Appeals must be filed with the Title IX Coordinator within ten (10) days of receipt of notification of the outcome of the investigation and must include all of the information below. The Appeal will then be assigned to an Appeal Panel for evaluation. The University reserves the right, after reviewing the below information submitted by the appealing party, to deny the appeal without further review if the determination is made that the above grounds do not exist as a basis for the appeal. An appeal may not be based solely upon the appealing party's disagreement with the University's initial determination.
- Name of the complainant;
 - Name of the respondent;
 - A statement of the determination of the complaint, including corrective action if any;
 - A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
 - Requested action, if any.
- C. The appealing party may request a meeting with the Appeal Panel, but the decision to grant a meeting is within the Appeal Panel's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

- D. The Appeal Panel will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that the Panel determines to be in the interest of a fair and just decision. The decision of the Appeal Panel is final. The Appeal Panel shall issue a short and plain written statement of the resolution of the appeal, including any changes made to the Deputy Coordinator's previous written determination. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of the resolution.

Documentation

- A. Throughout all stages of the investigation, resolution, and appeal, the investigators, the Title IX Coordinator, the Deputy Title IX Coordinators, and the Appellate Officers as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.
- B. Sexual Misconduct/Title IX allegations and findings are kept separate from a student's academic record, and maintained as part of an employee's records.

Intersection with Other Procedures

- A. These grievance procedures are the exclusive means of resolving complaints alleging violations of the Sexual Misconduct Policy. To the extent there are any inconsistencies between these grievance procedures and other University grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Sexual Misconduct Policy.

SEXUAL MISCONDUCT POLICY

Members of the Park University community, guests and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Park University believes in a zero tolerance policy for sexual misconduct. When an allegation of misconduct is brought to an appropriate administration's attention (such as the [Title IX Coordinator for Park University](#)), and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define Park University community expectations and to establish a mechanism for determining when those expectations have been violated. To report sexual misconduct, please use the [Park University Sexual Harassment Form](#) available on the Park website and/or report it immediately to a [Campus Safety Officer](#), Residence Life and Education Staff Member, Student Success Staff Member, Human Resources Staff Member, or other Park University employee.

POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "No."

POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become

unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation later. (All employees engaging in romantic relationships with other employees are encouraged to review section 2.13 of the [Park Employee Handbook](#).)

Park University Employees are prohibited from developing a romantic or sexual relationship with a Park University student. Employees are deemed to be primarily responsible for adherence to this policy, although both employee and student will be held accountable. Even among students - consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are discouraged.

SEXUAL VIOLENCE -- RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

1. If you have limits, make them known as early as possible.
2. Tell a sexual aggressor “NO” clearly and firmly.
3. Try to remove yourself from the physical presence of a sexual aggressor.
4. Find someone nearby and ask for help.
5. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
2. Understand and respect personal boundaries.
3. DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
4. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
5. Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.

6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

In campus investigations, legal terms like "guilt, "innocence" and "burdens of proof" are not applicable, but the university never assumes a student is in violation of university policy. Investigations are conducted to take into account the totality of all evidence available, from all relevant sources. **Park University uses a "preponderance of evidence" standard: is it more likely than not that the policy violation occurred?**

The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' and employees' rights and personal safety. Such measures include, but are not limited to: modification of living and class arrangements, modification of work assignment and/or location, interim suspension from campus pending resolution of the investigation, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the complainant and the person accused of sexual misconduct – the respondent.

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. **Sexual Harassment**
2. **Non-Consensual Sexual Contact (or attempts to commit same)**
3. **Non-Consensual Sexual Intercourse (or attempts to commit same)**
4. **Sexual Exploitation**

1. **SEXUAL HARASSMENT** is:

- unwelcome, sexual verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities, and is
- based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples of Harassment: Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions or privileges of employment or education. For example, a mere utterance of a gender-based epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a staff member's office, on the exterior of a residence hall door or on a computer monitor in a public space.
- A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus

Three Types of Sexual Harassment:

- 1) Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; sex-based bullying.
- 2) Quid pro quo sexual harassment exists when there are:
 - a. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; AND
 - b. submission to or rejection of such conduct results in adverse educational or employment action.
- 3) Retaliatory harassment is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

2. **NON-CONSENSUAL SEXUAL CONTACT** is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman, or transgendered individual
- that is without consent and/or by force.

Sexual Contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. **NON-CONSENSUAL SEXUAL INTERCOURSE** is:

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman, or transgendered individual
- that is without consent and/or by force.

Intercourse includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

The following are examples of non-consensual sexual intercourse: rape, sexual intercourse when a person is unconscious due to drugs and alcohol, using the “date rape drug” to affect sexual intercourse with a person.

4. **SEXUAL EXPLOITATION**

Occurs when a student or employee takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another student or employee;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an Sexually Transmitted Infection (STI) or Human Immunodeficiency Virus (HIV) to another person;
- exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
- sexually-based stalking and/or bullying may also be forms of sexual exploitation

ADDITIONAL APPLICABLE DEFINITIONS:

- Consent: Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
 - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - Previous relationships or prior consent cannot imply consent to future sexual acts.
- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion

that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want.”).

