

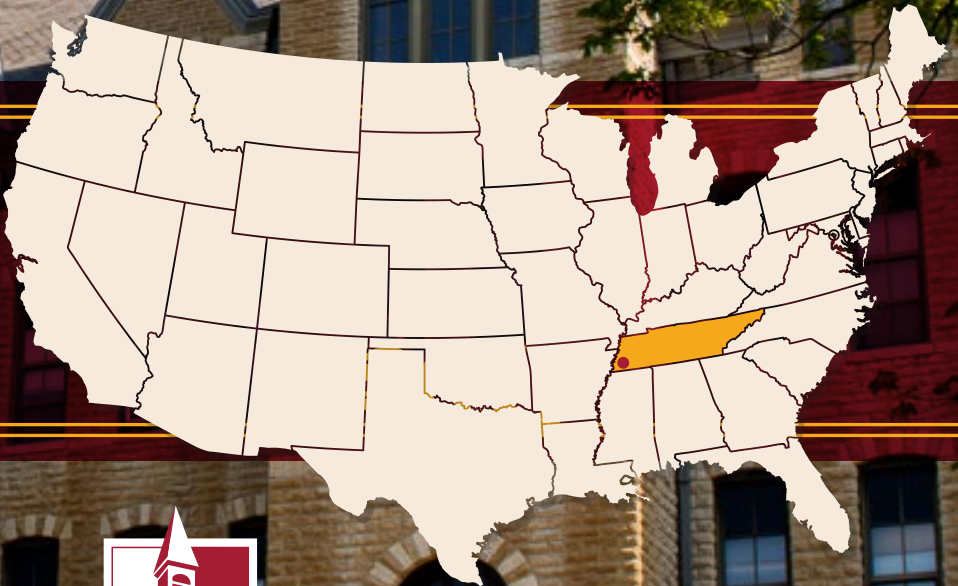
PARK UNIVERSITY

# CLERY ANNUAL SECURITY REPORT

2016

**TENNESSEE**

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## SPECIAL MESSAGE FROM PARK UNIVERSITY DIRECTOR OF CAMPUS SAFETY

Park University believes in, and promotes, a campus where student safety is our primary concern. I hope if you have any questions, you will feel free to reach out to me directly.

Each year, in compliance with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act, Park University publishes the Park University Security and Fire Safety Report. This document, posted online at [park.edu](http://park.edu) and distributed via hard copy upon request, provides local crime statistics, details the University's regulations and procedures for emergency response, and lists on- and off-campus resources for safety assistance. Although all colleges and universities participating in federal financial aid programs are required to share this data with the public, we provide it with intention beyond simply obeying the rules and hope that doing so demonstrates Park's commitment to the well-being of students, faculty and staff members, business tenants and visitors.

The annual production of the Report is just one element of our larger, sustained strategy around security and safety. In 2017, we have taken measures to promote a safe and desirable college experience for all students, faculty and staff by implementing contingency plans for incidents such as active shooter and bomb threat through cooperative training with local police, fire and ambulance services.

The Park University Department of Campus Safety is proud to help foster a safe University environment that is conducive to collaboration, development and growth for all who live, learn and work on Park's campuses. Thank you for your interest in our processes and outcomes.

Sincerely,

/s/ Will London  
Director of Campus Safety, Park University  
[will.london@park.edu](mailto:will.london@park.edu)

Founded in 1875 in Parkville, Mo., a suburb of Kansas City, Park University has developed into a comprehensive, independent institution that is a national leader in higher education. In 2000, Park achieved university status and now serves 16,500 students annually at 41 campus centers in 22 states and online, including campus centers in Parkville, Independence and Kansas City, Mo.; Lenexa, Kan., Austin and El Paso, Texas; Barstow and Victorville, Calif.; and at 33 military installations across the country.

Serving an ethnically diverse student population and non-traditional adult learners has, for many years, been central to Park's educational mission. Even in its first year, Park University enrolled women students as well as men, something that was unusual at the time; and two of the original 17 students were Native Americans. Park was also an early integrator when it welcomed African-American students to live in Park's residence halls in the 1950s.

Park continues to increase access to higher education by offering the quality undergraduate and graduate degrees students desire at locations, times and delivery formats that best serve their needs. The University has been ranked among the top private colleges/universities in the country for adult learners (*Washington Monthly*) as well as for annual return on investment (PayScale College ROI Report), and it is consistently ranked among the top least expensive private schools in the country.

Providing such access has developed considerable diversity among the student population, with more than 260 international students from 58 countries, and a 47 percent student representation from racial, ethnic and cultural groups typically underrepresented in colleges and universities. In addition, extracurricular activities and championship-caliber athletic programs (NAIA) complement Park's outstanding scholastic programs.

Park University offers numerous degree programs online, and it maintains a long-standing relationship with the U.S. military for which it has been recognized as one of the largest providers of online undergraduate education to military learners worldwide. Since 2009, Park has received international recognition each year by various military-related publications as a top military friendly college/university. In addition, Park is among the top-ranked "Best for Vets" private college/university in the country as determined by *Military Times* magazine.

### **Mission Statement**

*Park University transforms lives through accessible, student-centered, quality higher education.*

### **Vision Statement**

*Park University will meet learners' needs for a lifetime.*

### **Core Values**

*We expect accountability for our actions at all levels, to each other and to Park University.*

*We treat all with civility and respect while being open and honest in our communication.*

*We seek excellence in all we do, with passionate learning as our highest priority.*

*We celebrate global citizenship through our connected learning and working environment, liberal arts education and community stewardship.*

*We embrace inclusivity that fosters diversity, teamwork and collaboration.*

*We act with integrity through honesty, efficiency and reliability.*

[www.park.edu](http://www.park.edu)



## **Park University**

### **Law Enforcement Policies for Year 2017**

#### **Policies Concerning the Law Enforcement Authority of Campus Security Personnel**

Campus Safety is responsible for campus safety at the University. Its personnel do not have arrest authority.

The department's jurisdiction covers all of the institution's property and the neighborhoods surrounding the main campus. This includes several acres of wooded areas.

While the University does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police.

All crimes occurring on campus, on non-campus property owned by the University or on nearby public property should be reported immediately to the Director of Campus Safety. The number to contact is (816) 665-1463.

A dispatcher is available anytime classes are in session. When no one is in the office, the phone calls automatically roll to a cell phone carried by an on-duty officer on campus. If no contact can be made with the on-duty officer, people may call the Lead Campus Safety Officer at (816) 914-2806.

In an emergency, it is also appropriate to contact local law enforcement by calling 911. If calling from a cell phone, it is important to also give the location of the emergency.

#### **Other Officials to Whom Crimes May Be Reported**

The University also has designated other officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The additional campus security authorities to whom the University would prefer that crimes be reported are as follows:

1. William L. London, Director of Campus Safety at 816-665-1463
2. Kevin Martineau, Director of Facilities at 816-935-3704

#### **Policies on Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, accidents, injuries, or other emergencies occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so. Such reports should be made as follows:

1. Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 911 from any campus phone or cell phone. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred.
2. Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of University staff will assist a student in making the report to the police.
3. Anonymous incident reports can also be made.
4. Campus Safety has an excellent working relationship with Parkville, Missouri Police Department. They are aware they need to contact Campus Safety in the event a crime is reported directly to them.

The University does not have any recognized student organizations with off campus locations, therefore criminal conduct occurring at such locations are not monitored or recorded.

### **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will know the victim's identity.

Any victim of a crime who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

### **Timely Warning**

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Campus Safety Department constitutes a serious or continuing threat to members of the campus community, a campus-wide "timely warning" will be issued. Examples include a sudden increase of motor vehicle thefts or sexual assaults in the area that merit a warning to the community.

This warning will be communicated to students and employees via the following method(s):

<b>Method</b>	<b>Sign-Up Instructions</b>
E2 Campus	Instructions are on <a href="http://www.Park.edu/mypark">www.Park.edu/mypark</a>

Warning updates will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

1. Campus Safety, 816-584-6444
2. Roger Dusing, 816-584-6386

The University has communicated with local law enforcement asking them to notify the University if it receives reports or information warranting a timely warning.

### **Security of and Access to Campus Facilities**

All academic buildings are secured during the evenings and weekends. Access to the buildings is only allowed for faculty/staff members and students who are accompanied by faculty/staff members.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured
- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone who does not belong to the campus community

Keys to the offices and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization from a Director or higher. Each department supervisor is responsible for assuring their area is secured and locked.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and filing charges with local law enforcement authorities.

