



Policy, Procedures and Programs Related to Various Sex-Related Offenses, including Sexual Assault, and Domestic Violence, Dating Violence, and Stalking

Consistent with the requirements of Title IX of the Education Amendments of 1972, the Clery Act, the Violence Against Women Act (“VAWA”), the Preventing Sexual Violence in Higher Education Act, Park University (“the University”) prohibits discrimination based on sex in its educational programs and activities, including sexual harassment, and acts of domestic violence, dating violence, sexual violence, including sexual assault, and stalking.

The University also prohibits any retaliation, intimidation, threats, coercion or any other discrimination against any individuals exercising their rights or responsibilities pursuant to these laws and institutional policy. The University’s Park University Title IX - Sexual Misconduct Policy is used to address complaints of this nature. This policy and the procedures for filing, investigating and resolving complaints for violations of this policy may be found at: Park University Title IX - Sexual Misconduct Policy (https://my.park.edu/ICS/icsfs/Park_University_Title_IX_-_Sexual_Misconduct_Polic.pdf?target=54ac2ad1-7040-4b78-b304-b43b61fb8182).

The following discusses the University’s educational programs to promote the awareness of domestic violence, dating violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

SEXUAL MISCONDUCT DEFINITIONS

Consent.

For the purpose of the Park Illinois Campus Center’s policy and programs to prevent dating violence, domestic violence, sexual assault, and stalking, consent is defined as follows:

Consent means clear and unambiguous agreement by a competent person that is freely given and expressed in mutually understandable words or actions, to engage in a particular sexual activity with a specific person or persons. Consent must be voluntarily given and cannot be the result of force, threats, intimidation and/or coercion:

- emotional or psychological pressure;
- a person’s lack of verbal or physical resistance or submission resulting from the use of threat of force does not constitute consent;

- neither the manner of dress nor consent to past sexual activity constitute consent;
- consent to past sexual activity does not constitute consent to future sexual activity;
- the absence of a response does not communicate consent;
- a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another; and
- consent can be withdrawn by either party at any time.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:

- The person is incapacitated due to the use or influence of alcohol or drugs;
- The person is asleep or unconscious;
- The person is under the age of consent; and
- The person is incapacitated due to mental or physical disability.

Dating violence.

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

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence

Domestic violence.

Domestic violence means abuse, as defined in 750 ILCS 60/103. "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

"Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who

Sexual assault.

Any form of non-consensual sexual activity. Sexual assault includes all unwanted sexual acts that range from fondling to attempted rape or rape.

Rape.

Rape is defined as penetration “no matter how slight” of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Sexual assault also includes sex with minors, e.g. statutory rape or incest, sex between a minor, i.e. age 17 or younger and a person who is 18 years or older and holds a position of authority over the complainant, and sex with a person who is unable to understand the nature of the act or is unable to give consent.

Stalking.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or to suffer substantial emotional distress. Stalking may be comprised of legal and illegal behaviors that occur over time and are harassing in nature because of their content, frequency, and unwelcome nature. Stalking may be an outgrowth of domestic violence, an attempt to pursue a relationship, or arise out of a conflict or dispute.

A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:

1. at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
2. places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.

A person also commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

1. follows that same person or places that same person under surveillance; and
2. transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

Confidential advisors and reporting.

Confidential advisors will provide emergency and ongoing support to student survivors of sexual violence. They will provide those who have experienced sexual misconduct with information on available counseling and crisis response services, to discuss reporting options and possible outcomes, and to advise survivors of their rights and the university’s responsibilities regarding orders of protection, no contact directives, or similar orders that the university, a criminal court, or a civil court may issue.

Confidential reporting means that all communications between a confidential advisor and a survivor/victim pertaining to an incident of sexual violence shall remain confidential, unless the survivor consents to the disclosure of the communication in writing, the disclosure falls within one of the exceptions outlined below, or failure to disclose the communication would violate state or federal law. Communications include all records kept by the confidential advisor in the course of providing the survivor with services related to the incident of sexual violence.