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
 - NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- In order to give effective consent, one must be of legal age.
- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.

Special Guidance for Victims of Sexual Violence, Domestic Violence, Dating Violence, or Stalking

If you are the victim of sexual violence (including sexual assault), domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim’s fault. When physical violence of a sexual nature has been perpetrated against you, the University recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement (911 if emergency), in addition to making a prompt complaint to the Title IX Coordinator or a Deputy Title IX Coordinator. You may also wish to call the National Sexual Assault Hotline at 800-656-HOPE.

If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate

medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking; to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting that no further action be taken

A complainant who makes a claim related to sexual violence, domestic violence, dating violence, or stalking will be given a copy of the document titled “Explanation of Rights and Options After Filing a Complaint of Sexual Violence, Domestic Violence, Dating Violence, or Stalking.”

OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN BASED ON SEX)

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
6. Violence between those in an intimate relationship to each other;
7. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

CONFIDENTIALITY, PRIVACY AND REPORTING POLICY

When consulting campus resources, all parties should be aware of confidentiality, privacy and mandatory reporting in order to make informed choices. On campus, some resources can offer you confidentiality, sharing options and advice without any obligation to tell anyone unless you want them to. Other resources are expressly there for you to report crimes and policy violations and they will take action when you report your victimization to them. Most resources on campus fall in the middle of these two extremes. Neither the university nor the law requires them to divulge private information that is shared with them except in certain circumstances, some of which are described below. A victim may seek assistance from these university officials without starting a formal process that is beyond the victim's control, or violates her/his privacy.

To formally report Sexual Misconduct please use the [Park University Sexual Harassment Form](#) available online. If there is a physical injury or crime – please dial 911 for immediate healthcare or law enforcement assistance. If you are on the Parkville Campus and prefer quick assistance from Campus Safety staff, who will also notify emergency responders off-campus, please call extension 6444 from any campus phone.

If you prefer to speak to someone directly – please contact the Title IX Coordinator or Deputy Title IX Coordinators:

- Roger Dusing, Chief Human Resources Officer, serves as Title IX Coordinator for Park University. His office is on the lower level of Mackay Hall and he can be reached by phone at: 816-584-6386 or by e-mail at: Roger.Dusing@Park.edu.
- Dr. Jayme Uden, Associate Vice President and Dean of Students, serves as Deputy Title IX Coordinator. His office is on the second floor of Thompson Commons and he can be reached by phone at: 816-584-6595 or by email at: Jayme.Uden@park.edu.
- Dr. Rebekkah Stuteville, Vice Provost, serves as Deputy Title IX Coordinator. Her office is on the first floor of Mackay Hall and she can be reached by phone at: 816-584-6597 or by e-mail at: Rebekkah.Stuteville@park.edu.
- Additional contacts include [Karie Schaefer](#), Director of Residence Life: 816-584-7401 and [Amanda Bryant](#), Coordinator of Student Advocacy, 816-584-6376.
- Outside office hours, or if not accessible at the number and e-mail listed, please contact the Coordinator/Deputy Coordinators through the Campus Safety Dispatcher, who can be reached 24 hours a day/7 days a week at (816) 584-6444.

To Report Confidentially

If one desires that details of the incident be kept confidential, they should speak with [on-campus mental health counselors](#), campus health service providers (Meritas Health Clinic at Park is located in Copley Quad, Suite 113), or off-campus rape crisis resources who can maintain confidentiality. (Park recommends [MOCSA](#) and/or [Synergy Services](#) for students in the Kansas City area. For students outside the KC metropolitan area, please dial 211 or connect online with [211 for United Way Resources in a particular area](#).) Campus counselors are available to help you free of charge when you first experience a situation, and they will connect you with off-campus resources specializing in services important for you.

Campus counselors will not report your situation to the University for investigation without your consent. However, when your situation involves a crime they will notify the appropriate University personnel for the sole reason of including the crime in the University's annual crime statistics disclosure. Your name will not be divulged in this situation.

Reporting to those who can maintain the privacy of what you share

You can seek advice from certain resources who are not required to tell anyone else your private, personally identifiable information **unless there is cause for fear for your safety, or the safety of others**. These are individuals who the university has not specifically designated as "responsible employees" for purposes of putting the institution on notice and for whom mandatory reporting is required, other than in the stated limited circumstances.

Recommended Park staff include: [Dr. Judi Estes](#), Associate Professor, 816-935-3375, or [Ben Zibers](#), Director of Student Engagement, 816-584-6375. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. **If your personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.**

NON-CONFIDENTIAL REPORTING OPTIONS

You are encouraged to speak to officials of the institution to make formal reports of incidents (directors, deans, vice presidents, or other administrators with supervisory responsibilities, campus security, and human resources). The university considers these people to be "responsible employees." Notice to them is official notice to the institution and they are required to refer your report to the Title IX Coordinator for investigation. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. **Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the respondent. The most direct way to officially report is through the [Park University Sexual Harassment Form](#) available online.**

REPORTING TO THE DEPARTMENT OF EDUCATION

You may also choose to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). If individuals choose to contact the OCR directly about an alleged violation of the Title IX Policy, there is an electronic complaint form available at: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>. You can also call 1-800-421-3481.