Employee identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

### **Security Considerations in the Maintenance of Facilities**

Security also is a consideration in maintaining campus facilities.

Maintenance personnel regularly check to ensure pathways are well lighted and that egress lighting is working in hallways and stairwells.

The EHS Manager also annually checks emergency equipment such as AED's and fire extinguishers.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University seeks to enhance the security of its campus centers and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. A description of those programs and their frequency of presentation follows:

1. Crime prevention programs are presented each semester by the Campus Activities Board and Student Services. In addition, pamphlets and videos on crime prevention are available at the Student Center and for employees at the Human Resources Office, and periodically e-mail blasts are sent out to students and employees with crime prevention and other safety tips.
2. The University also provides information at the beginning of each academic term for students and employees regarding the University's security procedures and practices. This information is in the form of posters and other displays, articles in the University newspaper, and e-mail blasts. Among other things, it advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## Park University – Tennessee Campus Center(s)

### Drug and Alcohol Policies for Year 2017

Park University recognizes that misuse of alcohol and other drugs and the unlawful possession, use or distribution of drugs and alcohol pose major health problems, are potential safety and security problems, can adversely affect academic and job performance, and can generally inhibit the educational development of students.

Park University is a member institution of The Network of Colleges and Universities (“Network”) committed to the elimination of drug and alcohol abuse. Park University is committed to the standards outlined by The Network and to compliance with the Federal Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and other federal, state, and local laws.

As a result of this commitment, Park University has established regulations forbidding the unlawful manufacture, dispensing, distribution, possession, display, use, or consumption of illegal or illicit drugs and alcohol on University owned or controlled property or as part of any University programs or activities.

This policy applies to University employees, faculty, students and student organizations. Faculty and staff are collectively referred to as “Employees” throughout this policy.

To report manufacture, dispensing, distribution, possession, display, use, or consumption of drugs or alcohol on campus, dial Campus Safety at extension 6444 (816-584-6444 from any outside phone). Or report anonymously here: <https://my.park.edu/ICS/Student/ConcernComplaint/>.

Alternatively, as part of Campus Safety’s “See Something Say Something” campaign, individuals may also report such incidents anonymously by texting SAFETY and a brief description of what is happening to 50911.

#### Drug Free University

Park prohibits the unlawful manufacture, dispersal, distribution, possession, display, use, or consumption of controlled substances on Park owned or controlled property, as any part of its programs or activities, and while doing work on behalf of Park.

1. This policy does not prohibit use of legally obtained drugs, including prescription drugs and over-the-counter drugs, provided those drugs are used in accordance with the prescription by the prescription-holder or with over-the-counter directions. Such use by a Park employee must not impair the employee’s ability to perform the essential functions of his or her job effectively and safely.
2. Students and employees must report to Park any conviction or guilty plea under a criminal drug statute for violations occurring on or off University premises. Students and employees must submit a conviction report to the Dean/Associate Dean of Students, and employees to Human Resources within five (5) days after the conviction or guilty plea.
3. Federal regulations require students convicted for a drug offense that occurred during a period of enrollment while they were receiving Title IV Federal Student (Financial) Aid to lose financial aid eligibility. Federal Student Aid includes grants, loans, and work assistance otherwise provided to eligible college students under Title IV of the Higher Education Act. The period of non-eligibility begins on the date of the conviction and remains in effect until the student has met certain rehabilitation requirements.
  - a. The prohibition on federal aid applies to any student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance as defined by Section 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)). Laws regulating distilled spirits, wine, and malt beverages are not included within the definition of “controlled substance.”



- b. Other financial aid programs, including certain state programs, may also limit eligibility for students convicted of a drug offense.

### Alcohol Use

1. Except as provided and permitted under this Policy at University-Sponsored Events, the manufacture, dispensing, distribution, possession, display, use, or consumption of alcoholic beverages is forbidden on Park-owned or controlled property, as any part of any University-sponsored programs or activities, and while doing work on behalf of the University.
2. To the extent permitted under this Policy at University-Sponsored Events, any possession, use, consumption, or distribution of alcoholic beverages must not negatively affect either the individual or the community and must be in compliance with the law.

### Drugs, Alcohol, and Violations of University Policy and Law

1. Drug/alcohol use does not excuse misconduct

The use of illegal drugs, abuse of other drugs, or consumption of alcoholic beverages (even if consumption is permissible under this Policy at University-Sponsored Events) is not an excuse for misconduct of any kind—including violations Park's policies and civil or criminal law. For example, alcohol and drug use do not excuse violence, property damage, or disruptions caused by excessive noise related to drug or alcohol use.

2. Interplay Between Policy and Law

If and to the extent the Drug-Free Workplace, Campus and Community regulations conflict with or contradict this policy, the Drug-Free Workplace, Campus and Community regulations control.

### Disciplinary Actions

- Amnesty

Park's primary concern is with student health and safety. For that reason, Park encourages students to seek treatment or assistance for themselves or others, regardless of their drug or alcohol use. If medical assistance is sought, the Office of Student Life/Office of Residence Life will not pursue punitive sanctions based on drug or alcohol use against the intoxicated student who reported or who was assisted. Students may be required to complete other steps, such as substance abuse assessment, rehabilitation, and other corrective actions.

Student voluntary self-disclosure is also recommended. If a student has been using alcohol or drugs and chooses to come forward for assistance on their own – they will not be subject to the sanctions for the use of drugs or alcohol that would have been imposed if found out by other means. This protection will only be in place if the student complies with other required steps, such as assessment, rehabilitation, and further corrective actions.

This policy does not preclude punitive sanctions due to any violations of other University policies, such as causing or threatening physical harm, sexual misconduct, damage to property, hazing, and possession with intent to distribute drugs.

2. Internal Sanctions

Students who violate Park's AOD policy are subject to the following disciplinary sanctions as more fully set forth in the Park University Student Conduct Code: warning, fines and restitution, task compliance/community service, disciplinary probation, suspension from residence halls, temporary or permanent suspension, or dismissal from Park.

- a. Sanctions for student clubs could include warning, community service, fines/restitution, or suspension/removal of Club Certification. Full information is available in the Student Organizations Manual, available at:  
<http://www.park.edu/clubs-and-organizations/index.html>.

- b. Employees who violate this policy are subject to sanctions up to and including termination.
- c. Required counseling/rehabilitation. In conjunction with or in lieu of any of the disciplinary sanctions listed above, students or employees may be required to complete an appropriate counseling or rehabilitation program.
- d. Referral for criminal prosecution. In conjunction with or in lieu of the imposition of any of the disciplinary sanctions set forth above, students or employees may also be referred to appropriate local, state, or federal law enforcement agencies for prosecution.
- e. Discretion of the University in administering disciplinary action. Park's response to AOD policy violations may depend on the circumstances of the individual case and the judgment of appropriate officials. In ANY case where disciplinary sanction is deemed necessary, including cases where the disciplined individual is receiving a sanction for the first time, Park reserves the right to impose the most severe sanction available (including suspension, dismissal and/or referral for prosecution).

### 3. Legal Sanctions

In addition to Park's disciplinary action policies, individuals who engage in the unlawful manufacture, dispensing, distribution, possession, display, use, or consumption of controlled substances or alcohol are subject to legal sanctions.

- a. Federal law. Federal law provides strict penalties for violation of federal drug laws. For a first conviction of illegal possession of a controlled substance, a person may be imprisoned for up to one year and/or fined at least \$1,000 but not more than \$100,000; after two or more prior convictions the penalty increases to at least 90 days in jail but not more than three years and/or a fine of at least \$5,000 but not more than \$250,000. Federal trafficking penalties for controlled substances (such as marijuana, heroin, cocaine, PCP and LSD) range from less than five years in prison and/or a fine of less than \$250,000 to life imprisonment and/or a fine of up to \$8 million (for an individual). Other penalties may apply, such as forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance, denial of certain federal benefits, and revocation of certain federal licenses. Certain federal laws may apply to unlawful manufacture, possession, and trafficking of alcohol as well. Penalties range from fines to prison terms.
- b. State and local law. State and local law also provide penalties relating to the unlawful manufacture, sale, use or possession of controlled (and/or imitation of) controlled substances and alcohol. In addition, states and municipalities have laws relating to underage drinking, driving while intoxicated or under the influence of alcohol and/or illicit drugs. Sanctions for violations may range from local citation to state law felonies. Penalties may range from small fines to prison terms, depending on the violation and the individual's past criminal history.