If a survivor requests, confidential advisors can also liaise with campus officials, rape crisis centers, sexual assault centers, the local Police Department and/or local law enforcement.

Confidential advisors may disclose confidential communications between the confidential advisor and the survivor if failure to disclose would result in a clear, imminent risk of serious physical injury to or death of the survivor or another person.

Off-campus confidential advisors:

- The Center for Prevention of Abuse is a community agency that provides counseling and advocacy to survivors/victims of sexual abuse, domestic violence, dating violence, or stalking.
- The Center for Prevention of Abuse is bound legally to maintain confidentiality and cannot release any private information without the written consent of the individual.
- The Center for Prevention of Abuse - 1-800-559-SAFE (7233) or (309) 691-0551.

PROCEDURES TO FOLLOW IF YOU ARE A VICTIM OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call 911 or Dr. Jayme Uden, Dean of Students (and confidential advisor) at 816-584-6595 or 816-505-5456. At the earliest opportunity, you should also contact the University's Title IX Coordinator Roger Dusing at 816-584-6386.

Survivors/victims of sexual assault, domestic or dating violence, or stalking will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported.
 - Contact the Title IX Coordinator or refer to the other resources listed in this report.
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order. To that end, keep in mind the following:
 - You should not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence.
 - Don't bathe or wash, or otherwise clean the environment in which the assault occurred.
 - You can obtain a forensic examination at Unknown
 - Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.
 - Evidence in electronic formats should also be retained (e.g., text messages, emails, photos, social media posts, screenshots, etc.).
 - Victims of stalking should also preserve evidence of the crime to the extent possible.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security

authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.

- Parkville, Missouri Campus Safety 816-584-6444.
 - 911 – Local police department. To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim’s ability.
 - For non-emergencies, call the Scott 24/7 SARC Response Helpline at DSN 576-7272 or commercial 618-256-7272.
4. Where applicable, the rights of victims and the institution’s responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

Park will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

Park does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

Available Victim Services.

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community.

Accommodation and Protective Measures.

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus

security or local law enforcement. Requests of this nature should be made to the Dr. Jayme Uden, Dean of Students at 816-584-6495 or 816-505-5456, and the Dr. Jayme Uden, Dean of Students is responsible for deciding what, if any, accommodations or protective measures will be implemented. When determining the reasonableness of such a request, the Dr. Jayme Uden, Dean of Students may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them.

However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the Dr. Jayme Uden, Dean of Students in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

Procedures for Disciplinary Action.

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Sexual Misconduct Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

Title IX Coordinator

Roger Dusing

Chief Human Resources Officer

816-584-6386

MacKay

Roger.dusing@park.edu

Deputy Title IX Coordinator

Dr. Jayme Uden
Dean of Students
816-584-6495
Thompson Commons
jayme.uden@park.edu

An electronic form available at <http://www.park.edu/current-students/sexual-harrassment-form.html> can also be used to file a report. Reports and complaints may also be made via the University's online concern form available at: <https://my.park.edu/ICS/Student/ConcernComplaint/>. Complaints and reports made via the online concern form may also be made anonymously.

Once a complaint is made, the Title IX Coordinator will commence the investigatory process as soon as practicable, but not later than seven (7) days after the complaint is made. The Title IX Coordinator and/or designee will analyze the complaint and notify the respondent that a complaint has been filed.

During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The investigator(s) 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. Upon completion of the investigation, the investigator(s) make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. The investigator(s) will then prepare an investigation report outlining the findings and include, if necessary, sanctions or other remedial measures to impose. The parties will be notified of this determination in writing within three (3) days of it being made. The institution strives to complete investigations of this nature within sixty (60) calendar days.

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the President within five (5) days of being notified of the outcome of the investigation. The President will resolve the appeal within ten (10) days of receiving it, and may take any and all actions that he/she determines to be in the interest of a fair and just decision.

Rights of the Parties in an Institutional Proceeding.

