



# 2018

## Annual Security Report & Drug and Alcohol Abuse Prevention Program

**LOCATION: OUAZ, Surprise, Arizona**



# Annual Security Report

## INTRODUCTION

Ottawa University was founded in 1865 after receiving a 20,000-acre land grant of Kansas prairie from the Ottawa Indians in recognition of the service provided by early Baptist missionaries. Ottawa University continues to serve on the frontier of learning through innovative, high-quality, personalized programs of study.

Ottawa University is a comprehensive, not-for-profit coeducational institution affiliated with the American Baptist Churches USA. Ottawa's educational mission brings together residential campuses in Ottawa, Kansas and Surprise, Arizona; and adult campuses in Overland Park, Kansas; Phoenix, Arizona; Brookfield, Wisconsin; as well as online.

Ottawa University is committed to providing a safe and secure environment for students, faculty, staff and guests to all its campuses.

The Annual Security Report ("ASR" or "Report") is prepared each year by the Director of Compliance and his or her designees, working in collaboration with local security officials and local police as necessary. The Director of Compliance, working with the designees from each University Campus, also prepares the statistics for the annual disclosure of crime statistics, including identifying reported Clery-covered crimes and making a good faith effort to obtain crime statistics from local law enforcement agencies. The statistics include certain categories of crimes that occurred on campus, in or on non-campus buildings or property, and crimes that occurred on public property adjacent to and accessible from campus and were reported to a campus security authority or local police agencies in the three previous calendar years. This Report is available on the Ottawa University website ([www.ottawa.edu](http://www.ottawa.edu)), MyOttawa, and by request at your campus location. Notice of the report is sent to all students, faculty and staff via email. All students, faculty and staff also have access to the report on their MyOttawa page.

## MISSION STATEMENT

Building on its foundation as a Christ-inspired community of grace and open inquiry, Ottawa University prepares professional and liberal arts graduates for lifetimes of personal significance, vocational fulfillment, and service to God and humanity.

## NON-DISCRIMINATION POLICY

Ottawa University is committed to equal opportunities for all members of the community and does not unlawfully discriminate in the recruitment or treatment of persons in any program on the basis of race, age, sex, color, religion, disability, ethnicity, national origin, sexual orientation, ethnicity, family and marital status, genetic information or any other characteristic prohibited by law.

The following person has been designated to handle inquiries regarding the non-discrimination policies:

Carrie Stevens  
Director of Compliance/Title IX Coordinator  
1001 South Cedar Street  
Ottawa, KS 66067  
Phone: 785-248-2326  
Email: [carrie.stevens@ottawa.edu](mailto:carrie.stevens@ottawa.edu)

For further information on notice of non-discrimination, please contact:

U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Telephone: 303-844-5695  
FAX: 303-844-4303  
TDD: 800-877-8339  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

## CAMPUS SAFETY AND SECURITY

Ottawa University is committed to providing student, faculty, staff, and visitors with as safe and enjoyable a college experience as possible. Your safety is a joint effort between students, faculty, staff, local police and/or on-site security, and you. This document includes important security information that will help promote your safety while attending or visiting Ottawa University.

Ottawa University requires all students, faculty and staff to accurately and promptly report all incidents involving criminal activity and/or emergencies to campus security authorities and appropriate law enforcement agencies immediately, including when the victim of a crime elects to, or is unable to, make such a report themselves. This campus does not have any official off-campus student organizations.

## TIMELY WARNING

Under the Clery Act (20 U.S.C. § 1092) and its implementing regulations, Ottawa University is responsible for issuing a "timely warning" if certain Clery Act crimes have been reported to campus security authorities or local police agencies that occurred on Ottawa University's campus or covered public property and Ottawa University determines there is a serious or continuing threat to students or employees.

At the Ottawa University Kansas (OUKS) campus, the decision to issue an alert and the writing of the notice will be made by the campus manager, in consultation with any necessary campus administration. The alert may be distributed by blast email or text message to all students and employees. Alerts may be posted by administration in each campus building, on the Ottawa website and also by distributing bulletins and flyers to the University community. The method of distribution is dependent on the nature of the incident and the threat to the community. The timely warning will withhold the names and other identifying information of the victims as confidential.

## REPORTING

### Emergencies and Crimes in Progress

Emergencies, crimes in progress and serious crimes which have just occurred, should be reported by calling local law enforcement at 9-1-1 from any phone. Calling 9-1-1 from a cell phone, on or near the campus should connect you with the local law enforcement. Advise them of your location.

### Crime or Non-emergency to Ottawa University for the purpose of making a timely warning

To report a crime or non-emergency to Ottawa University Arizona (OUAZ – Surprise, Arizona) staff, Dr. Dennis Tyner, Executive Vice Presidency/Provost – OUAZ at 623-233-7549 (o) or 623-546-4959 (c); Alan Boelter, Dean of Student Affairs at 623-233-7611; campus security at 480-318-5831; Carrie Stevens, University Title IX Coordinator at 785-248-2326; Brittney Kellar,

Deputy Title IX Coordinator – OUAZ at 623-233-7546; or Front Desk at 623-546-4959.

