

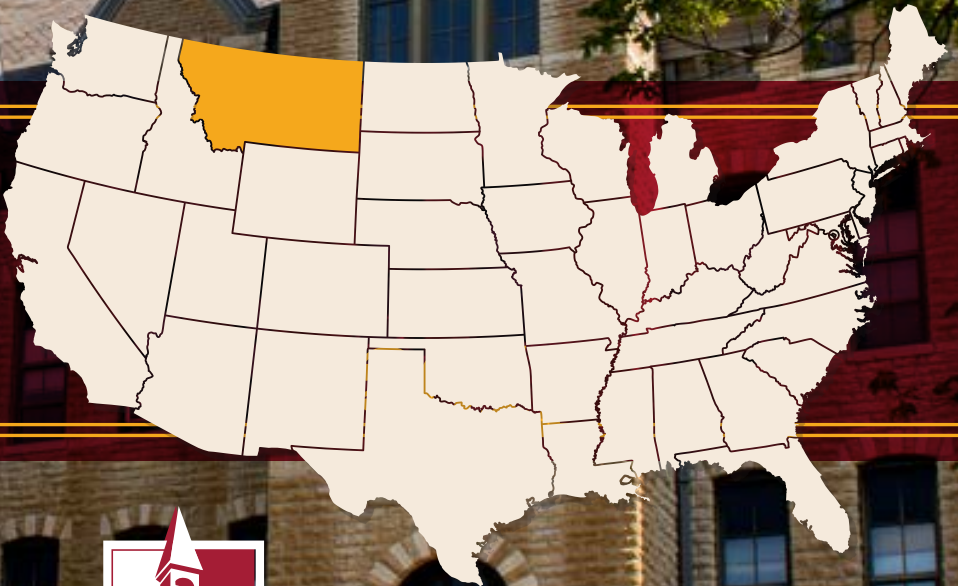
PARK UNIVERSITY

# CLERY ANNUAL SECURITY REPORT

2022

**MONTANA**

• Malmstrom AFB



PARK  
UNIVERSITY

Annual Security Report  
Malmstrom AFB

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**SPECIAL MESSAGE FROM PARK UNIVERSITY DIRECTOR OF CAMPUS SAFETY**

Every year, Park University publishes the Annual Park University Security and Fire Safety Report in compliance with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act. This document, which is posted online at <https://www.park.edu/about-park/campus-safety/> and is available in printed form 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. All colleges and universities participating in federal financial aid programs are required to share this data with the public and we are pleased to provide it 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. The University continues working to promote a safe and desirable college experience for all students, faculty and staff by constantly refining University plans for incidents such as active shooter and bomb threats through cooperative training with local police, fire and ambulance services.

The Park University Department of Campus Safety is pleased to help provide a safe academic environment that is conducive to all who call Park University home. Thank you for your interest in learning more about how the University works to provide and improve the safety of our campus.

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

Sincerely,

*Jeffrey A. Hurley*

Director of Campus Safety  
Park University  
[Jeffrey.hurley@park.edu](mailto:Jeffrey.hurley@park.edu)

# Park University

## **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students, parents and employees of Park University (the University) with information on the University's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students, parents and employees with information that will help them make informed decisions related to their own safety and the safety of others.

The report is prepared by the Director of Campus Safety, along with others, in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year, an e-mail notification is made to all enrolled students, parents and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained, at no cost, by contacting the Campus Safety Department at (816) 584-6444 or via email at [campussafety@park.edu](mailto:campussafety@park.edu).

The University is committed to taking the actions necessary to provide a safe and secure learning/working environment for all students and staff. As a member of the campus community, you can feel safe and take comfort in knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

## **General Safety and Security Policies**

### **Policies Concerning the Authority of Campus Safety Personnel**

The Campus Safety Department (the department) is responsible for safety and security at the main Parkville, Missouri campus. The department provides security, crime prevention, and premise access control functions on the University's main campus 24 hours a day, seven days a week. The department's jurisdiction covers all of the University's property including some acreage of wooded land adjacent to the campus. The department has the authority to ask persons for identification and determine whether individuals have lawful business on the institution's property. The department also has the authority to issue parking citations. Criminal arrests are made by the local police department because Campus Safety Officers do not themselves have arrest authority as they are not commissioned law enforcement officers. The Campus Safety Officers will, however, assist law enforcement as needed.

The property management companies of the facilities in which the other campus centers are located (not on military bases) either have agreements with persons and companies to provide security at the campus centers or are reliant on the local police departments for crime prevention, the reporting of crimes and the handling of emergencies. Please contact your Campus Center Director for more information. Campus centers on military installations are secured by the application branch of the military responsible for the base. While the University does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local law enforcement.



### **Other Officials to Whom Crimes May Be Reported (Campus Security Authorities)**

The University has also designated other officials to serve as campus security authorities. Reports of criminal activity can be made to these officials as well. 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. Dr. Jayme Uden, Associate Vice President and Dean of Student Services, 816-584-6595, [jayme.uden@park.edu](mailto:jayme.uden@park.edu)
2. Laure Christensen, Chief of Staff, 816-584-6810, [laure.christenson@park.edu](mailto:laure.christenson@park.edu)
3. Ben Zibers, Associate Vice President, Gilbert Campus, 480-923-0023, [bzibers@park.edu](mailto:bzibers@park.edu)
4. Amanda Bryant, Director of Student Support, 816-584-6376, [Amanda.bryant@park.edu](mailto:Amanda.bryant@park.edu)
5. Kristin Gillette, Parkville Athletic Director, 816-584-6492, [Kristin.gillette@park.edu](mailto:Kristin.gillette@park.edu)
6. Jeff Fore, Athletics, 480-923-0017, [jeff.fore@park.edu](mailto:jeff.fore@park.edu)
7. Campus Center Directors at each of the University's 39 campus centers.

### **Policies on Reporting a Crime or an 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. Campus Safety has a working relationship with the Parkville, Missouri Police Department and other departments where University campus centers are located. They are aware that they need to contact the Campus Safety Department in the event a crime is reported directly to them.

A report made to the University is encouraged even when the victim of a crime elects not to make an official police report or is unable to do so.

Reports should be made as follows:

1. At the main campus, a Campus Safety officer is available anytime classes are in session. The number to contact is (816) 584-6444. When no one is in the office, the phone calls automatically roll over to a cell phone carried by the on-duty Campus Safety officer. If no contact can be made with the on-duty officer, people may use the department's email, [campussafety@park.edu](mailto:campussafety@park.edu).
2. In situations that pose imminent danger or when a crime is in progress, local law enforcement should be notified 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.
3. Students, faculty, 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.
4. Anonymous incident reports can also be made by completing the University's online concern form located <https://my.park.edu/ICS/Student/ConcernComplaint/>.

### 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.

Pursuant to the University's Sexual Harassment and Sexual Misconduct (Title IX) Policy, an alleged victim of conduct that falls under that policy (e.g., sexual assault) can confidentially speak with a campus counselor, who will not report the information to the University without the victim's permission. However, if a "responsible employee" of the institution (e.g., directors, deans, vice presidents, or other administrators with supervisory responsibilities, campus security, and human resources) is informed of such conduct, they must provide the information, including the names of the parties if known, to the Title IX Coordinator for review. 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. The University does not have pastoral counselors.