### 4. Procedures

- a. Student Conduct Code procedures. All disciplinary hearings or proceedings due students charged with violations of this regulation shall be conducted in accordance with or as provided by the Student Conduct Code.
- b. Further procedures for student organizations are outlined in the Ethical Standards for Conduct and Responsibility section of the Student Organizations Manual available online at: <http://www.park.edu/clubs-and-organizations/index.html>.

- c. Procedures for employees are outlined in the Employee Handbook available within Park's internal webpage, MyPark.

### Health Risks

Risk of alcohol use and abuse include, among others, drinking/driving accidents, increased incidents of rape and assault, academic problems, police involvement, medical problems including alcohol dependence, fetal alcohol syndrome, organ damage, and fatalities.

Drug abuse may result in a wide variety of serious short- and long-term health and behavioral problems. These problems may include toxicity, HIV infection with intravenous drug use, heart attack, stroke, sudden death, pregnancy complications, birth complications and defects, physical and psychological dependence, withdrawal, disruption of normal heart rhythm, high blood pressure, stroke, bleeding and destruction of brain cells, memory loss, depression, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver, and neurological and pulmonary damage.

Please review further information about the health and safety risks, by reviewing the Campus Safety website at: <http://www.park.edu/campus-safety/drug-health-risks.html>.

### Prevention, Counseling, Treatment and Rehabilitation Information and Resources

Students and employees with alcohol- or other drug-related concerns or problems are encouraged and, in some cases, may be required to utilize drug or alcohol abuse resources and counseling services.

Students can get referrals and assistance through the Counseling Center by checking online at [www.Park.edu/Counseling-Center](http://www.Park.edu/Counseling-Center), calling the counselors at 816-584-6237 or 816-584-6798, or sending an email to [CounselingAppointments@Park.edu](mailto:CounselingAppointments@Park.edu) to make an appointment.

Employees can check referral options by reviewing the Employee Assistance Program options through MyPark – Human Resource Services.

Students with alcohol or other drug related problems are encouraged and, in some cases, may be required to utilize the services of private and community agencies including those specified below.

#### General information:

Abuse and Mental Health Services Administration (SAMSHA)  
877-SAMHSA-7 (877-726-4727)  
800-487-4889 (TTY)  
<http://www.samhsa.gov/>

National Institute of Health (NIH)--National Institute on Drug Abuse (NIDA)  
301-443-1124  
<http://www.drugabuse.gov/>

National Institute of Health (NIH)--National Institute on Alcohol Abuse and Alcoholism  
301-443-1124  
<http://www.niaaa.nih.gov/>

#### Millington area services:

Emergency 911

Park – Millington Campus Center  
(901) 872-4389  
NSA Mid-South, 5750 Essex St., Bldg S239, Rm 154  
Millington, TN 38054-003888  
[mill@park.edu](mailto:mill@park.edu)

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Millington Police Department  
7950 Memphis Ave, Millington, TN 38053  
(901) 872-3333  
<http://www.millingtonpolice.org/>

Detox Abuse Action Addiction  
Memphis, TN 38104  
(901) 726-9392

Mental Health Resources Substance Abuse Treatment  
1037 Cresthaven Rd Suite B, Memphis, TN 38119  
(901) 682-1434  
<http://www.alcoholismdrugabuse.com/>

The Oaks at La Paloma  
2009 Lamar Ave, Memphis, TN 38114  
(877) 345-3347  
<http://theoakstreatment.com/>

The Campus Safety Department and the Lead Campus Safety Officer are located on Park's main campus in Parkville, Missouri. However, staff members can assist callers remotely and/or make appropriate referrals to local resources.

### Policy Review

The Dean of Students takes necessary steps to provide for Park's biennial review of its AOD Policy to determine its effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced.

### Enforcement

The primary sources enforcing the alcohol and drug policies for students are the Campus Safety Staff, and Dean of Students Staff. The Coordinator of Student Advocacy serves as Park's Chief Judicial Officer. The CJO primarily utilizes administrative hearings to assess infractions and determine sanctions. A campus judicial board may be utilized if the hearing officer believes the case has had a great impact on the larger community and a judicial board process will be perceived more positively, and with less bias, than an administrative hearing. The Director of Residence Life serves as the judicial officer for any infraction occurring inside the residence halls unless the temporary suspension or expulsion is a possible sanction due to repeat offenses or due to the seriousness of the first offense. In that instance, the Coordinator of Student Advocacy is the judicial officer. The Dean of Students is the appeal officer for all conduct cases unless they are academic in nature. For academic violations, the Provost is the appeal officer.

### Drug and Alcohol Student Incident Report: Academic Years 2014-2015 and 2015-2016, including Fall Semester 2016

Academic Year	Alcohol Violations	Drug Violations	Repeat Offenses	Expulsions from Drug or Alcohol violations	Fatalities Related to Drug or Alcohol
2014-2015	0	0	0	0	0

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2015-2016	0	0	0	0	0
Fall 2016	0	0	0	0	0

### Drug and Alcohol Employee Incident Report: Academic Years 2014-2015 and 2015-2016, including Fall Semester 2016

Academic Year	Alcohol Violations	Drug Violations	Repeat Offenses	Expulsions from Drug or Alcohol violations	Fatalities Related to Drug or Alcohol
2014-2015	0	0	0	0	0
2015-2016	0	0	0	0	0
Fall 2016	0	0	0	0	0

### Sanctions

#### 1. Student Alcohol Policy Sanctions

A variety of educational sanctions are assigned AOD policy violations. The most common sanction for a first offense is a general warning and an essay. The essay is focused on the AOD policy to make sure the student understands it and the consequences of violating the policy a second time. If other concerning behaviors are involved in the alcohol violation, counseling is often required on a short-term basis with an on-campus counselor. For repeat offenders or very serious behaviors, long-term counseling is usually a requirement. An off-campus alcohol assessment and the costs of such assessment is also required. The results are provided to the counselor to help guide counseling sessions. These sanctions are the same for incidents occurring within and outside of the residence halls.

#### 2. Student Drug Policy Sanctions

One egregious offense would result in the student's removal from the residence halls and long term counseling at the least. Distribution and manufacturing of drugs would, in most cases, result in expulsion. Possession and/or use of most drugs on campus not in the residence halls may result in a mandated drug assessment. The offending student may also be referred to an off-campus therapy program if the results show engaging in more than moderate drug use. The only exception to this is the use of marijuana. Possession, without evidence of use, of marijuana may be sanctioned to the lesser extent of an educational essay and/or community service sanction.

#### 3. Employee Alcohol/Drug Policy Sanctions

There are a variety of sanctions that may be applied to employees' AOD policy violations. Possible sanctions include: referral to an Employee Assistance Program who could then refer the employee directly to a drug/alcohol treatment program or a direct referral to a drug/alcohol treatment center for an assessment in the case of alcohol violations. In all cases, employee-violations of Park's AOD policy will result in disciplinary action, up to and including termination.



## **DEPARTMENT OF ATHLETICS DRUG AND ALCOHOL USE AND DRUG TESTING POLICY**

Park's Department of Athletics has developed a drug education and testing program aimed at drug abuse prevention. The program includes the education, testing, and, if necessary, rehabilitation of those student-athletes who test positive for illicit drugs. The following is an outline of the program.

### **Purpose**

1. To deter substance abuse among the Park's student-athlete population.
2. To identify and assist student-athletes with substance abuse problems.
3. To ensure the health and safety of all Park's student-athletes as well as the health and safety of all Park competitors.
4. To maintain appropriate standards of behavior and ensure the integrity of the student-athlete and Park.
5. To ensure fair and equitable competition for all student-athletes competing in intercollegiate athletics.

### **Participation**

As a condition to participate in Park's intercollegiate athletics, every student-athlete is required to participate in the Drug Education and Testing Program. Annually, all student-athletes will be required to sign Park's consent form.

Refusal to sign Park's consent form will result in dismissal from further athletic participation. A student-athlete who is dismissed from athletic participation for refusing to sign a drug testing consent form will have his/her athletic related aid cancelled as soon as possible pursuant to Park's policies and NAIA and conference regulations.

### **Drug Education**

The Department of Athletics will conduct a mandatory drug education program at the beginning of each academic semester.

