



SEXUAL HARASSMENT AND SEXUAL MISCONDUCT (TITLE IX) POLICY

Park University's ("University") core values include fostering an open learning and working environment full of inclusivity, accountability, civility, and respect. The University considers sex discrimination in all its forms to be a serious offense and a violation of this policy, and federal law, specifically Title IX, prohibits sex discrimination, harassment and all other sexual offenses. Sex discrimination includes discrimination on the basis of pregnancy, sexual orientation, gender identity, and failure to conform to stereotypical notions of femininity and masculinity. Harassment, whether verbal, physical, or visual, that is based on sex, is a form of prohibited sex discrimination. Sexual harassment also includes sexual violence.

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

The University recognizes not only its legal responsibilities but also its moral and ethical responsibilities to prohibit discrimination and harassment on the basis of sex and to take appropriate and timely action to ensure an environment free of such inappropriate conduct and behavior.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The University has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official University program or activity (regardless of location), or off campus when the conduct creates a Hostile Environment on campus. The University will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

Additionally, the University will not tolerate retaliation in any form against an applicant, student, or employee for reporting a violation of this policy or assisting in the investigation of a complaint.

Definitions of Offenses Which Fall Under Title IX Sexual Misconduct When Based on Sex

Consent. The definition of consent is an essential component of this Policy. The University 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 a person wants sexually and what a person does 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."

Dating Violence. Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based the Complainant'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.

Discrimination. Discrimination is any unlawful distinction, preference or detriment to an individual as compared to others that is based on an individual's protected status and that is sufficiently serious to unreasonably interfere with or limit:

1. an employee's or applicant for employment's access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment, access to training);
2. a student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing);
3. an authorized volunteer's ability to participate in a volunteer activity; or
4. a guest's or visitor's ability to participate in, access, or benefit from the University's programs.

Domestic Violence. Domestic Violence is 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.

Gender-Based Harassment. Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on gender, gender stereotyping, sexual orientation, gender identity, or gender expression that interferes with or limits a person's ability to participate in or benefit from the University's employment or educational activities and opportunities. For example, persistently ridiculing a person based on a perceived lack of stereotypical masculinity.

Hostile Environment. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a Hostile Environment, particularly when the conduct is physical. Conduct creates a Hostile Environment if the conduct is sufficiently serious that it interferes with or limits the reporting party's ability to participate in or benefit from a University program or to perform his or her work. Sexual harassment is considered a form of conduct that creates a hostile work environment. Examples of sexual harassment include, but are not limited to:

1. verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
2. unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands;
3. physical assault or stalking;
4. displays of electronic transmissions of derogatory, demeaning or hostile materials;
5. unwillingness to train, evaluate, assist or work with a student or employee;
6. engaging in behavior that is invasive or disruptive to a student or employee for the purpose of initiating a sexual or romantic relationship with that person; or
7. sex-based bullying.

Non-consensual Sexual Penetration. Nonconsensual sexual penetration is the sexual penetration or attempted sexual penetration of any bodily opening with any object or body part without effective consent.

Nonconsensual sexual penetration includes the Clery Act definition of 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; the Clery Act definition of incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and the Clery Act definition of statutory rape: sexual intercourse with a person who is under the statutory age of consent.

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

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

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

Quid Pro Quo Sexual Harassment. This type of harassment exists when there are:

1. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; AND
2. submission to or rejection of such conduct results in adverse educational or employment action.

Retaliation. Retaliation is acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's good faith: (i) participation in the reporting, investigation or resolution of an alleged violation of this Policy; (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy; or (iii) requests for accommodations on the basis of religion or disability. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Responding Party, the Reporting Party or any other individual or group of individuals.

Sexual Assault. Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (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.

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

1. invasion of sexual privacy;
2. prostituting another student or employee;
3. non-consensual video or audio-taping of sexual activity;
4. going beyond the boundaries of consent (such as letting friends hide in the closet to observe one having consensual sex);
5. engaging in voyeurism;
6. knowingly transmitting a Sexually Transmitted Infection (STI) or Human Immunodeficiency Virus (HIV) to another person;
7. exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; and
8. sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Harassment. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature, which constitutes sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment or education;
2. submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting that individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating or hostile educational or employment environment.

It is often difficult to define exactly what constitutes an intimidating, harassing, or hostile because individuals have different perceptions regarding sexual behavior. The University will consider the conduct in question from both a subjective and objective perspective. Specifically, the University will evaluate the conduct from the perspective of a reasonable person in the reporting party's position, considering all the circumstances.