### Security of and Access to Campus Facilities

On all campus centers, all academic buildings are secured during the evenings and weekends. Access to the buildings may be allowed for faculty/staff members and students who are accompanied by faculty/staff members. The Parkville Campus is secured 24/7 by the Campus Safety Office.

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:

1. Do not prop doors open or allow strangers into campus buildings that have been secured.
2. Do not lend keys or access cards to other students, faculty members or employees.
3. Do not give access codes to anyone who is not authorized to have such codes.

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.

At some campus centers, including the Parkville campus, employee identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission. Campus Centers on military bases may require ID checks upon entry into the base. The University's Independence and Downtown Kansas City Campus Centers require persons entering the campus to sign-in.

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

Maintenance and custodial personnel regularly check to ensure pathways are well lighted and that egress lighting is working in hallways and stairwells. The local fire department also checks egress lighting during their annual inspections. The Environmental Health and Safety Manager and Campus Safety Officers conduct monthly checks of emergency equipment such as elevator phones, AEDs, and fire extinguishers. For all campus centers, the building owners are responsible for the maintenance and inspection(s) of emergency equipment.

### **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, faculty and staff 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 provided regularly each academic year by the Student Activities Board and Student Services. In addition, information on crime prevention is available via e-mail blasts that are sent out periodically to students, faculty and staff with crime prevention and other safety tips.
2. The University also provides information at the beginning of each academic term to students, faculty and staff 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.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

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

### 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 this University 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 this 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.**

### Drug and Alcohol Policies

Park University recognizes that the 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 the 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 by texting Parksafety and a brief description of what is happening to 79516.

### 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. 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.



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 Associate Vice President and Dean of Students, and employees to Human Resources within five (5) days after the conviction or guilty plea.

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.

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

### **Alcohol Use**

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.

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**

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 of Park University policies and civil or criminal law. For example, alcohol and drug use does not excuse violence, property damage, or disruptions caused by excessive noise related to such use.

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 take precedence.

## Disciplinary Actions

**Amnesty** - Park University's primary concern is with student health and safety. For that reason, the university 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.

**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 University.

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, <http://www.park.edu/clubs-and-organizations/index.html>.

Employees who violate this policy are subject to sanctions up to and including termination.

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.

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.

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).

**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.

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.

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.

**Procedures** - [Student Conduct Code](#) procedures require that all disciplinary hearings or proceedings be conducted in accordance with or as provided by the Student Conduct Code. Further procedures for student organizations are outlined in the Ethical Standards for Conduct and Responsibility section of the Student Organizations Manual available online at: <https://www.park.edu/life-park/clubs-organizations/crew/>.

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:**

Behavioral Health Treatment Services Locator

<https://findtreatment.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/>

Alcoholics Anonymous

(800) 839-1686

<https://alcoholicsanonymous.com/aa-meetings/montana>

Narcotics Anonymous

<https://www.na.org>

**Area Services:**

Rocky Mountain Treatment Center

920 4th Ave N, Great Falls, MT 59401

(406) 727-8832

<https://rehabrocky.com/>

Gateway Community Services

26 4th St N, Great Falls, MT 59401

(406) 727-2512

<http://gatewayrecovery.org/>



The Campus Safety Department is located in the Thompson Commons building on the University's main campus in Parkville, Missouri. However, other staff members can assist callers and make the appropriate referral to local services.

### Policy Review

The Associate Vice President and 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 the Associate Vice President and Dean of Student Services. The Director of Student Support 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 Director of Student Support is the judicial officer. The Associate Vice President and Dean of Student Services is the appeal officer for all conduct cases unless they are academic in nature. For academic violations, the Provost is the appeal officer.

### Sanctions

**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.

**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.

**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 EDUCATION AND TESTING PROGRAM POLICIES AND PROCEDURES**

The Department of Athletics has developed a program of drug education and testing aimed at the prevention of drug abuse. The program includes the education, testing and, if necessary, the rehabilitation of those student-athletes who test positive. The following is a description of the program:

### **Purpose**

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

### **Participation**

As a condition to participate in intercollegiate athletics at Park University, every student-athlete is required to participate in the Drug Education and Testing Program. Annually, all student-athletes will be required to sign an institutional consent form. This consent form and a full copy of these policies and procedures must be provided to the student-athlete during the recruitment process. Current student-athletes should also be provided copies as part of the team handbook, provided by the program's head coach.

Refusal to sign the 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 at the earliest possible moment consistent with the University, sports conference and NAIA 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

The Department of Athletics will educate and test within the parameters of NAIA Banned Drug Classes which can be found in the NAIA Student-Athlete Wellness Center at [www.naia.org/wellness](http://www.naia.org/wellness), which also includes information on the Drug Free Sports Axis, also located at [www.drugfreesport.com/axis](http://www.drugfreesport.com/axis). To log in to the Drug Free Sport Axis Resource Center, select “NAIA” from the drop-down box and use the password “naialive5”

Further information on banned substances and dietary supplements can be located in the Axis Resource Center. Dietary supplements come with many health risks associated with their consumption. Dietary supplements can also contain based substances not marked on the product’s label.

The Department of Athletics supports and enforces the NAIA ban on tobacco use by student-athletes, coaches and athletic personnel as per the NAIA Substance Abuse Program, Appendix T. The Department of Athletics also supports and complies with local, state and federal law as it pertains to the consumption of alcohol.

Drug education sessions will be required to student-athletes, coaches and administrators. Notifications will be sent out when required sessions are taking place.

## Methods of Selection

Random Selection – Athletes will be selected randomly from all sports to undergo drug testing.

Reentry Testing – A student-athlete who has had his or her eligibility to participate in intercollegiate athletics suspended as a result of a drug or alcohol violation may be required to undergo reentry drug and/or alcohol testing prior to regaining eligibility. The Director of Athletics or designee shall arrange for testing after the counselor or specialist involved in the student-athlete’s case indicates that reentry into the program is appropriate.

Reasonable Suspicion – A student-athlete may be chosen to undergo drug testing due to reasonable suspicion if identified by athletics administration, the sports medicine staff, coaching staff and/or a team physician. The identification of student-athletes under suspicion 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 are not limited to:

- A sudden, dramatic drop in academic performance
- Decreased class attendance
- Fluctuation in body weight
- Acts of Violence
- An incident involving law enforcement or campus security
- A past positive drug test
- Emotional disturbances

A reasonable suspicion allegation must be made in writing to the Drug Program Administrator, who will present the case to the Director of Athletics. They will review the allegation and, based on its merits, decide whether the student-athlete will undergo drug testing. A drug testing Reasonable Suspicion Reporting Form will be used in all cases of reasonable suspicion.

Preseason Screening - student-athletes are subject to preseason drug testing and may be notified of such by the Director of Athletics or designee at any time prior to their first competition.

NAIA/Conference Qualifier – The University shall have the right to test any individual athlete or team that has qualified for post season competition.