### **Banned Substances and Information**

Park Athletics will use the same list of banned substances as the NCAA for the purposes of the Drug Education and Testing program. An updated list can be found on the NCAA website, available at [www.ncaa.org](http://www.ncaa.org).

Further information on banned substances and dietary supplements can be located on the Dietary Supplement Resource Exchange website, available at [www.drugfreesport.com/rec](http://www.drugfreesport.com/rec).

### **Methods of Selection**

1. Random Selection

All athletes will be selected randomly to undergo drug testing.

2. Individualized Reasonable Suspicion

Student-athlete may be chosen to undergo drug testing due to reasonable suspicion if identified by one or more of the following athletic staff members: Sports Medicine staff, Coaching Staff, and/or a Team Physician. The identification of an athlete should be based on objective signs of physical and behavioral changes that could be the result of using a banned substance. These objective signs may include, but should not be limited to, a dramatic drop in grades, decreased class attendance, fluctuation in bodyweight, acts of violence, an incident involving law enforcement or campus security, a positive previous drug test, or emotional disturbances. A reasonable suspicion allegation must be made in writing to the Drug Program Administrator, who will present the case to a committee made up of the Drug Program Administrator, and Director of Athletics. They will review the allegation and decide whether the student-athlete will be required to undergo drug testing.

### **3. NAIA/Conference Qualifier**

Park has the right to test any individual athlete or team that has qualified for post-season competition.

### **4. Team Testing**

Circumstances may arise that make it necessary for an entire athletic team to be drug tested. These circumstances may include, but are not limited to:

- a. Pre-participation Athletic Physicals, and
- b. Suspected widespread use of banned substances (refer to process for identifying an individual for reasonable suspicion).

### **Notification of Selection for Testing**

The Drug Program Administrator will notify all student-athletes selected for drug testing. The Drug Program Administrator will contact the student-athlete by phone i.e., dorm/house phone or cell phone and/or text message. A message will be left for the student-athlete during each call. If the student athlete does not return the call promptly, the coach will be contacted to help locate the student athlete. Upon this notification, the student-athlete must immediately appear in-person and sign a notification form. The head coach of each student-athletes' respective sport will be notified of their selection.

Any student-athlete who is found to have attempted to manipulate, substitute, adulterate, or intentionally dilute his or her urine will be in violation of the Park University Drug Education and Testing Program and will be appropriately sanctioned.

The student-athlete will be given no more than 24 hours-notice regarding selection for drug testing. There is no minimum period of time that student athlete must be provided between notification and testing.

If a student athlete does not contact the Drug Program Administrator prior to the drug testing session, THE DRUG TEST WILL BE CONSIDERED A POSITIVE TEST AND WILL COUNT AS A STRIKE AGAINST THE STUDENT-ATHLETE. If the student-athlete has an emergency and cannot be present for the drug testing collection, arrangements will be made for them to provide a specimen as soon as possible following proper notification or an alternate subject may be chosen. If proper arrangements cannot be made, the athlete may be subject to testing at a later date.

Refusal to sign the Drug Testing Consent Form or failure to appear for institutional drug testing will be treated as a positive test and a violation of the Park University Drug Education and Testing Program and the student-athlete will be sanctioned accordingly.

### **Reporting of Results**

The Counseling Center will notify the Director of Athletics directly of any positive test results by number code. Only at this time will the number code be broken and the student-athlete identified. The Drug Program Administrator, Director of Athletics, and the head coach will meet to discuss the results.

### **Sanctions**

Park has chosen to enforce a strict "two-strikes" policy in relation to positive drug test results. Violations accrue over the student-athlete's entire career and remain a matter of record until the end of their career as a student athlete at Park. Positive test results on any NAIA drug test will also be considered a violation of the Park University Drug Education and Testing Program.

#### **1. First Violation**

Upon a positive drug test confirmation for any substance banned by the NCAA the student-athlete will immediately be subject to a minimum 20 percent suspension from all team activities including practice and regular/post-season competition. In the event the student athlete is an outgoing senior and there is less than 20 percent of the competitive season remaining, they will be required to complete 40 hours of community

service as directed by the Athletic Director. The student-athlete must also satisfactorily complete the criteria for successful Substance Abuse Intervention. An athlete that does not satisfactorily meet the criteria for Substance Abuse Intervention will face an indefinite suspension. A student-athlete who has a confirmed violation of the Park University Drug Education and Testing Program may also be subject to follow-up testing, at their own expense, at any time during the remainder of their athletic career at the university.

## **2. Second Violation**

Upon a second positive drug test confirmation for any substance banned by the NCAA will result in the immediate cancellation of the student-athlete's privilege to compete in athletics at Park University. A student athlete who is dismissed from athletic participation for a second violation of the Park University Drug Education and Testing Program will have his/her athletic grant cancelled at the earliest possible moment consistent with Park University, Conference, and NAIA regulations. The student-athlete will be encouraged to continue further counseling and to utilize available institutional resources.

## **3. Immediate Termination from Team Membership**

Any student-athlete who is convicted of trafficking and/or possession of illegal substances with the intent to distribute will immediately lose the privilege of participating in athletics at Park University upon that conviction. Upon conviction, the student-athlete will also lose any athletic grants/scholarships issued by Park University.

### **Substance Abuse Intervention**

The student-athlete will be required to attend a consultation session at the Park University Counseling Center or other approved counseling facility. The professional counseling staff will make a recommendation, on a case-by-case basis, to the athletic department regarding adequate intervention on behalf of the student athlete. The student-athlete will be required by the athletic department to follow the intervention recommendations of the counselor, including possible referrals and the duration of intervention.

In the event that the dependency issues are beyond the realm of practice for the Park University Counseling Center staff or other approved counseling facilities, referrals will be made to a chemical dependency treatment center to determine the scope of substance use. The professional counseling staff will act as liaison between the athletic department and the chosen chemical dependency treatment center.

If at any point during the substance abuse intervention the student athlete is found to be delinquent in their obligations the privilege to participate in Park's athletics programs will be revoked. A student-athlete who is dismissed from athletic participation will have his/her athletic related aid cancelled at the earliest possible moment consistent with Park's guidelines.

### **Appeal and Reinstatement**

Students have a right to an appeal. The athletic director serves as the appeal officer. An appeal must be based on the existence of new information, to determine if the process was handled fairly, or to determine if the sanction imposed was appropriate for the violation. The appeal must be made in writing within five business days of notification of the original decision.

### **Alcohol and Tobacco Policy**

Park athletics supports and enforces the NAIA ban on tobacco use by student-athletes, coaches, and athletic personnel as per the NAIA Substance Abuse Program. See Appendix T.

### **Safe Harbor Program**

Park's Safe Harbor Program policies are being created and will be implemented by Fall 2018. Athletics – Drug and Alcohol Use and Drug Testing Policy is available at: [http://www.park.edu/pirate-archives/piratepost/park\\_university\\_drug\\_testing\\_procedures.pdf](http://www.park.edu/pirate-archives/piratepost/park_university_drug_testing_procedures.pdf).

### Description of the Alcohol and Drug Program Elements

Park University strives to create programming that complements, educates, and provides awareness to the implications of AOD policy violations on the individual, community, and University level. Below is the description of the AOD specific program conducted between January 2015 through March 2017:

1. Facilitated Resident Assistant Training regarding AOD elements specific to residential students
2. Facilitated First-Year Experience Mentor regarding AOD elements specific to first-year students
3. Conducted Student Organization Officer Training focused on AOD elements specific to student organizations
4. Conducted mandatory athlete orientation regarding AOD elements and NAIA standards of conduct
5. Conducted International Student Services and Admissions extended orientation regarding AOD elements focused on culture, use, and policies
6. Coordinated Counseling Center availability for student support and information regarding AOD elements
7. Facilitated distribution and implementation of Park University's online magazine (Student Health 101) which provided information regarding AOD education and support resources
8. Facilitated on-campus events focused on AOD education and prevention
  - a. Sex and Drugs Show (Title IX Engagement Programming)
  - b. Sexual Assault Awareness Week Programming

Date	Activity	Audience	Responsibility
8/21/2015 1/22/2016 8/19/2016 1/20/2017	Park University Activities Fair	All Kansas City Area Students	Office of Student Leadership and Engagement
3/29/2016	All University Health Fair	All Kansas City Area Students	Department of Nursing
8/16/2015 8/14/2016	Athletics Mandatory Orientation	Student Athletes at Park University	Department of Athletics
University Business Hours	Counseling Center	All Kansas City Area Students	Counseling Center
8/8/2015 - 8/12/2015 8/9/2016 - 8/13/2016	FYE Training	First Year Experience Mentors	Office of Student Leadership and Engagement
8/14/2015 1/15/2016 8/12/2016 8/26/2016	International Student Services and Admissions Extended Orientation	All Kansas City Area Students	Department of International Student Admissions and Services.