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

the terms and conditions of employment or education. The following are examples of Sexual Harassment.

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

Sexual Violence. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the individual's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence and sexual assault often refer to similar kinds of conduct. A number of different acts fall into the category of sexual violence including rape, sexual battery, sexual abuse, sexual coercion, dating violence, and domestic violence.

Stalking. Stalking means 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.

Other Misconduct Offenses Which Fall Under Title IX Sexual Misconduct When Based on Sex:

1. intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
2. hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging,

joining, or any other group-affiliation activity (as defined further in the hazing policy in Park's catalog);

3. bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally;
4. violence between those in an intimate relationship to each other; and
5. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.

Sexual Misconduct Complaint Resolution Procedure

Overview.

The following complaint resolution procedures for reporting Sexual Discrimination, Sexual Harassment, and Sexual Violence (together referred to as "Sexual Misconduct") apply to complaints made to the University by students, employees, faculty, or third-parties against students, employees, faculty or third-parties. These procedures are the University's exclusive means of resolving complaints of Sexual Misconduct.

Sexual Misconduct complaint resolution procedures provide for prompt, fair, and impartial investigations and resolutions. Any University employee involved in administering these procedures will discharge their obligations fairly and impartially. If employees determine that these procedures cannot be fairly and impartially applied because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, another appropriate individual will be designated to fulfill the role in administering these procedures fairly and impartially.

Sexual Misconduct complaint resolution procedures will be implemented by University officials who receive annual training on the issues related to Sexual Misconduct and how to conduct an investigation that protects the safety of victims and promotes accountability.

Filing a Complaint.

Any person who believes that he or she has been the subject of Sexual Misconduct, and desires the University to investigate and resolve the matter, should report the incident. To file a Sexual Misconduct (Title IX) complaint, complete the online form available through the University website: [Park University Sexual Harassment Report Form](#). One may also contact the following individuals directly.

1. Dr. Roger Dusing, Title IX Coordinator and Chief Human Resources Officer. Dr. Dusing may be reached at (816) 584-6386 or Roger.Dusing@park.edu.
2. Dr. Jayme Uden, Deputy Title IX Coordinator for students and Associate Vice President & Dean of Students. Dr. Uden may be reached at (816) 584-6595 or Jayme.Uden@park.edu.
3. Dr. Emily Sallee, Deputy Title IX Coordinator for faculty and Associate Provost. Dr. Sallee may be reached at (816) 584-6779 or Emily.Sallee@park.edu.

4. Mr. James Nelson, Deputy Title IX Coordinator for staff and Associate Vice President of Information Technology Services. Mr. Nelson may be reached at (816) 584-6548 or James.Nelson@park.edu.
5. Outside normal business and office hours, or if not accessible at the number and e-mail listed directly above, please contact the Coordinator/Deputy Coordinators through the Campus Safety Dispatcher at (816) 584-6444.
6. To anonymously report a Sexual Misconduct complaint, please complete the University's Concern form, available here: <https://my.park.edu/ICS/Student/ConcernComplaint/>. See the Confidentiality, Privacy, and Reporting section below for more information on privacy rights.

The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. If the complainant does not wish to pursue resolution and/or requests that his or her complaint remain confidential, under Title IX, the University will still investigate and take reasonable action in response to the complainant's request. However, the Title IX Coordinator/Deputy Coordinators will inform the complainant that the University's ability to respond will likely be limited.

Regardless of the complainant's request, under Title IX, the University must evaluate the complainant's request that there be no formal or informal resolution and/or that the complainant remain confidential in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment for its students and employees. The Title IX Coordinator and/or Deputy Title IX Coordinators are responsible for evaluating confidentiality requests.

The University reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. As needed, and regardless of the complainant's request, under Title IX, Park University shall take prompt and effective action to limit the effects of the Sexual Misconduct and to prevent its reoccurrence.

It is a violation of this policy to Retaliate against any member of the University community who reports or assists in making a Sexual Misconduct complaint or who participates in the investigation of a complaint in any way. Persons who believe they are receiving Retaliation, in violation of this policy, should make a complaint in the manner set forth in this section.

The University has no period of limitation for filing Sexual Misconduct complaints, but does encourage persons to make complaints as soon as possible. Later reporting may limit the University's ability to investigate and resolve the matter.

All Sexual Misconduct complaints will be promptly and thoroughly investigated in accordance with procedures described in this policy. The University will take disciplinary action where appropriate.

Investigation - Preliminary Matters.