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

- Pre-participation athletic physical examinations
- Suspected widespread use of banned substances

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

All student-athletes selected for drug testing will be notified by the Drug Program Administrator. The Administrator will contact the student-athlete by cell phone and/or text message or home phone. 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-athlete's respective sport will be notified of their selection.

All student-athletes will be provided with information regarding the specimen collection process.

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

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-athletes must be provide 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 to be 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 specimen 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 student-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 University's Drug Education and Testing Program and the student-athlete will be sanctioned accordingly.



## **Reporting of Results**

The center will notify the Drug Test Program Administrator directly of any positive test results by number code. Only at this time will the number code be broken and the student-athlete identified.

Upon notification of a positive test, the Drug Test Program Administrator will immediately notify the Director of Athletics and the student-athletes head coach. All three parties will meet with the student-athlete as soon as possible after notification to discuss the next steps within the parameters of the program.

Student-athletes can feel confident that a high level of confidentiality will be observed at all times by University administrators and coaches. Student-Athlete information, including information on positive tests, will not be shared with non-essential personnel.

## **Sanctions**

The University has chosen to enforce a strict “two-strike” 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 University. Positive test results on any NAIA drug test will also be considered a violation of the University’s Drug Education and Testing Program.

**First Violation** – Upon confirmation of a positive drug test for any substance banned by the NAIA 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 out-going 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 University’s 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.

**Second Violation** – A second positive drug test for any substance banned by the NAIA 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.

**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.

Admission – If a student-athlete admits to the use of a banned substance at any time, the student-athlete may or may not be subjected to a drug screening test. Regardless of the result of the test, if one is conducted, the admission will be treated as a positive result.

Tobacco/Alcohol – The University and the Athletics Department support and uphold all NAIA policies and procedures pertaining to the use of tobacco and alcohol. The University and its athletics program also supports full compliance with local, state and federal law enforcement in the enforcement of tobacco and alcohol laws. Penalties for the use of tobacco and alcohol will be determined by the Director of Athletics, Drug Test Program Administrator and head coach. The use of alcohol and tobacco will not be penalized using the University's athletics drug testing procedures.

### **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 facility referral 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 athletics at Park University 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 University regulations.

### **Appeal and Reinstatement**

All appeals will be made directly to the Director of Athletics.

Student-athletes who test positive for a banned substance by the laboratory retained by the institution may, within 72 hours following receipt of notice of the laboratory finding, contest the finding. Upon the student-athlete's request for additional testing of the sample, the Director of Athletics/designee will formally request the laboratory retained by Park University to perform testing on specimen B. Specimen B findings will be final, subject to the results of any appeal. If specimen B results are negative, the drug test will be considered negative.

Student-athletes who test positive under the terms of this policy will be entitled to a hearing with the Director of Athletics prior to the imposition of any sanction. Requests for such a hearing must be made within forty-eight (48) hours of notification of a positive test result. If the forty-eight hours would end on a weekend, the request must be made by noon on the next business day. Requests must be in writing and received by the Director of Athletics.

The student-athlete may have an advocate or other representative present if the student so desires. However, the student-athlete must present his or her own case. The meeting should take place no more than seventy-two (72) hours after the written request is received. Either the student-athlete or the other parties involved may request an extension of time to the Director of Athletics, who will consider whether to grant the extension upon a showing of good cause. These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test. The proceedings shall be confidential. The decision by the Director of Athletics regarding the sanction to be imposed shall be final.

### Safe Harbor Program

A student-athlete eligible for the Safe Harbor Program may refer himself/herself for voluntary evaluation, testing and treatment for alcohol or drug problems. A complete description of the Safe Harbor Program, including information on eligibility for the Safe Harbor Program, are located in Appendix G of the written Park Athletics Drug Education and Testing Program policy. The policy is located at <https://parkathletics.com/documents/2022/12/14/drug.pdf>

### NAIA Championship Drug Testing

The National Association of Intercollegiate Athletics (NAIA) reserves the right to test any student-athlete participating in its postseason championship events. Student-athletes will be required to complete the NAIA Official Student Consent Form (Appendix I) and the NAIA Official Medical Exemption Form (Appendix J). Information on NAIA Championship Drug Testing can be found at [www.naia.org/wellness](http://www.naia.org/wellness).

## 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 programs conducted annually at Park.

- Resident Assistant Training regarding AOD elements specific to residential students
- First-Year Experience Mentoring regarding AOD elements specific to first-year students
- Student Organization Officer Training focused on AOD elements specific to student organizations
- Mandatory student-athlete orientation regarding AOD elements and NAIA standards of contact
- International Student Services and Admissions extended orientation regarding AOD elements focused on culture, use and policies
- Counseling Center availability for student support and information regarding AOD elements
- Distribution and implementation of the University's online magazine, Student Health 101, which provides information regarding AOD education and support resources
- On-campus events focused on AOD education and prevention

### **Drug and Alcohol Policies**

The University is committed to creating and maintaining an environment that is free of alcohol abuse. The University prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the University's activities, unless it is done so in accordance with applicable University policies, and it also enforces the state's underage drinking laws.

The University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Drug and Alcohol Abuse Prevention Program**

In compliance with the Drug Free Schools and Communities Act (DFSCA), the University has a drug and alcohol abuse and prevention program (DAAPP), which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such legal sanctions for violations of applicable laws, health risks, etc.) and a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. For more information on the University's Drug and Alcohol Abuse Prevention Program, <https://www.park.edu/about-park/campus-safety/drug-alcohol-use-policy/>.

The Associate Vice President and Dean of Student Services is responsible for conducting a biennial review of the University's Drug and Alcohol Abuse Prevention Program.

### **Policies, Procedures and Programs Related to Dating Violence, Domestic Violence, Sexual Assault and Stalking (VAWA)**

Consistent with the requirements of applicable law, 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 Sexual Harassment and Sexual Misconduct (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 University also has the Park University Student Harassment Policy which is located in the undergraduate and graduate catalogs and may be found at:

<https://catalog.park.edu/content.php?catoid=9&navoid=2302#park-university-student-harassment-policy>.

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, students are informed of the definitions that apply within this state.

## State Statutes –

### Dating Violence

See Domestic Violence below

### Domestic Violence

**45-5-206. Partner or family member assault -- penalty.** (1) A person commits the offense of partner or family member assault if the person:

- (a) purposely or knowingly causes bodily injury to a partner or family member;
- (b) negligently causes bodily injury to a partner or family member with a weapon; or
- (c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.

(2) For the purposes of Title 40, chapter 15, [45-5-231](#) through [45-5-234](#), [46-6-311](#), and this section, the following definitions apply:

(a) "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.

(b) "Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.

(3) (a) (i) An offender convicted of partner or family member assault shall be fined an amount not less than \$100 or more than \$1,000 and be imprisoned in the county jail for a term not to exceed 1 year or not less than 24 hours for a first offense.

(ii) An offender convicted of a second offense under this section shall be fined not less than \$300 or more than \$1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year.

(iii) Upon a first or second conviction, the offender may be ordered into misdemeanor probation as provided in [46-23-1005](#).