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8/15/2015 1/4/2016 - 1/15/2016 8/13/2016 1/9/2017 - 1/13/2017	New Student Orientation	All New Parkville and Transfer Students	Department of Student Life
Monthly Releases Starting 1/18/2015 - 05/12/2017	Park University Online magazine, Student Health 101, provides healthy and safe alternatives regarding AOD consumption and provides valuable resources regarding addiction help.	All Kansas City Area Students	Department of Student Life
1/5/2015 - 1/9/2015; 8/10/2015 - 8/15/2015 ; 1/4/2016-1/8/2016; 8/03/2016 - 8/15/2016	Resident Assistant Training	Resident Assistants	Office of Residence Life
8/13/2015 - 8 /21/2015; 8/12/2016 - 8/22/2016	Residence Life and Education First Floor Meeting	All Residential Students	Office of Residence Life
8/18/2016 (2 Shows)	Sex and Drugs Show (Alcohol Awareness and Consent Awareness Program)	All Kansas City Area Students	Office of Student Leadership and Engagement
8/14/2015 8/12/2016	Parent and Family Orientation	Parents of All Park Students	Dean of Students
8/19/2015 1/14/2015 8/17/2016 1/18/2017	Student Organization Leadership Retreat	All Kansas City Area Students	Office of Student Leadership and Engagement
3/15/2015 - 5/12/2017	Online Orientation	All Kansas City Area Students	Department of Student Life
8/13/2015 8/12/2016	All Residence Halls Meeting	All Parkville Students	Office of Residence Life
1/4/2016 8/8/2016	Park Student Activities Board Retreat	All Parkville Students	Office of Student Leadership and Engagement
10/26/2016	Sexual Assault Awareness Week - Audrie & Daisy Screening	All Parkville Students	Office of Student Leadership and Engagement
10/27/2016	Sexual Assault Awareness Week - Synergy Presentation	All Parkville Students	Office of Student Leadership and Engagement



### Drug and Alcohol Abuse Prevention Program

The University has a drug abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. More information about the program, including the University's drug and alcohol policies, can be located at:

<http://www.park.edu/campus-safety/drug-and-alcohol-use-policy.html>.

## Park University Sexual Assault & Domestic Violence Related Policies for Year 2017 Tennessee Campus Center(s)

Consistent with the requirements of Title IX of the Education Amendments of 1972, the Clery Act, and the Violence Against Women Act ("VAWA"), 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 university policy.

The University's PREVENTION OF SEX DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE: TITLE IX 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:

(<http://www.park.edu/title-ix/index.html>).

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.

### Primary Prevention and Awareness Program

The University conducts a Primary Prevention and Awareness Program ("PPAP") for all incoming students and new employees. In it they are specifically advised that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. In that regard, they are informed of the following definitions that apply within this state:

Crime Type (Tennessee Code)	Definitions
39-13-501. Definitions for §§ 39-13-501 -- 39-13-511. [Sexual Offenses]	As used in §§ 39-13-501 -- 39-13-511, except as specifically provided in § 39-13-505, unless the context otherwise requires:  A. "Coercion" means threat of kidnapping, extortion, force or violence to be performed immediately or in the future or the use of parental, custodial, or official authority over a child less than fifteen (15) years of age;

	<p>B. "Intimate parts" includes semen, vaginal fluid, the primary genital area, groin, inner thigh, buttock or breast of a human being;</p> <p>C. "Mentally defective" means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct;</p> <p>D. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent;</p> <p>E. "Physically helpless" means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act;</p> <p>F. "Sexual contact" includes the intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the victim's, the defendant's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification;</p> <p>G. "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required; and</p> <p>H. "Victim" means the person alleged to have been subjected to criminal sexual conduct and includes the spouse of the defendant.</p>
39-13-503. Rape.	<p>Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:</p> <p>A. Force or coercion is used to accomplish the act;</p> <p>B. The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;</p> <p>C. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or</p> <p>D. The sexual penetration is accomplished by fraud.</p> <p>Rape is a Class B felony.</p>
39-13-502. Aggravated rape.	<p>Aggravated rape is unlawful sexual penetration of a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:</p>

	<p>A. Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;</p> <p>B. The defendant causes bodily injury to the victim;</p> <p>C. The defendant is aided or abetted by one or more other persons; and (A) Force or coercion is used to accomplish the act; or the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.</p> <p>Aggravated rape is a Class A felony.</p>
39-13-505. Sexual battery.	<p>A. Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual contact is accomplished by fraud.</p> <p>B. As used in this section, "coercion" means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.</p> <p>C. Sexual battery is a Class E felony.</p>
39-13-504. Aggravated sexual battery.	<p>A. Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon; (2) The defendant causes bodily injury to the victim; (3) The defendant is aided or abetted by one (1) or more other persons; and (A) Force or coercion is used to accomplish the act; or (B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The victim is less than thirteen (13) years of age.</p> <p>B. Aggravated sexual battery is a Class B felony.</p>
39-13-506. Mitigated statutory rape -- Statutory rape -- Aggravated statutory rape.	<p>A. Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.</p> <p>B. Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or (2) The victim is at least fifteen (15) but less than eighteen (18) years of age and</p>

	<p>the defendant is more than five (5) but less than ten (10) years older than the victim.</p> <p>C. Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.</p> <p>D. (1) Mitigated statutory rape is a Class E felony. (2) (A) Statutory rape is a Class E felony. (B) In addition to the punishment provided for a person who commits statutory rape for the first time, the trial judge may order, after taking into account the facts and circumstances surrounding the offense, including the offense for which the person was originally charged and whether the conviction was the result of a plea bargain agreement, that the person be required to register as a sexual offender pursuant to title 40, chapter 39, part 2. (3) Aggravated statutory rape is a Class D felony.</p>
39-13-532. Statutory rape by an authority figure.	<p>A. Statutory rape by an authority figure is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) The victim is at least thirteen (13) but less than eighteen (18) years of age; (2) The defendant is at least four (4) years older than the victim; and (3) (A) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration; or (B) The defendant had, at the time of the offense, parental or custodial authority over the victim by virtue of the defendant's legal, professional, or occupational status and used the position to accomplish the sexual penetration.</p> <p>B. Statutory rape by an authority figure is a Class B felony.</p> <p>C. No person who is found guilty of or pleads guilty to the offense shall be eligible for probation pursuant to § 40-35-303 or judicial diversion pursuant to 313 § 40-35- 313.</p>
39-15-302. Incest.	<p>A. A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy: (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or (2) The person's brother or sister of the whole or half-blood or by adoption.</p> <p>B. Incest is a Class C felony.</p>
36-3-601. Part definitions. [Domestic Abuse]	<p>As used in this part, unless the context otherwise requires:</p> <ol style="list-style-type: none"> <li>"Abuse" means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict,</li> </ol>