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
 - A prompt, fair and impartial process is one that is:
 - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - Conducted in a matter that:

- Is consistent with the institution’s policies and transparent to the accuser and the accused.
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
- 2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
 - Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.
- 3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
- 4. Have the outcome determined using a preponderance-of-the-evidence standard based on the totality of the evidence presented.
- 5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

Possible Sanctions or Protective Measures that University May Impose for Domestic Violence, Dating Violence, Sexual Assault or Stalking Offenses.

Following a final determination in the institution’s disciplinary proceeding that domestic violence, dating violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include: warning; reprimand; probation; restitution; fine; loss of privileges; housing probation; suspension or expulsion/termination; restriction on eligibility to represent the University at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length

of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Dean of Students (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

In addition, the University can make available to the victim a range of protective measures. They include: forbidding the accused from entering the victim's residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

CONFIDENTIALITY, PRIVACY, AND REPORTING

When consulting campus resources all parties should be aware of confidentiality, privacy, and mandatory 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 at <http://www.park.edu/%5C/ files/sexual-harrassment-policy/Sexual-Harassment-Policy.pdf>. If there is a physical injury or crime – please dial 911 for immediate healthcare or law enforcement assistance.

If you prefer to speak to someone directly – please contact the Title IX Coordinator or Deputy Title IX Coordinators (all are Confidential Advisors):

- 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.
- 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.

AMNESTY

Amnesty aims to remove the barriers that may prevent an individual from reporting an incident of sexual misconduct. If an individual reports an incident of sexual misconduct, in good faith, the reporting party will not receive disciplinary action for a separate university policy violation, such as underage drinking, that is revealed in the course of the report. However, if the separate violation was egregious, including, but not limited to an action that places the health or safety of any other person at risk, amnesty may be not afforded.

PUBLICLY AVAILABLE RECORDKEEPING

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of domestic violence, dating violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

VICTIMS TO RECEIVE WRITTEN NOTIFICATION OF RIGHTS

When a student or employee reports to the University that he or she has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

SEX OFFENDER REGISTRATION PROGRAM

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting Roger Dusing at 816-584-6386. State registry of sex offender information may be accessed at the following link: <http://www.isp.state.il.us/sor/>.

COMMUNITY RESOURCES

Illinois:

- Phoenix Crisis Center, 200 W College Ave, Greenville, IL 62246 - (618) 664-2953; <http://www.phoenixcrisiscenter.org/>
- Prairie Center Against Sexual Assault, 3 West Old State Capitol Plaza, Springfield, IL 62701 - (217) 744-2560; <http://www.prairiecasa.org/>
- Sojourn Shelter and Service, Inc., 1800 Westchester Blvd, Springfield, IL 62704 - (217) 726-5200; www.sojournshelter.org

- St. Joseph's Hospital Emergency Room, 800 E Carpenter, Springfield, IL 62704 - (217) 544-6464; www.st-johns.org (forensic medical examination)
- Memorial Medical Center Emergency Room, 800 N Rutledge, Springfield, IL 62704 - (217) 788-3030; www.memorialmedical.com (forensic medical examination)
- KAN-WIN 2434 E. Dempster St. Suite 111, Des Plaines, IL; (773) 583-1392; 24-hour Hotline: (773) 583-0880; kanwin.org

National:

- Rape, Abuse and Incest National Network, Washington D.C. - www.rainn.org
- Department of Justice - www.justice.gov/ovw/sexual-assault
- Department of Education, Office of Civil Rights - www2.ed.gov/about/offices/list/ocr/index.html
- National Coalition Against Domestic Violence - www.ncadv.org
- Stalking Resource Center (National Victims of Crime Center) - victimsofcrime.org/our-programs/stalking-resource-center
- Sexual Assault Hotline - (800) 656-HOPE (4673)
- Domestic Violence Hotline - (866) HELP4DV (435-7438)
- Help on Domestic Violence - (877) 863-6338 TTY: (877) 863-6339