In all complaints of Sexual Misconduct, the University will undertake an appropriate inquiry and take immediate action. Once an investigation is open, the University will provide both the complainant and respondent written notification which will include, the Identities of parties, specific policy provisions, precise conduct, and the date and location of the alleged violation.

If a complainant has obtained an order of protection, temporary restraining order, or other no contact order against the respondent from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator/Deputy Coordinators. The University will take all reasonable and legal action to implement the court order(s).

At any stage of the investigation, the University may implement appropriate interim steps pending the final outcome of the investigation or in special circumstances even if a report is not filed. The University's interim measure decision-makers will be University staff that are uninvolved and separate from the investigation process. Interim measures will be afforded to both the complainant and respondent and both complainant and respondent may request such measures. These measures will be processed separately. Interim options include modifications to: academic schedules, campus housing, student leadership, working situations, as well as providing academic support or making special arrangements for withdrawing or dropping classes without penalty, if requested and reasonably available. No contact measures may also be implemented. Any interim remedies imposed should avoid any lasting negative effects on either party before any findings of responsibility are made as much as is possible in the circumstances presented. The University will make every effort to avoid depriving any student of her or his education. The University will periodically revisit the interim measures to see if adjustments need to be made.

The Title IX Coordinator/Deputy Coordinators may also take any further protective action that they deem appropriate, concerning the interaction of the parties, pending the investigation, including directing appropriate University officials to alter academic, housing, and/or Park University employment arrangements, together with such other protections as the Title IX Coordinator/Deputy Coordinators shall deem appropriate. Consistent with Title IX law, when taking steps to separate the complainant and the respondent, the University may minimize the burden on the complainant and may 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 Coordinators' directive and/or protective actions will constitute separate violations of the Sexual Misconduct policy that may lead to additional disciplinary action.

During the investigation process, both complainant and respondent may ask a support person/advisor to accompany them at all stages of the process. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent and may not be actively involved in any proceedings. All support persons/advisors must agree to maintain the confidentiality of the process.

Some instances of Sexual Misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the University will assist the complainant in doing so. The potential for a criminal investigation, however, does not relieve the University of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the University will proceed with its own investigation and resolution of the complaint.

The complainant and respondent have equal rights during the investigation and resolution of a complaint. These rights include:

1. equal opportunity to identify and have considered witnesses and other relevant evidence;
2. similar and timely access to all information considered by the investigators;
3. equal opportunity to review any statements or evidence provided by the other party; and
4. equal access to review and comment upon any information independently developed by the investigators.

Investigation - Initial Steps and Meeting(s).

Once the Title IX Coordinator/Deputy Coordinators have been notified of an allegation of Sexual Misconduct and determined a formal investigation is necessary, the Title IX Coordinator/Deputy Coordinators will provide both complainant and respondent written notice with sufficient details of the allegations so that both parties will have sufficient time to prepare for the initial interview. Sufficient details mean the (1) identity of the parties, (2) specific policy provisions, (3) precise conduct, (4) date and location of alleged incident(s).

The Title IX Coordinator/Deputy Coordinators will then schedule a meeting, typically within one to two business days, with the complainant to advise the complainant of the University's Sexual Misconduct policy and forms of support or immediate interventions available to the complainant, including referral to appropriate law enforcement agencies, medical providers, and/or counseling and psychological services. If the conduct is criminal in nature, as, for example, assault, rape, or attempted rape, the University strongly recommends that the complainant report the incident to law enforcement officials. The University's Campus Safety, Student Success, and/or Human Resources offices will assist the complainant with reporting the incident to law enforcement officials, if desired.

Absent extraordinary exigency, the parties will receive the written notice at least one to two business days before they are interviewed by the investigator. At the initial interview with the complainant, the Title IX Coordinator/Deputy Coordinators will ascertain from the complainant how complainant wishes to proceed, whether by formal or informal resolution, or whether the complainant does not wish to pursue resolution

of any kind. If the complainant wishes to proceed with either formal or informal resolution, the Title IX Coordinator/Deputy Coordinators will determine the name of the respondent as well as the date, location, and nature of the alleged Sexual Misconduct.

At the initial interview with the respondent, the Title IX Coordinator/Deputy Coordinators will gather sufficient information to determine if an investigation is warranted. The Title IX Coordinator/Deputy Coordinators will also ensure the complainant has been fully advised of her/his rights and has access to sufficient support.