	<p>physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor;</p> <p>2. "Adult" means any person eighteen (18) years of age or older, or who is otherwise emancipated;</p> <p>3. (A) "Court," in counties having a population of not less than two hundred thousand (200,000) nor more than eight hundred thousand (800,000), according to the 1980 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters; (B) Notwithstanding subdivision (3)(A), "court," in counties with a metropolitan form of government with a population of more than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters and the general sessions court. In such county having a metropolitan form of government, a judicial commissioner may issue an ex parte order of protection. Nothing in this definition may be construed to grant jurisdiction to the general sessions court for matters relating to child custody, visitation, or support; (C) "Court," in all other counties, means any court of record with jurisdiction over domestic relation matters or the general sessions court; (D) "Court" also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing ex parte orders of protection when a judge of one of the courts listed in subdivisions (3)(A), (3)(B) or (3)(C) is not available; (E) In counties having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, "court" means any court of record with jurisdiction over domestic relations matters or the general sessions criminal court. In such counties, "court" also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing any order of protection pursuant to this part when a judge of one of the courts listed in subdivisions (3)(A), (3)(B) or (3)(C) is not available. Nothing in this definition may be construed to grant jurisdiction to the general sessions court, both criminal and civil, for matters relating to child custody, visitation, or support; (F) Any appeal from a final ruling on an order of protection by a general sessions court or by any official authorized to issue an order of protection under this subdivision (3) shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten (10) days and shall be heard de novo;</p> <p>4. "Domestic abuse" means committing abuse against a victim, as defined in subdivision (5);</p> <p>5. "Domestic abuse victim" means any person who falls within the following categories: (A) Adults or minors who are current or former spouses; (B) Adults or minors who live together or who have lived together; (C) Adults or minors who are dating or who have dated or who have or had a sexual relationship. As used herein, "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context;</p>
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	<p>(D) Adults or minors related by blood or adoption; (E) Adults or minors who are related or were formerly related by marriage; or (F) Adult or minor children of a person in a relationship that is described in subdivisions (5)(A)-(E);</p> <p>6. "Firearm" means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use;</p> <p>7. "Petitioner" means the person alleging domestic abuse, sexual assault or stalking in a petition for an order for protection;</p> <p>8. "Preferred response" means law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest;</p> <p>9. "Respondent" means the person alleged to have abused, stalked or sexually assaulted another in a petition for an order for protection;</p> <p>10. "Sexual assault victim" means any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of any form of rape, as defined in § 39-13- 502, § 39-13-503, § 39-13-506 or § 39-13-522, or sexual battery, as defined in § 39-13-504, § 39-13-505, or § 39-13-527;</p> <p>11. "Stalking victim" means any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of the offense of stalking, as defined in § 39-17- 315; and</p> <p>12. "Weapon" means a firearm or a device listed in § 39-17-1302(a)(1)-(7).</p>
<p>9-17-315. Stalking, aggravated stalking, and especially aggravated stalking.</p>	<p>A. As used in this section, unless the context otherwise requires: (1) "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property; (2) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling; (3) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose; (4) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested; (5) "Unconsented contact" means any contact with another person that is</p>

	<p>initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following: (A) Following or appearing within the sight of that person; (B) Approaching or confronting that person in a public place or on private property; (C) Appearing at that person's workplace or residence; (D) Entering onto or remaining on property owned, leased, or occupied by that person; (E) Contacting that person by telephone; (F) Sending to that person mail or any electronic communications, including, but not limited to, electronic mail, text messages, or any other type of electronic message sent using the Internet, web sites, or a social media platform; or (G) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person; and (6) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.</p> <p>B. (1) A person commits an offense who intentionally engages in stalking. (2) Stalking is a Class A misdemeanor. (3) Stalking is a Class E felony if the defendant, at the time of the offense, was required to or was registered with the Tennessee bureau of investigation as a sexual offender, violent sexual offender or violent juvenile sexual offender, as defined in § 40-39-202.</p> <p>C. (1) A person commits aggravated stalking who commits the offense of stalking as prohibited by subsection (b), and: (A) In the course and furtherance of stalking, displays a deadly weapon; (B) The victim of the offense was less than eighteen (18) years of age at any time during the person's course of conduct, and the person is five (5) or more years older than the victim; (C) Has previously been convicted of stalking within seven (7) years of the instant offense; (D) Makes a credible threat to the victim, the victim's child, sibling, spouse, parent or dependents with the intent to place any such person in reasonable fear of death or bodily injury; or (E) At the time of the offense, was prohibited from making contact with the victim under a restraining order or injunction for protection, an order of protection, or any other court-imposed prohibition of conduct toward the victim or the victim's property, and the person knowingly violates the injunction, order or court-imposed prohibition. (2) Aggravated stalking is a Class E felony.</p> <p>D. (1) A person commits especially aggravated stalking who: (A) Commits the offense of stalking or aggravated stalking, and has previously been convicted of stalking or aggravated stalking involving the same victim of the instant offense; or (B) Commits the offense of aggravated stalking, and intentionally or recklessly causes serious bodily injury to the victim of the offense or to the victim's child, sibling, spouse, parent or dependent. (2) Especially aggravated stalking is a Class C felony.</p> <p>E. Notwithstanding any other law, if the court grants probation to a person convicted of stalking, aggravated stalking or especially aggravated stalking, the court may keep the person on probation for a period not to exceed the maximum punishment for the appropriate classification of offense. Regardless of whether a term of probation is ordered, the court may, in addition to any other punishment otherwise authorized by law, order the</p>
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	<p>defendant to do the following: (1) Refrain from stalking any individual during the term of probation; (2) Refrain from having any contact with the victim of the offense or the victim's child, sibling, spouse, parent or dependent; (3) Be evaluated to determine the need for psychiatric, psychological, or social counseling, and, if determined appropriate by the court, to receive psychiatric, psychological or social counseling at the defendant's own expense; (4) If, as the result of such treatment or otherwise, the defendant is required to take medication, order that the defendant submit to drug testing or some other method by which the court can monitor whether the defendant is taking the required medication; and (5) Submit to the use of an electronic tracking device, with the cost of the device and monitoring the defendant's whereabouts, to be paid by the defendant.</p> <p>F. In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the conduct or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, is prima facie evidence that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.</p> <p>G. (1) If a person is convicted of aggravated or especially aggravated stalking, or another felony offense arising out of a charge based on this section, the court may order an independent professional mental health assessment of the defendant's need for mental health treatment. The court may waive the assessment, if an adequate assessment was conducted prior to the conviction. (2) If the assessment indicates that the defendant is in need of and amenable to mental health treatment, the court may include in the sentence a requirement that the offender undergo treatment, and that the drug intake of the defendant be monitored in the manner best suited to the particular situation. Monitoring may include periodic determinations as to whether the defendant is ingesting any illegal controlled substances or controlled substance analogues, as well as determinations as to whether the defendant is complying with any required or recommended course of treatment that includes the taking of medications. (3) The court shall order the offender to pay the costs of assessment under this subsection (g), unless the offender is indigent under § 40-14-202.</p> <p>H. Any person who reasonably believes they are a victim of an offense under this section, regardless of whether the alleged perpetrator has been arrested, charged or convicted of a stalking-related offense, shall be entitled to seek and obtain an order of protection in the same manner, and under the same circumstances, as is provided for victims of domestic abuse by title 36, chapter 3, part 6.</p> <p>I. When a person is charged and arrested for the offense of stalking, aggravated stalking or especially aggravated stalking, the arresting law enforcement officer shall inform the victim that the person arrested may be eligible to post bail for the offense and to be released until the date of trial for the offense.</p>
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	<p>J. If a law enforcement officer or district attorney general believes that the life of a possible victim of stalking is in immediate danger, unless and until sufficient evidence can be processed linking a particular person to the offense, the district attorney general may petition the judge of a court of record having criminal jurisdiction in that district to enter an order expediting the processing of any evidence in a particular stalking case. If, after hearing the petition, the court is of the opinion that the life of the victim may be in immediate danger if the alleged perpetrator is not apprehended, the court may enter such an order, directed to the Tennessee bureau of investigation, or any other agency or laboratory that may be in the process of analyzing evidence for that particular investigation.</p> <p>K. (1) For purposes of determining if a course of conduct amounting to stalking is a single offense or multiple offenses, the occurrence of any of the following events breaks the continuous course of conduct, with respect to the same victim, that constitutes the offense: (A) The defendant is arrested and charged with stalking, aggravated stalking or especially aggravated stalking; (B) The defendant is found by a court of competent jurisdiction to have violated an order of protection issued to prohibit the defendant from engaging in the conduct of stalking; or (C) The defendant is convicted of the offense of stalking, aggravated stalking or especially aggravated stalking. (2) If a continuing course of conduct amounting to stalking engaged in by a defendant against the same victim is broken by any of the events set out in subdivision (k)(1), any such conduct that occurs after that event commences a new and separate offense.</p> <p>L. Stalking may be prosecuted pursuant to § 39-11-103(d).</p>
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In addition to the definition of consent under state law, the University uses the following definition of consent in its sexual misconduct policies for the purpose of determining whether sexual violence (including sexual assault) has occurred.

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 do not. 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."

## Clery Act Definitions

The definitions of the offenses of sexual assault, dating violence, domestic violence, and stalking used in reporting Clery Act crimes in the annual statistics appear below. These definitions of dating violence, domestic violence, and stalking comes from the Violence Against Women Act (VAWA), and the definition of sexual assault comes from the FBI's UCR program and which can be found in Appendix A of 34 CFR Part 668. The University's definitions for purposes of reporting Clery Act crimes are listed in Appendix A.