(iv) On a third or subsequent conviction for partner or family member assault, the offender shall be fined not less than \$500 and not more than \$50,000 and be imprisoned for a term not less than 30 days and not more than 5 years. If the term of imprisonment does not exceed 1 year, the person shall be imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned in the state prison.

(v) If the offense was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing.

- (b) For the purpose of determining the number of convictions under this section, a conviction means:
- (i) a conviction, as defined in [45-2-101](#), under this section;
  - (ii) a conviction for domestic abuse under this section;
  - (iii) a conviction for a violation of a statute similar to this section in another state;
  - (iv) if the offender was a partner or family member of the victim, a conviction for aggravated assault under [45-5-202](#) or assault with a weapon under [45-5-213](#);
  - (v) a conviction for strangulation of a partner or family member under [45-5-215](#);
  - (vi) a conviction in another state for an offense related to domestic violence between partners or family members, as those terms are defined in this section, regardless of what the offense is named or whether it is misdemeanor or felony, if the offense involves conduct similar to conduct that is prohibited under [45-5-202](#), [45-5-213](#), or this section; or
  - (vii) a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state or in another state for a violation of a statute similar to this section, which forfeiture has not been vacated.
- (4) (a) An offender convicted of partner or family member assault is required to pay for and complete a counseling assessment with a focus on violence, controlling behavior, dangerousness, and chemical dependency. An investigative criminal justice report, as defined in [45-5-231](#), must be copied and sent to the offender intervention program, as defined in [45-5-231](#), to assist the counseling provider in properly assessing the offender's need for counseling and treatment. Counseling providers shall take all required precautions to ensure the confidentiality of the report. If the report contains confidential information relating to the victim's location or not related to the charged offense, that information must be deleted from the report prior to being sent to the offender intervention program.
- (b) The offender shall complete all recommendations for counseling, referrals, attendance at psychoeducational groups, or treatment, including any indicated chemical dependency treatment, made by the counseling provider. The counseling provider must be approved by the court. The counseling must include a preliminary assessment for counseling, as defined in [45-5-231](#). The offender shall complete a minimum of 40 hours of counseling. The counseling may include attendance at psychoeducational groups, as defined in [45-5-231](#), in addition to the assessment. The preliminary assessment and counseling that holds the offender accountable for the offender's violent or controlling behavior must meet the standards established pursuant to [44-7-210](#) and be:
- (i) with a person licensed under Title 37, chapter 17, 22, or 23;
  - (ii) with a professional person as defined in [53-21-102](#); or
  - (iii) in a specialized domestic violence intervention program.
- (c) The minimum counseling and attendance at psychoeducational groups provided in subsection (4)(b) must be directed to the violent or controlling conduct of the offender. Other issues indicated by the assessment may be addressed in additional counseling beyond the minimum 40 hours. Subsection (4)(b) does not prohibit the placement of the offender in other appropriate treatment if the court determines that there is no available treatment program directed to the violent or controlling conduct of the offender.
- (5) In addition to any sentence imposed under subsections (3) and (4), after determining the financial resources and future ability of the offender to pay restitution as provided for in [46-18-](#)

[242](#), the court shall require the offender, if able, to pay the victim's reasonable actual medical, housing, wage loss, and counseling costs.

(6) In addition to the requirements of subsection (5), if financially able, the offender must be ordered to pay for the costs of the offender's probation, if probation is ordered by the court.

(7) The court may prohibit an offender convicted under this section from possession or use of the firearm used in the assault. The court may enforce [45-8-323](#) if a firearm was used in the assault.

(8) The court shall provide an offender with a written copy of the offender's sentence at the time of sentencing or within 2 weeks of sentencing if the copy is sent electronically or by mail.

### Stalking

**45-5-220. Stalking -- exemption -- penalty.** (1) A person commits the offense of stalking if the person purposely or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to:

- (a) fear for the person's own safety or the safety of a third person; or
- (b) suffer other substantial emotional distress.

(2) For the purposes of this section, the following definitions apply:

(a) "Course of conduct" means two or more acts, including but not limited to acts in which the offender directly or indirectly, by any action, method, communication, or physical or electronic devices or means, follows, monitors, observes, surveils, threatens, harasses, or intimidates a person or interferes with a person's property.

(b) "Reasonable person" means a reasonable person under similar circumstances as the victim. This is an objective standard.

(c) "Substantial emotional distress" means significant mental suffering or distress that may but does not necessarily require medical or other professional treatment or counseling.

(3) This section does not apply to a constitutionally protected activity.

(4) (a) Except as provided in subsection (4)(b), for the first offense, a person convicted of stalking shall be imprisoned in the county jail for a term not to exceed 1 year or fined an amount not to exceed \$1,000, or both.

(b) For a second or subsequent offense within 20 years or for a first offense when the offender violated any order of protection, when the offender used force or a weapon or threatened to use force or a weapon, or when the victim is a minor and the offender is at least 5 years older than the victim, the offender shall be imprisoned in the state prison for a term not to exceed 5 years or fined an amount not to exceed \$10,000, or both.

(c) A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.

(5) Upon presentation of credible evidence of violation of this section, an order may be granted, as set forth in Title 40, chapter 15, restraining a person from engaging in the activity described in subsection (1).

(6) For the purpose of determining the number of convictions under this section, "conviction" means:

- (a) a conviction, as defined in [45-2-101](#), in this state;

- (b) a conviction for a violation of a statute similar to this section in another state; or
  - (c) a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state or another state for a violation of a statute similar to this section, which forfeiture has not been vacated.
- (7) Attempts by the accused person to contact or follow the stalked person after the accused person has been given actual notice that the stalked person does not want to be contacted or followed constitutes prima facie evidence that the accused person purposely or knowingly followed, harassed, threatened, or intimidated the stalked person.

### Sexual Assault

**45-5-502. Sexual assault.** (1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.

(2) (a) On a first conviction for sexual assault, the offender shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) On a second conviction for sexual assault, the offender shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(c) On a third and subsequent conviction for sexual assault, the offender shall be fined an amount not to exceed \$10,000 or be imprisoned for a term not to exceed 5 years, or both.

(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than \$50,000.

(4) An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.

(5) (a) Subject to subsections (5)(b) through (5)(f), consent is ineffective under this section if the victim is:

(i) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;

(ii) less than 14 years old and the offender is 3 or more years older than the victim;

(iii) receiving services from a youth care facility, as defined in [52-2-602](#), and the perpetrator:

(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and

(B) is an employee, contractor, or volunteer of the youth care facility;

(iv) admitted to a mental health facility, as defined in [53-21-102](#), is admitted to a community-based facility or a residential facility, as those terms are defined in [53-20-102](#), or is receiving community-based services, as defined in [53-20-102](#), and the perpetrator:

(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and



- (B) is an employee, contractor, or volunteer of the facility or community-based service ;
- (v) a program participant, as defined in [52-2-802](#), in a private alternative adolescent residential or outdoor program, pursuant to Title 52, chapter 2, part 8, and the perpetrator is a person associated with the program, as defined in [52-2-802](#);
- (vi) the victim is a client receiving psychotherapy services and the perpetrator:
  - (A) is providing or purporting to provide psychotherapy services to the victim; or
  - (B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim; or
- (vii) a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting.
- (b) Subsection (5)(a)(i) does not apply if one of the parties is on probation, conditional release, or parole and the other party is a probation or parole officer of the supervising authority and the parties are married to each other.
- (c) Subsections (5)(a)(iii) and (5)(a)(iv) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.
- (d) Subsection (5)(a)(v) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a person associated with the program.
- (e) Subsection (5)(a)(vi) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.
- (f) Subsection (5)(a)(vii) does not apply if the individuals are married to each other.