If the complainant wishes to proceed with formal or informal resolution, the Title IX Coordinator/Deputy Coordinators will promptly commence an investigation. During the investigation, and until the matter is finally resolved, the student-respondent may not withdraw. Two University Title IX Investigators will be assigned to investigate the allegations. Both the complainant and respondent will also be assigned a Title IX Advocate. The Advocate's role is to help the party navigate through the investigative process, answer questions about the process, and follow up throughout the investigation to ensure appropriate processes are followed.

Investigation - Informal Resolution.

Informal resolution, such as mediation, may be used to investigate and resolve a Sexual Misconduct complaint. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator/Deputy Coordinators. The complainant will not be required to resolve the issue directly with the respondent. Moreover, the complainant may terminate the informal process at any time. In any event, informal resolution, even on a voluntary basis, will not be used to resolve complaints alleging any form of Sexual Violence.

Investigation - Formal Resolution.

The purpose of a Title IX investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes Sexual Misconduct and a violation of this Policy. During the course of the investigation, the investigators may receive counsel from University administrators, the University's attorneys, the Title IX Coordinator/Deputy Coordinators, and/or other parties as needed.

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses and/or other evidence. The respondent will have an opportunity to respond to the allegations and present supporting witnesses and/or other evidence. The investigators will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

At the conclusion of the investigation, the investigators will prepare a written report. The report will explain the scope of the investigation and identify findings of fact. The investigators will present the report

to the appropriate Deputy Coordinator, who will review the draft, revise as necessary, and finalize it. This report will be shared with both parties prior to a final determination to ensure that the report is complete and accurate from the parties' perspectives. Both parties will have an opportunity to respond to the report in writing in advance of the University's decision.

Based on the final written report, if the Deputy Coordinator finds that any allegations in the complaint were found to be substantiated by a preponderance of the evidence resulting in a policy violation, the Deputy Coordinators will prepare an addendum setting forth the discipline and remedial measures.

Student sanctions include verbal warnings, reflection and educational assignments, activity or location restrictions, restitution; fine; loss of privileges; housing probation; temporary or permanent suspension; expulsion; and/or 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.

Employees sanctions include verbal warnings, written warning, final written warning, termination, reassignment of duties, and suspension with or without pay. An employee may be suspended for any length of time determined appropriate by the Chief Human Resources Officer. Following a suspension, the individual will be required to meet with the Dean of Students (student) or Chief Human Resources Officer (employee) to discuss re-entry and expectations going forward.

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

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Once the investigation is completed and a final decision is made, both the complainant and respondent will be informed of the outcome in writing within three (3) business days. The decision is final. It may be appealed using the appeal procedure described below.

Resolution and Timeframe for Resolution.

The University is committed to providing prompt, fair, and impartial investigation and resolution of reports of violations under this policy. The University will make the investigative reports available to both complainant and respondent prior to their release and finalization of its decision. Both complainant and respondent have equal access to the information used for the University's final report and will have an opportunity to respond to the University's report in writing in advance of the University's decision.

The University desires to resolve all reports within a timely manner. All timeframes expressed in this policy are meant to be guidelines rather than inflexible requirements. Extenuating circumstances may arise that require the extension of timeframes, especially due to the geographic spread of the University's campuses in various states, countries, and time zones. Extenuating circumstances may include the complexity and

scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, any intervening school break or vacation, or other unforeseen circumstances. The University intends to complete a typical investigation within sixty (60) days following receipt of the report. Further, both the complainant and respondent will be updated throughout the investigative process, including with timely notice of meetings where either or both the reporting party and the responding party may be present.

In general, a complainant and respondent can expect that the process will proceed in a timely manner. In the event that the investigation and resolution exceed this time frame, the University will attempt to notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

In all cases of allegations of policy violations, the complainant and respondent will receive simultaneous notification, in writing, of:

1. any result of a disciplinary proceeding;
2. procedures for the reporting party and responding party to appeal the result of the disciplinary proceeding;
3. any change in the result of a disciplinary proceeding; and
4. when the results of any disciplinary proceeding become final.

Appeal of Finding(s).

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

1. there is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the investigators, would result in a different decision;
2. there was a procedural error significant enough to call the finding into question;
3. there was a clear error in factual findings;
4. bias or prejudice on the part of the investigators; or
5. the punishment or the corrective action imposed is disproportionate to the offense.