## Reducing Risk

The PPAP includes instruction on how to avoid becoming a victim and the warning signs of abusive behavior, the recognition of which will help mitigate the likelihood of perpetration, victimization or bystander inaction.

If you find yourself in an uncomfortable sexual situation, the following suggestions may help you reduce your risk.

1. Make your limits known before going too far.
2. You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor "NO" clearly and loudly.
3. Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
4. Grab someone nearby and ask them for help.
5. Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
6. Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
7. Be aware of someone trying to slip you an incapacitating "rape drug" like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

1. Remember that you owe sexual respect to the other person.
2. Don't make assumptions about the other person's consent or about how far they are willing to go.
3. Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
4. If your partner expresses a withdrawal of consent, stop immediately.
5. Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
6. Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
7. Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
8. Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person.

1. Past abuse



2. Threats of violence or abuse
3. Breaking objects
4. Using force during an argument
5. Jealousy
6. Controlling behavior
7. Quick involvement
8. Unrealistic expectations
9. Isolation
10. Blames others for problems
11. Hypersensitivity
12. Cruelty to animals or children
13. “Playful” use of force during sex
14. Jekyll-and-Hyde personality

PPAP instruction also includes encouraging individuals to take safe and positive steps to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another person. This includes reporting such incidents to appropriate authorities. Other steps that can be taken include:

1. Look out for those around you.
2. Realize that it is important to intervene to help others.
3. Treat everyone respectfully. Do not be hostile or an antagonist.
4. Be confident when intervening.
5. Recruit help from others if necessary.
6. Be honest and direct.
7. Keep yourself safe.
8. If things get out of hand, don’t hesitate to contact the police.

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Program**

The University also conducts an Ongoing Prevention and Awareness Campaign (“OPAC”) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault, and stalking.

### **PPAP and OPAC Programming Methods**

Park University's OPAC has in place online, mandatory Title IX training for all students, staff, and faculty. For the students, this training is provided every semester for newly arriving students. The list is purged for students

that may have already received the training. New staff and faculty members are trained when onboarded to the university.

Freshman and transfer students receive information on a wide variety of topics during their orientation phase, including sexual harassment and sexual assault information.

Additionally, the University has formed the Culture of Respect Campus Leadership Team which develops and implements education and safety programs for the University's Sexual Assault Awareness Week during the spring semester and Sexual Assault Awareness Month during the fall semester.

The Campus Safety Department provides its staff and Campus Security Officers ("CSOs") quarterly safety training on a variety of campus safety related topics. The CSOs are required to complete annual Campus Community Emergency Response Team ("CERT") training providing education on disaster preparedness and medical operations, CERT organization, disaster psychology, terrorism and CERT, fire safety and utility controls, and light search and rescue operations. The CSOs are also required to complete annual active, live shooter training. All Park staff members are invited and encouraged to participate in CERT training as well.

### **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, the University's Dean of Students at (816) 584-6595 or (816) 505-5456, or reference the resources listed throughout this policy.

At the earliest opportunity, you should also contact the University's Title IX Coordinator, Roger Dusing, at (816) 584-6386. Victims will be notified in writing of the applicable procedures, including the following.

1. To whom and how the alleged offense should be reported.
  - a. 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.
  - a. You should not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence.
  - b. Don't bathe, wash, or otherwise clean the environment in which the assault occurred.
  - c. You can obtain a forensic examination at the Naval Support Activity Mid-South Branch Health Clinic, 38054, 5722 Integrity Dr., Millington, TN 38053, (901) 874-6100 or the Methodist North Hospital, 3960 New Covington Pike, Memphis, TN 38128, (901) 516-5200, <http://www.methodisthealth.org/locations/methodist-north-hospital>.
  - d. 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.
  - e. Evidence in electronic formats should also be retained e.g., text messages, emails, photos, social media posts, screenshots, etc.
  - f. 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 university is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
  - a. Emergency 911

- b. The Campus Safety Department can be reached at (816) 584-6444.
  - c. To make a police report, a victim should contact the local police agency listed throughout this policy either by phone or in-person. The victim should provide as much information as possible, including the name, address, and when and what occurred, to the best of the victim's ability.
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.
- a. In Tennessee, victims may obtain an Adult Order of Protection (or a "Citizen's Dispute"), which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at: 1750 Madison Ave., Suite 100, Memphis, TN, 38104. Hours: 8:00 am – 4:30 pm, Monday – Friday, first come, first served." The Order of Protection filing process can take a couple of hours, so if possible, arrive early in the day. To reduce the time spent filing for the Order of Protection, please download, print and complete the following paperwork and bring it to the Shelby County Clerk's Office.
  - b. Orders of protection, often referred to as "restraining orders," are issued by the court to protect victims of violence from further abuse and harassment. In Millington, Tennessee, the law regarding orders of protection is governed by the Shelby County Circuit Court. Protective orders can prohibit all contact, award temporary custody of children or animals, require child or spousal support, mandate counseling and any other measures the court deems necessary to protect the victim.
  - c. File a Petition for Orders of Protection with the Shelby County clerk's office. This form is available online (also listed in part g, below) or from the clerk's office. You are eligible for an Order of Protection if you have been the victim of domestic abuse, sexual assault or stalking. Domestic abuse occurs when a household or family member threatens, tries to or actually physically harms you, your minor child or your animal; restricts your movement or imprisons you; or intentionally destroys your property. Sexual assault occurs when someone threatens to or actually rapes you, or has or threatens to have non-consensual sexual relations with you. Rape constitutes forced sex, sex when the victim is between 13 and 18 years of age, and the perpetrator is four or more years older; or sex with a child under age 13. Stalking is repeated harassment. Harassment constitutes following, approaching or appearing at your home without your permission; threatening emails; and leaving distressing things on your property. To constitute stalking, the harassment must make you feel "terrorized, frightened, intimidated, threatened, harassed, or molested." The clerk will file your papers with a judge, who will grant you a brief hearing to set a date for your full hearing and determine if you need an Emergency Protective Order to keep you safe until the hearing.
  - d. Serve the perpetrator with the notice of hearing and, if applicable, the Emergency Protective Order. Paperwork can be served by law enforcement, a professional server or another adult. For your safety, do not serve any paperwork yourself. If you do not have the documents served by law enforcement, you should still contact your local police or sheriff's office to make sure your paperwork was received.
  - e. Prepare to present your case at the hearing. You will need to demonstrate that the defendant committed acts of domestic abuse, stalking or sexual assault (as defined by the law), and convince the judge you are in need of the protection. You can present evidence, such as police or medical records, witness testimony, written communication or photos of damaged property. Practice telling your story to someone else, if possible, as you will need to be able to communicate it carefully and clearly. Legal aid can be helpful but is not required.

- f. Appear at the hearing and present your case to the judge. You must demonstrate your need for protection at the hearing. It is important that you appear; if you don't, your Emergency Protection Order will expire, and it may be difficult for you to obtain a new order as your credibility may be damaged.
- g. For Order of Protection forms, please see: <http://www.tncourts.gov/forms-publications/downloads/forms/?type=440> or <https://crimevictimscenter.shelbycountyttn.gov/ordersofprotection>.
- h. 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.

The university 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 university and can be enforced on campus, if necessary. Upon learning of any orders, the university will take all reasonable and legal action to implement the order.

The university does not issue legal orders of protection. However, as a matter of institutional policy, the university may impose a no-contact order between individuals in appropriate circumstances. The university 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

Whenever an individual reports a sexual assault, incident of dating violence, domestic violence, or stalking, the written explanation of the reporting party's rights and options provided by the university will include information on the following resources in the reporting student's area.