## Rape

**45-5-503. Sexual intercourse without consent.** (1) A person who knowingly has sexual intercourse with another person without consent or with another person who is incapable of consent commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse, as provided in [45-5-501](#)(1)(b)(iv).

(2) A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not more than 20 years and may be fined not more than \$50,000, except as provided in [46-18-219](#), [46-18-222](#), and subsections (3), (4), and (5) of this section.

(3) (a) If the victim is less than 16 years old and the offender is 4 or more years older than the victim or if the offender inflicts bodily injury on anyone in the course of committing sexual intercourse without consent, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000, except as provided in [46-18-219](#) and [46-18-222](#).

(b) If two or more persons are convicted of sexual intercourse without consent with the same victim in an incident in which each offender was present at the location where another offender's offense occurred during a time period in which each offender could have reasonably known of the other's offense, each offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 5 years or more than 100 years and may be fined not more than \$50,000, except as provided in [46-18-219](#) and [46-18-222](#).

(c) If the offender was previously convicted of an offense under this section or of an offense under the laws of another state or of the United States that if committed in this state would be an offense under this section and if the offender inflicted serious bodily injury on a person in the course of committing each offense, the offender shall be:

(i) punished by death as provided in [46-18-301](#) through [46-18-310](#), unless the offender is less than 18 years of age at the time of the commission of the offense; or

(ii) punished as provided in [46-18-219](#).

(4) (a) If the victim was 12 years of age or younger and the offender in the course of committing a violation of this section was 18 years of age or older at the time of the offense, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in [46-18-222](#)(1) through (5), and during the first 25 years of imprisonment, the offender is not eligible for parole. The exception provided in [46-18-222](#)(6) does not apply.

(ii) may be fined an amount not to exceed \$50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in [46-23-1010](#).

(5) If the victim is at least 14 years of age and the offender is 18 years of age or younger, the offender may be punished by imprisonment in the state prison for a term of not more than 5 years and may be fined not more than \$10,000 if:

(a) the offender has not previously been found to have committed or been adjudicated for a sexual offense as defined in [46-23-502](#);

(b) a psychosexual evaluation of the offender has been prepared and the court finds that registration is not necessary for protection of the public and that relief from registration is in the public's best interest; and

(c) the court finds that the alleged conduct was consensual as indicated by words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact.

(6) In addition to any sentence imposed under subsection (2) or (3), after determining the financial resources and future ability of the offender to pay restitution as required by [46-18-242](#), the court shall require the offender, if able, to pay the victim's reasonable medical and counseling costs that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in [46-18-244](#).

(7) As used in subsections (3) and (4), an act "in the course of committing sexual intercourse without consent" includes an attempt to commit the offense or the act of flight after the attempt or commission.

(8) If as a result of sexual intercourse without consent a child is born, the offender who has been convicted of an offense under this section and who is the biological parent of the child resulting from the sexual intercourse without consent forfeits all parental and custodial rights to the child if the provisions of [46-1-401](#) have been followed.

**45-5-508. Aggravated sexual intercourse without consent.** (1) A person who uses force while knowingly having sexual intercourse with another person without consent or with another person who is incapable of consent commits the offense of aggravated sexual intercourse without consent.

(2) A person convicted of aggravated sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years and may be fined not more than \$50,000, except as provided in [46-18-219](#) and [46-18-222](#).

### Fondling

See Sexual Assault Above

### Incest

**45-5-507. Incest.** (1) A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact, as defined in [45-2-101](#), with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The relationships referred to in this subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter.

(2) (a) Consent is a defense to incest with or upon a stepson or stepdaughter, but consent is ineffective if the stepson or stepdaughter is less than 18 years of age and the stepparent is 4 or more years older than the stepson or stepdaughter.

(b) A person who is less than 18 years of age is not legally responsible or legally accountable for the offense of incest and is considered a victim of the offense of incest if the other person in the incestuous relationship is 4 or more years older than the victim.

(3) Except as provided in subsections (4) and (5), a person convicted of incest shall be punished by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years or be fined an amount not to exceed \$50,000.

(4) If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000.

(5) (a) If the victim was 12 years of age or younger and the offender was 18 years of age or older at the time of the offense, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (5)(a)(i) except as provided in [46-18-222](#)(1) through (5), and

during the first 25 years of imprisonment, the offender is not eligible for parole. The exception provided in [46-18-222](#)(6) does not apply.

(ii) may be fined an amount not to exceed \$50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in [46-23-1010](#).

(6) In addition to any sentence imposed under subsection (3), (4), or (5), after determining the financial resources and future ability of the offender to pay restitution as required by [46-18-242](#), the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in [46-18-244](#).

#### Statutory Rape

See Rape above.

#### Consent (as it relates to sexual activity)

**45-5-501. Definitions.** (1) (a) As used in [45-5-502](#), [45-5-503](#), and [45-5-508](#), the term "consent" means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact and is further defined but not limited by the following:

(i) an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn;

(ii) a current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and

(iii) lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.

(b) Subject to subsections (1)(c) through (1)(g), the victim is incapable of consent because the victim is:

(i) mentally disordered or incapacitated;

(ii) physically helpless;

(iii) overcome by deception, coercion, or surprise;

(iv) less than 16 years old;

(v) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;

(vi) receiving services from a youth care facility, as defined in [52-2-602](#), and the perpetrator:

- (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
- (B) is an employee, contractor, or volunteer of the youth care facility;
- (vii) admitted to a mental health facility, as defined in [53-21-102](#), is admitted to a community-based facility or a residential facility, as those terms are defined in [53-20-102](#), or is receiving community-based services, as defined in [53-20-102](#), and the perpetrator:
  - (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
  - (B) is an employee, contractor, or volunteer of the facility or community-based service;
- (viii) a program participant, as defined in [52-2-802](#), in a private alternative adolescent residential or outdoor program, pursuant to Title 52, chapter 2, part 8, and the perpetrator is a person associated with the program, as defined in [52-2-802](#);
- (ix) the victim is a client receiving psychotherapy services and the perpetrator:
  - (A) is providing or purporting to provide psychotherapy services to the victim; or
  - (B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim;
- (x) a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting;
- (xi) a witness in a criminal investigation or a person who is under investigation in a criminal matter and the perpetrator is a law enforcement officer who is involved with the case in which the victim is a witness or is being investigated; or
- (xii) a parent or guardian involved in a child abuse or neglect proceeding under Title 41, chapter 3, and the perpetrator is:
  - (A) employed by the department of public health and human services for the purposes of carrying out the department's duties under Title 41, chapter 3; and
  - (B) directly involved in the parent or guardian's case or involved in the supervision of the case.
- (c) Subsection (1)(b)(v) does not apply if the individuals are married to each other and one of the individuals involved is on probation, conditional release, or parole and the other individual is a probation or parole officer of a supervising authority.
- (d) Subsections (1)(b)(vi) and (1)(b)(vii) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.
- (e) Subsection (1)(b)(viii) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a person associated with the program.
- (f) Subsection (1)(b)(ix) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.