Appeals must be filed in writing with the Title IX Coordinator within ten (10) days of receipt of notification of the outcome of the investigation and must include all of the below-listed information. The appeal will

then be assigned to a collective panel of Title IX Deputies and the Coordinator for evaluation. The University reserves the right, after reviewing the below information submitted by the appealing party, to deny the appeal without further review the Panel determines that the above grounds do not exist as a basis for the appeal. An appeal may not be based solely upon the appealing party's disagreement with the University's initial finding. Please include the following in the appeal:

1. name of the complainant;
2. name of the respondent;
3. a statement of the determination of the complaint, including corrective action if any;
4. a detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
5. requested action, if any.

The appealing party may request a meeting with the Appeal Panel, but the decision to grant a meeting is within the Appeal Panel's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

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

Documentation.

Throughout all stages of the investigation, resolution, and appeal, the investigators, the Title IX Coordinator, the Deputy Coordinators, and the Appellate Officers as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

Sexual Misconduct/Title IX allegations and findings are kept separate from a student's academic record, and maintained as part of an employee's records.

Intersection with Other Procedures.

These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Sexual Misconduct policy. To the extent there are any inconsistencies between these complaint

resolution procedures and other University complaint, or disciplinary procedures, the procedures provided herein will control Sexual Misconduct complaints.

Confidentiality, Privacy, and Reporting

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

Report Confidentially. If one desires that details of the incident be kept confidential, they should speak with on-campus mental health counselors or off-campus rape crisis resources who can maintain confidentiality. (Park recommends MOCSA and/or Synergy Services for students in the Kansas City area. For students outside the KC metropolitan area, please dial 211 or connect online with 211 for United Way Resources in a particular area.) Campus counselors are available to help free of charge after the first experience of a situation, and they will provide off-campus resources specializing in services important for the victim.

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

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

Recommended Park staff include: Dr. Debra Olson-Morrison, Assistant Professor, 816-935-6843, or Ben Zibers, Director of Student Engagement, 816-584-6375. If unsure of a staff member's duties and ability to maintain privacy, ask them before speaking to them. They will be able to provide the relevant privacy information, and help make decisions about who can help best. If personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made for privacy protection.

Non-confidential Reporting Options. Persons are encouraged to speak to officials of the institution to make formal reports of incidents (directors, deans, vice presidents, or other administrators with supervisory

responsibilities, campus security, faculty, and human resources). The University considers these people to be “responsible employees.” Notice to them is official notice to the institution and they are required to refer the report to the Title IX Coordinator for investigation. Persons have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the respondent. The most direct way to officially report is through the Park University Sexual Harassment Form available online.

Reporting to the Department of Education.

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

Amnesty from University Drug, Alcohol, and Related Policies

The University encourages reporting and seeks to remove any reporting barriers by making the procedures for reporting transparent and simple. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for his/her/their own conduct, which may violate other University policies, codes of conduct, and University handbooks.

An individual who reports sexual misconduct, either as a complainant or a third party witness, will not be subject to disciplinary action by the University, for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. This amnesty policy applies to the University's student conduct process as well as related policies applicable to students, faculty and staff.

While the University may waive disciplinary action under its policies related to use of alcohol and drugs as indicated above, it retains the right to report any illegal use of these substances as required by law and will act in compliance with those laws.

Policy Expectations Regarding Consensual Relationships

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

that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation later. All employees engaging in romantic relationships with other employees are encouraged to review the Consensual Relationships practice in the Park Employee Handbook.

University employees are prohibited from developing a romantic or sexual relationship with a University student. Employees are deemed to be primarily responsible for adherence to this policy, although both employee and student will be held accountable. Even among students, consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are discouraged. Exceptions may be made if the relationship began when the parties were in equal positions, but the University should be notified when the position become unequal. For example, if two students develop a consensual relationship and one subsequently graduates and is hired by the University as an employee, the relationship between the two may continue, but the Consensual Relationships practice should be followed. Similarly, if an employee's partner becomes a student, the Consensual Relationships practice should be followed.

Sexual Violence Risk Reduction Tips

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

1. Each person should establish limits, and make them known to the other party as early as possible.
2. A sexual aggressor should be told "NO" clearly and firmly.
3. Persons should try to remove themselves from the physical presence of a sexual aggressor.
4. Persons should find someone nearby and ask them for help.
5. Individuals should take affirmative responsibility for their own alcohol intake/drug use and acknowledge that alcohol/drugs lower sexual inhibitions and may make them vulnerable to another who views a drunk or high person as a sexual opportunity.
6. Individuals should take care of friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

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

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.

2. Understand and respect personal boundaries.
3. DO NOT MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
4. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
5. Do not take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

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

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

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

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

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

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

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

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

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