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. Those services include:

Counseling, Mental Health & Victim Advocacy Services:

1. Park University Counseling  
8700 NW River Park Dr., Parkville, MO 64152  
(816) 584-6237 or (816) 584-6798  
<http://www.park.edu/counseling-center/index.html>
2. SisterReach  
2725 Kirby Parkway Suite #15 | Memphis, TN 38119  
(901) 222.4425 office  
London Lamar, Policy Associate:  
[London@SisterReach.org](mailto:London@SisterReach.org)  
(901) 628.6015  
<https://sisterreach.org/>
3. Exchange Club Family Center  
2180 Union Ave., Memphis, Tennessee 38104  
(901) 276-2200  
<https://exchangeclub.net/>

4. Victims to Victory  
1548 Poplar Ave., Memphis, TN 38104  
(901) 274-6828  
<http://www.victimstovictory.org/>
5. Family Safety Center – Tennessee  
<http://familysafetycenter.org/meet-our-partners/>

Health Services:

1. Park University Student Health Services  
8700 NW River Park Dr., Parkville, MO 64152  
<http://www.park.edu/student-health-services/index.html>

Legal Assistance:

1. Community Legal Center  
910 Vance Ave., Memphis, TN 38126  
(901) 543-3395  
<http://clcmemphis.org/contact/>
2. Shelby County District Attorney General – Domestic Violence Unit  
201 Poplar Ave., Memphis, Tennessee 38103  
(901) 222-1485  
<https://www.scdag.com/prosecutingcriminals/dv>
3. Shelby County Crime Victims Center  
The Madison Professional Building  
1750 Madison Ave. Suite 100, Memphis, TN 38104  
(901) 222-3950  
<https://crimevictimscenter.shelbycountyttn.gov/location>
4. Memphis Area Legal Services

**Administrative Offices**

22 N. Front St., 11th Floor, Memphis, TN 38103  
(901) 523-8822 - Office

**Service Offices**

Memphis Service Office  
22 N. Front St., 11th Floor, Memphis, TN 38103  
(901) 523-8822 or Toll Free (866) 361-9001

Memphis Fair Housing Center  
22 N. Front St., 11th Floor, Memphis, TN 38103  
(901) 432-4663

Rural Service Office  
899-A Highway 51 South, Covington, TN 38019  
(901) 523-8822 or Toll Free (888) 207-6386

<http://www.malsi.org/contact-us/>

Visa & Immigration Assistance:

1. Park Office of International Students  
8700 NW River Park Dr., Herr House Room 207 / PMB 3  
Parkville, Missouri, 64152-3795, U.S.A.  
00 + 1 + 816 + 584 + 6820  
E-mail: [international@park.edu](mailto:international@park.edu)  
<http://www.park.edu/office-of-international-students/index.html>
2. Immigration Advocates Network  
<http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
3. U.S. Citizenship and Immigration  
Services: [https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office\\_type=A SC&OfficeLocator.statecode=MO](https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office_type=A SC&OfficeLocator.statecode=MO)

Student Financial Aid:

1. Park Financial Aid Office  
8700 NW River Park Dr., Parkville, MO 64152  
(816) 741-2000  
<http://www.park.edu/student-financial-aid/index.html>
2. The Department of Education's Federal Student Aid office  
1-800-433-3243  
<https://fafsa.ed.gov/>

**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 Dean of Students at (816) 584-6495 or (816) 505-5456. The 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 Dean of Students may consider, among other factors, the following:

1. The specific need expressed by the complainant.
2. The age of the students involved.
3. The severity or pervasiveness of the allegations
4. Any continuing effects on the complainant
5. Whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location.
6. 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 to implement the accommodation or protective measure. Such decisions will be made by the Dean of Students in light of the surrounding circumstances. 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 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 university'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 Building, Parkville, MO  
[Roger.dusing@park.edu](mailto:Roger.dusing@park.edu)

#### Deputy Title IX Coordinator

Dr. Jayme Uden  
Dean of Students  
816-584-6495  
Thompson Commons, Parkville, MO  
[jayme.uden@park.edu](mailto:jayme.uden@park.edu)

An electronic form may also be used and is available at <http://www.park.edu/current-students/sexual-harrassment-form.html>.

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 university 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 determined 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 the following.

1. A prompt, fair and impartial process from the initial investigation to the final result.

- a. A prompt, fair and impartial process is one that is:
  - i. completed within reasonably prompt timeframes designated by the university'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;
  - ii. conducted in a matter that:
    1. is consistent with the institution's policies and transparent to the accuser and the accused;
    2. includes timely notice of meetings at which the accuser or accused, or both, may be present;
    3. 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; and
    4. 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.

All Title IX coordinators and Campus Security Authorities are required to complete quarterly training, updates, and education on a variety of sexual assault and harassment topics, including education on 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. They are also required to complete annual Title IX training online.
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 university 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 university's disciplinary proceeding that domestic violence, dating violence, sexual assault, or stalking has been committed, the university 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.

The university may take any further protective action that he or she deems appropriate concerning the interaction of the parties pending the investigation including directing appropriate university officials to alter academic, housing, and/or university employment arrangements, together with such other protections as the Title IX Coordinator/Deputy Coordinator deems appropriate.

Consistent with Title IX regulations, when taking steps to separate the complainant and the respondent, the university will 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 Title IX Coordinator/Deputy Coordinator's directive and/or protective actions will constitute separate violations of the university's Sexual Misconduct Policy that may lead to additional disciplinary action.

### **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 the Title IX Coordinator at (816) 584-6386. State registry of sex offender information may be accessed at the following link:

<http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>.

## Park University

# Emergency Response Policies for Year 2017

### Emergency Response and Evacuation Procedures

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Director, Campus Safety at 816-584-6226 of any situation that poses such a threat.

The Director of Campus Safety, Will London, will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Director of Campus Safety will consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified.

The Chief Financial Officer in collaboration with other appropriate personnel (including all executive staff), will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Director of Communications and Public Relations will direct the issuance of emergency notifications, which will be accomplished using one or more of the following means, depending on the nature of the threat and the segment of the campus community being threatened:

Method	Sign-Up Instructions
Park Alert	<a href="http://www.park.edu/park-alert/index.html">http://www.park.edu/park-alert/index.html</a>

At the direction of Brian Bode, the University's Chief Financial Officer will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency. This will also be coordinated between Campus Safety and the Director of Public Relations and Communication.

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the University's emergency response plan. In addition, annual active shooter scenarios will be conducted with Parkville Police Department to include lockdown procedures.

The Director of Campus Safety maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees' information to remind them of the University's emergency response and evacuation procedures.

## Park University

### Missing Person Policies for Year 2017

#### Missing Person Procedures

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the Campus Safety Lead Officer at 816-914-2806 and the Campus Safety Director at 816-584-6444. Anyone receiving a missing student report will immediately notify campus security (or local law enforcement, if necessary) so that an investigation can be initiated.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the person is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

A student who wishes to designate a confidential contact may do so by confidentially speaking with the Director of Campus Safety or dialing 911 to report this type of incident. In addition, you may file a missing person report with the Parkville police Department, at 816-741-4454.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the University will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the University will also notify that student's parent or legal guardian within 24 hours of the determination that the student is missing.



## APPENDIX A

### Clery Act Definitions

Dating Violence: 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 shall be determined based the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: a felony or misdemeanor crime of violence committed –

1. by a current or former spouse or intimate partner of the victim;
2. by a person with whom the victim shares a child in common;
3. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. 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 in which the crime of violence occurred.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for her, his, or others' safety; or
2. suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Assault: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

1. Rape: The 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.
2. Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Consent: while all sexual assaults reported to a Campus Security Authority or the Campus Safety Department are included in the annual crime statistics without regard to the issue of consent, the definition of consent is an essential component of the Title IX Policy. The University's Sexual Misconduct Policy defines Sexual Consent as follows:

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."

### **Other Crime Definitions**

Institutions must also report statistics for hate crimes in connection with the following offenses which are not otherwise included in the annual crime statistics.

Larceny: the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Burglary: the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking and all attempts to commit any of the aforementioned.

Robbery: the taking or attempting to take anything of value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Weapons (carrying, possessing, etc.): this classification encompasses weapons offenses that are regulatory in nature.

Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence.

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson: the willful or malicious burning or attempt to burn, with or without intent to defraud a dwelling house, public housing, motor vehicle or aircraft, or personal property of another, etc.

Drug Abuse Violations: the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations: the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

## CRIME STATISTICS REPORT – NSA MILLINGTON

Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Negligent Manslaughter	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Robbery	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Aggravated Assault	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Burglary	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Motor Vehicle Theft	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Arson	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Arrests: Weapons: Carrying, Possessing, Etc.	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Arrests: Drug Abuse Violations	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0

## CRIME STATISTICS REPORT – NSA MILLINGTON

Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Disciplinary Referrals: Drug Abuse Violations	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Arrests: Liquor Law Violations	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Disciplinary Referrals: Liquor Law Violations	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Domestic Violence	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Dating Violence	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Stalking	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Rape	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Fondling	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Incest	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0
Statutory Rape	2014	0	N/A	0	0
	2015	0	N/A	0	0
	2016	0	N/A	0	0