- (g) Subsection (1)(b)(x) does not apply if the individuals are married to each other.
- (2) As used in [45-5-508](#), the term "force" means:
  - (a) the infliction, attempted infliction, or threatened infliction of bodily injury or the commission of a forcible felony by the offender; or
  - (b) the threat of substantial retaliatory action that causes the victim to reasonably believe that the offender has the ability to execute the threat.
- (3) As used in [45-5-502](#) and this section, the following definitions apply:
  - (a) "Conditional release", in the case of a youth offender, has the meaning provided in [41-5-103](#).
  - (b) "Parole", in the case of an adult offender, has the meaning provided in [46-1-202](#).
  - (c) "Probation" means:
    - (i) in the case of an adult offender, release without imprisonment of a defendant found guilty of a crime and subject to the supervision of a supervising authority; and
    - (ii) in the case of a youth offender, supervision of the youth by a youth court pursuant to Title 41, chapter 5.
  - (d) (i) "Psychotherapy services" means treatment, diagnosis, or counseling in a professional relationship to assist individuals or groups to alleviate behavioral or mental health disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors that interfere with effective emotional, social, or intellectual functioning regardless of whether the individual providing the psychotherapy services is licensed or unlicensed.
  - (ii) The term does not include a partner surrogate working with a social worker, a professional counselor, or a licensed clinical professional counselor as those professionals are licensed in Title 37, chapter 22 or 23.
- (e) "Supervising authority" includes a court, including a youth court, a county, or the department of corrections.

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 are different than what is found in state law. 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 C.F.R. 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:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- 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.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- 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:

- Remember that you owe sexual respect to the other person
- Do not make assumptions about the other person’s consent or about how far they are willing to go.

- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Do not take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, do not be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation (slurred speech, staggering, etc.)

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

- Past abuse
- Threats of violence or abuse
- Breaking objects
- Using force during an argument
- Jealousy
- Controlling behavior
- Quick involvement
- Unrealistic expectations
- Isolation
- Blames others for problems
- Hypersensitivity
- Cruelty to animals or children
- “Playful” use of force during sexual activity
- 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:

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, do not 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.

## **Bystander Intervention**

The Clery Act defines bystander intervention as, "Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene." (34 CFR 668.46(j)(2)(ii)).

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.

- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior or experience with stalking.
- Refer people to on and off-campus resources for support in health, counseling or legal assistance.

## **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 on-boarded 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. Students also receive a Parkville campus map indicating where to find the campus emergency phone.

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) with safety training on a variety of campus safety related topics on an annual basis. The required training is planned and carried out in conjunction with the Health and Environmental Safety Manager, Facilities and local agencies such as the Fire Department and Parkville, Missouri Police Department.

### **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 if it is an emergency. You can also call the Campus Safety Office at (816) 584-6444. At the earliest opportunity, you should also contact the University's Title IX Coordinator, Ms. Cutrina Catlin at (816) 584-6582, Deputy Title IX Coordinator, Dr. Jayme Uden, at (816) 584-6595 or (816) 505-5456. You may also call Emily Sallee, Associate Provost at (816) 584-6779. Victims will be notified in writing of the applicable procedures, including the following:

1. To whom and how the alleged offense should be reported - Contact the Title IX Coordinator or refer to the other resources listed in this report.
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order. To that end, keep in mind the following:
  - 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:

Benefis Health System, 1101 26<sup>th</sup> St. South, Great Falls, Montana 59405, (406) 455-5000, <http://www.benefis.org/about-us>

- 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)



- c. the option to decline to notify such authorities.

To make a police report, a victim should contact one of the local police agencies 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.

In most states and under certain circumstances, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at:

<https://dojmt.gov/victims/orders-of-protection/>

<https://www.cascadecountymt.gov/227/Justice-Court>

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

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 and 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. Addictive & Mental Disorders Division – DPHHS  
100 N Park Ave Suite 300, Helena, MT 59601  
(406) 444-3964  
<http://dphhs.mt.gov/amdd>
3. Many Rivers Whole Health  
915 1<sup>st</sup> Ave South, Great Falls, MT 59401  
(406) 761-2100  
<https://manyriverswholehealth.org/>

#### 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>
2. Great Falls Clinic Hospital  
3010 15th Ave S, Great Falls, MT 59405  
(406) 216-8000  
<http://www.gfclinic.com/>

#### Legal Assistance

1. Self Help Law Clinic  
13 6th St S, Great Falls, MT 59401  
<http://courts.mt.gov/selfhelp/ne-region>
2. Cascade County Law Clinic, INC. – A Pro Bono Project  
401 3rd Ave. N., Great Falls, MT 59401  
(406) 452-6269  
[www.cascadelawclinic.org](http://www.cascadelawclinic.org)  
Email: [paralegal@cascadelawclinic.org](mailto:paralegal@cascadelawclinic.org)
3. Montana pro bono services - American Bar Association  
<https://www.americanbar.org/groups/center-pro-bono/>

#### 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 and/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 Associate Vice President and Dean of Student Services at (816) 584-6495 or (816) 505-5456. The Associate Vice President and Dean of Student Services is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the Associate Vice President and Dean of Student Services may consider, among other factors, the following:

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

The University will maintain as confidential any accommodations or protective measures provided to 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 Associate Vice President and Dean of Student Services 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 Policy Regarding Sexual Harassment and Sexual Misconduct, the University Student Conduct Code or the Park University Student Harassment Policy. 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

Ms. Cutrina Catlin

Senior Director of Human Resources

816-584-6495

[Cutrina.catlin@park.edu](mailto:Cutrina.catlin@park.edu)

#### Deputy Title IX Coordinator – Students

Dr. Jayme Uden

Associate Vice President and Dean of Student Services

816-584-6495

Thompson Commons, Parkville, MO

[jayme.uden@park.edu](mailto:jayme.uden@park.edu)

#### Deputy Title IX Coordinator – Faculty/Staff

Dr. Emily Sallee

Associate Provost, Academic Affairs



## PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

816-584-6779  
MacKay Building, 2<sup>nd</sup> Floor  
[Emily.sallee@park.edu](mailto:Emily.sallee@park.edu)  
Deputy Title IX Coordinator  
Mr. James Nelson  
Associate Vice President, ITS  
816-584-6548  
[James.nelson@park.edu](mailto:James.nelson@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 formal complaint is made, the Title IX Coordinator or Deputy Coordinators will provide notice to the parties of receipt of the formal complaint and available University resources and assistance, including a description of the process to be utilized, the identities of the parties, the conduct at issue, the potential policy violations being investigated, and the date and location of the alleged incident.

The parties may agree to an informal resolution, unless the complaint alleges that a University employee sexually harassed a student. Informal resolutions will be concluded within 45 days. If the parties fail to completely resolve the allegations through informal resolution, then the formal process will resume.

If a Formal Complaint is dismissed under Title IX, the University may still investigate a Formal Complaint for allegations of Sexual Harassment under the Policy Regarding Sexual Harassment and Sexual Misconduct.

In the context of a formal investigation, the respondent will be allowed reasonable time after receiving notice to respond in writing and through an interview with the investigator. The parties may present any information, evidence, or names of any fact or expert witnesses that may be relevant to the Formal Complaint in the course of the investigation, and may have an advisor of their choice attend any related interview, meeting, or proceeding in the Complaint Resolution Process. Advisors are not permitted to actively participate in meetings or proceedings in the Complaint Resolution Process, unless explicitly allowed to under the Policy. The parties may submit to the investigator any questions they would like asked of any known potential witnesses or parties.

The investigator will interview relevant and available witnesses. The University is committed to providing prompt, fair, and impartial investigation and resolution of reports of violations of this policy, and therefore will aim to complete the investigation of a Formal Complaint within 90 days of the filing of a Formal Complaint.

Prior to the completion of the investigation report, the investigator will provide access to all evidence obtained (whether relevant or not) as part of the investigation to both parties (and the party's advisor, if any, upon a party's signed information release for their advisor of choice). Both parties will have 10 days to inspect, review, and respond to the evidence. All responses to the evidence must be submitted by the party in writing to the investigator. Advisors are not permitted to submit written responses to the evidence on their own or on behalf of the party they are advising. The investigators will consider all timely responses submitted by the parties.



The Investigator will prepare a draft investigative report and provide it contemporaneously to each of the parties and each party's advisor, if any, upon a party's signed information release for their advisor of choice. The parties will then have 10 days in which to provide a written response to the draft investigative report, which the investigator will consider prior to completing the investigative report. At least 10 days prior to the date of the scheduled hearing, the investigator must provide the final investigative report concurrently to all parties and each party's advisor, if any, upon a party's signed information release for their advisor of choice. The parties thus have the opportunity to review the investigative report and provide a written response prior to or at the hearing. A copy of the completed investigative report also will be provided to the Title IX Coordinator, and to the Hearing Officer(s) assigned for the hearing.

Unless a Formal Complaint is dismissed or the parties reach an informal resolution, the University will hold a live hearing. The University will provide at least 10 days' written notice to participants of the hearing (and the participants' advisors, if any, upon a participant's signed information release for their advisor of choice), including the date, time, location, names of all participants of the hearing (including the Hearing Officer(s), and all parties and participants in the investigation report), purpose of the hearing, a statement of the alleged conduct charges, and a summary statement of the evidence gathered.

Either party may challenge the fairness, impartiality or objectivity of a Hearing Officer through submission of a written statement to the office coordinating the hearing within 4 days of receiving notice of the identity of the Hearing Officer and must state the reasons for the challenge. The Hearing Officer will be the sole judge of whether he or she can serve with fairness, impartiality, and objectivity. In the event that the Hearing Officer recuses themselves, an alternative Hearing Officer will be assigned in accordance with the institution's procedures.

When a panel of three (3) Hearing Officers is used, one Hearing Officer will be designated as the Hearing Chair. The Hearing Chair will rule on all procedural matters and on objections to exhibits or testimony of participants at the hearing. If a single Hearing Officer is used, as may be the case for certain Complaint Resolution Process hearings based on Hearing Officer availability or straightforward nature of the issues, then no Hearing Chair needs to be appointed, and the single Hearing Officer will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing. All Hearing Officers, including the Hearing Chair, may question participants who testify at the hearing, and are entitled to have the advice and assistance of outside legal counsel.

Each party may have an Advisor of their choice at the hearing. If a party does not have an Advisor, the University will provide one. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other party and any other witnesses. In addition, witnesses may have an Advisor of their choice at the hearing.

All Complaint Resolution Processes will use the preponderance of the evidence standard.

The Hearing Officer(s) will send a copy of the written determination concurrently to the parties, the Associate Vice President and Dean of Students (for student Respondents) or appropriate administrator (for employee Respondents), and the Title IX Coordinator. The written determination must include the following:

1. The conduct alleged to constitute prohibited conduct under this Policy.
2. A description of the procedural history of the Complaint Resolution Process.



3. The findings of fact supporting the Hearing Officer(s)'s determination.
4. The conclusion(s) and a rationale as to whether the Respondent is responsible for each allegation.
5. The disciplinary sanctions, if applicable.
6. The remedies, if applicable, designed to restore the Complainant's access to the education program or activity; and (g) The University's appeal procedures and grounds for appeal.

Either party may appeal in writing to the Hearing Officer(s)'s determination regarding a Respondent's responsibility under the Complaint Resolution Process or from the University's dismissal of a Formal Complaint (or any allegations in the Formal Complaint) within 10 days of notification of such a determination. The Appeals Hearing Officer must not be the same person as the Title IX Coordinator, investigator(s), or Hearing Officer(s) in the Complaint Resolution Process. Both parties will be notified in writing when an appeal is filed and the appeal procedures will apply equally for both parties. Any non-appealing party (or the University) will have 7 days from the notification of an appeal to submit a written statement in support of the outcome. The decision-maker on the appeal will release a written decision within 21 days from the date of the appeal. The Appeals Hearing Officer will release a written decision within 21 days from the date of the appeal.

Note that for Formal Complaints where the Respondent is a student at the time of the alleged conduct, and the alleged conduct does not include Sexual Harassment under Title IX, all of the above procedures apply except that the completed investigation report will include a preliminary determination regarding the responsibility of the Respondent for each allegation, the findings of fact supporting the investigator's determination, and the rationale for the determination for each allegation. The completed investigation report and determination regarding responsibility will be referred to the Student Conduct Process.

The Student Conduct Officer will conduct an independent review of the investigation report, and will:

- Accept the preliminary determination regarding responsibility of the Respondent, and either dismiss the case or proceed to adjudication (if applicable);
- Amend the preliminary determination regarding responsibility of the Respondent, and proceed to adjudication (if applicable); or
- Remand the process back to the investigation stage to address an investigation concern.

Where responsibility finding(s) proceed to the adjudication stage, the Respondent and Complainant may elect one of the following options: (1) Agree to the determination of responsibility for each of the applicable allegations, the sanctions, and remedies outlined in an administrative disposition, and waive the option of a hearing; (2) Agree to the determination of responsibility for each of the applicable allegations, appeal (in writing) the sanctions and/or remedies outlined in the administrative disposition, and waive the option of a hearing; or (3) Select a live hearing where the determination regarding responsibility of the Respondent will be made by a Hearing Officer. If either party chooses option 3, then a live hearing must be initiated for the adjudication of the conduct allegations, as outlined above. If either party chooses option 2, then any party choosing option 2 may appeal the sanctions and/or remedies outlined in the administrative disposition, using the Appeals process outlines above. The finding of responsibility may not be appealed by either party unless the parties elect to have a live hearing under option 3.

If both parties select option 1, then the administrative disposition will be final and there will not be any subsequent adjudication proceedings regarding the allegations. If a live hearing is selected for adjudication, the hearing procedures set forth above will apply.

### **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 that is:
  - 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;
  - conducted in a manner that is consistent with the institution's policies and transparent to the accuser and the accused;
  - includes timely notice of meetings at which the accuser or accused, or both, may be present;
  - 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
  - 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. It is the University's goal that all Title IX coordinators, Title IX investigators and Campus Security Authorities complete annual training, updates, and education on a variety of sexual assault and harassment topics, including education on how training and education 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. 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.
3. Have the outcome determined using a preponderance-of-the-evidence standard based on the totality of the evidence presented.
4. 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 the University May Impose of 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.

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. Following a suspension, a student will be required to meet with the Associate Vice President and Dean of Student Services to discuss re-entry and expectations going forward.

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, an employee will be required to meet with the Chief Human Resources Officer 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.

The University may take any further protective action that it 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. The University will consider the concerns and rights of both the complainant and the respondent.

**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: <https://dojmt.gov/sexual-or-violent-offender-registry/>

### Emergency Response and Evacuation Procedures

#### Timely Warning

In the event of criminal activity occurring either on campus, at a campus center, or off campus and the Campus Safety Department, the President's Office, and/or Campus Center Operations and the Campus Center Directors decide that the activity 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 University's mass notification software, E2 Campus. Students and employees may opt in to receive messages sent by the University to provide timely warnings and traffic flow or weather-related issues. Instructions to sign-up for this notification system may be found at [www.Park.edu/mypark](http://www.Park.edu/mypark).

Warning updates will be provided as appropriate. Anyone with information warranting a timely warning should immediately report the circumstances to:

- Campus Safety, 816-584-6444
- The Campus Center Director (found in the undergraduate catalog) responsible for your campus.

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



## Emergency Response 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 Campus Safety at 816-584-6444 of situations that pose such a threat.

The Director of Campus Safety 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 of Staff, 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 Associate Vice President for University Engagement 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:

This warning will be communicated to students and employees via the University's mass notification software, E2 Campus, which notifies registered constituents via text, voice, email and social media. Students and employees may opt in to receive messages sent by the University to provide timely warnings and traffic flow or weather-related issues. The form to sign-up for this notification system may be found at [www.Park.edu/mypark](http://www.Park.edu/mypark). After registering, please verify that you are signed up to the proper group(s) by selecting one or more of the campus centers.

- Note for those in the Kansas City area --- It is highly recommended that you choose at least one campus (Parkville, Downtown Kansas City, Independence and/or Lenexa) AND the "All Kansas City Area Campuses" group.



If deemed necessary, the University's Chief of Staff 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 Associate Vice President of University Engagement.

The University periodically tests its emergency response and evacuation procedures. 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, periodic active shooter scenarios will be conducted with Parkville Police Department to include lockdown procedures.

### **Missing Student Policy**

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 Campus Safety at 816-584-6444. Any University employee 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 completing Park's online Housing Application. A student may also do so by contacting the Associate Vice President and Dean of Students.

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, in addition to notifying any additional contact person designated by the student.

## PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

### Crime Statistics

Malmstrom AFB

Offense	Year	On-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
Robbery	2020	0	0
	2021	0	0
	2022	0	0
Aggravated Assault	2020	0	0
	2021	0	0
	2022	0	0
Burglary	2020	0	0
	2021	0	0
	2022	0	0
Motor Vehicle Theft	2020	0	0
	2021	0	0
	2022	0	0

# PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Arson	2020	0	0
	2021	0	0
	2022	0	0
Arrest: Liquor Law Violation	2020	0	0
	2021	0	0
	2022	0	0
Arrest: Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Arrest: Weapons: Carrying, Possessing, ETC.	2020	0	0
	2021	0	0
	2022	0	0
Disciplinary Referral - Liquor Law Violation	2020	0	0
	2021	0	0
	2022	0	0
Disciplinary Referral - Drug Abuse Violation	2020	0	0
	2021	0	0
	2022	0	0
Disciplinary Referral - Weapons: Carrying, Possessing, ETC.	2020	0	0
	2021	0	0
	2022	0	0
Domestic Violence	2020	0	0
	2021	0	0
	2022	0	0
Dating Violence	2020	0	0
	2021	0	0
	2022	0	0
Stalking	2020	0	0
	2021	0	0
	2022	0	0
Hate Crimes	2020	0	0
	2021	0	0
	2022	0	0
Unfounded Crimes	2020	0	0
	2021	0	0
	2022	0	0

## APPENDIX

### Clery Act Definitions

The Clery Act requires institutions of higher education to disclose crime statistics covering the previous three years on four general categories of crimes: (1) primary criminal offenses (murder and non-negligent manslaughter, manslaughter by negligence, sex offenses (rape, fondling, statutory rape and incest), robbery, aggravated assault, burglary, motor vehicle theft, and arson); (2) hate crimes (any of the primary crimes except manslaughter by negligence and any incidents of larceny-theft, simple assault, intimidation or destruction/damage/vandalism of property that were motivated by certain biases); (3) arrests or referrals for disciplinary action for weapons, drug and liquor law violations; and (4) VAWA offenses (dating violence, domestic violence, and stalking).

The definitions of these offenses follow FBI guidelines and are found below:

**Murder and 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.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting System. 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.

**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. This offense includes the rape of both males and females.

**Fondling:** The touching of the private body 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.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from 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.

**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 a means likely to produce death or great bodily harm.

**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 felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.)

**Motor vehicle theft:** The theft or attempted theft of a motor vehicle. (Classify a motor vehicle theft for all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned - including joyriding.)

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

## HATE CRIMES

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, or disability. Hate crimes include those crimes defined above and larceny-theft, simple assault, intimidation, and the destruction/damage/vandalism of property (defined below).

**Larceny-theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. 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.

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

**Intimidation:** Unlawfully placing 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:** Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

## ARRESTS & REFERRALS FOR DISCIPLINARY ACTION

The third category of crime statistics disclosed related to arrests and referrals for disciplinary action for violations of law relating to weapons, drugs or liquor. For this purpose, the following definitions apply:

**Arrest:** A person processed by arrest, citation or summons.

**Referral for disciplinary action:** The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as a weapon: carrying, possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment of 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. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). Classify as a drug abuse violation: all drugs, without exception, that are illegal under local or state law Clery Act Guidelines for Campus Security Authorities - Clery Crime Definitions Page 4 of 4 where your institution is located and all illegally obtained prescription 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. Classify as a liquor law violation: the manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the aforementioned acts.

## **VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA) OFFENSES**

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.



**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 based upon the reporting party's statement with consideration of the following factors: (i) The length of the relationship (ii) The type of relationship (iii) The frequency of interaction between the persons involved in the relationship. Clery Act Guidelines for Campus Security Authorities - Clery Crime Definitions Page 3 of 4 Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.