### **Confidential Reporting**

Crimes may be reported on a voluntary, confidential basis for inclusion in the Annual Security Report by filing a confidential incident report through the University Complaint Hotline at 844-719-2846 or online at [www.ottawa.ethicspoint.com](http://www.ottawa.ethicspoint.com).

For pastoral/counseling service, please contact David Barnes, 602-920-9474 or [david.barnes@ottawa.edu](mailto:david.barnes@ottawa.edu), for information on counseling, resources, and further information on reporting crimes on a confidential basis at the Surprise Location. You may also contact the University Chaplain Dr. John Holzthüter directly for pastoral services at 785-248-2334 or [john.holzthuter@ottawa.edu](mailto:john.holzthuter@ottawa.edu).

Reports filed on a confidential basis are counted and included in the annual crime statistics.

## **MISSING STUDENT POLICY**

Ottawa University takes student safety seriously. The following policy and procedure has been established to assist in locating students living in University-sponsored and owned housing who, based on facts and circumstances, are reported to be missing. Anyone who believes a student to be missing based on changes in their usual routine should notify the Dean of Student Affairs at their campus or the University Provost.

You may contact the appropriate party as follows:

Dean of Student Affairs (OUAZ) Alan Boelter	623-233-7611
University Provost Dr. Terry Haines	913-451-1431

For purposes of this policy, a student is determined to be missing when for more than 24 hours, without any known reason, that the reported information is credible, and that circumstances warrant declaring the person missing. Each and every report will be investigated once it has been determined that the student is missing.

A student who wishes to identify a confidential contact may do so through Student Affairs. Students shall be given the opportunity to register confidential contact information by completing and submitting the Student Confidential Contact Form to the Dean of Student Affairs. A student's confidential contact information shall be accessible only by authorized campus officials and will not be disclosed except to law enforcement in connection with a missing person investigation. Upon a determination that a student is missing this confidential contact person will be notified.

If the student who has been determined to be missing is under 18 years of age and not emancipated, Ottawa University will notify a custodial parent(s) or guardian(s) within 24 hours of determining that the student is missing, in addition to notifying the confidential contact person designated by the student. Ottawa University will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Nothing in this policy/protocol is intended to preclude Ottawa University from determining that a student is missing before the student has been missing for a full 24 hours or initiating notification procedures as soon as it determines that the student is missing.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Ottawa University staff are committed to ensuring that the OUAZ campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus, or in the

local area that poses an immediate threat to the safety and well-being of the campus community. The information may be obtained from a variety of sources including campus employees, other governmental agencies and even broadcast news.

Generally, the campus manager or designee will become aware of situations that pose a threat to some or all of the campus community. Once the campus manager or designee or other first responders confirm that there is an emergency or dangerous situation, they will contact the University administration or designee and/or local law enforcement.

If time permits, the campus manager or designee will consult with the Police Chief or designee, and other authorized University officials about issuing an emergency notification. If time is critical, the notification may be issued immediately. If it is determined that notification will compromise efforts to assist the victim or mitigate the emergency, OU administration may elect to delay issuing the emergency notification. As soon as the condition that compromised notification efforts is no longer present, the University will issue the notification. If time permits, the campus manager or designee, along with the Police Chief, or designee and University administration will determine what segment of the campus community will receive the emergency notification. Depending on the nature of the emergency, it may also become necessary to notify the local community of the emergency. If this is necessary, notification will be made to the local Police/Fire Departments. Notification may also be made to local broadcast news. The office responsible for issuing the emergency notification (campus manager) will, in concert with the Chief or designee, University administration, University marketing and communications, and possibly local first responders, determine the content of the notification and provide specific safety instructions. The notification may be distributed to the campus community through the campus emergency alert system (e2campus), email, text message system, the University website, emergency bulletins and local news broadcasts. It is critically important that students and employees sign up for the E2Campus emergency alert system on the MyOttawa portal and provide a current cell phone number in order to receive emergency text messages. As more information about the emergency becomes available, follow up broadcasts will be made using the same notification systems.

### **CAMPUS ALERT/OTTAWA UNIVERSITY ALERT**

Ottawa University Alert is Ottawa University's contract (e2Campus) text messaging system. It is capable of sending emergency notifications instantly and simultaneously to all registered cell phone, smart phones, and personal email addresses. Examples of emergency messages include severe weather warnings, campus closings, and campus emergencies.

To sign-up for the Ottawa University Alert:

1. Have your cell phone with you and turned on
2. Go to MyOttawa page (<https://myottawa.ottawa.edu/ics/>)
3. Login to your MyOttawa account using your username and password.
4. On the landing page, you will see a box called "Get the Message"
5. Select the link to Create Account
6. Complete the Registration
7. Wait for the validation code to be sent to your cell phone
8. Enter the validation code
9. Make note of your username and password so you may make changes and updates to your account in the future

Once you have completed registration and validated your cell phone, you may log into your personal Ottawa University Alerts account to add additional services, such as an email address, to the system. You may register up to two email addresses and two SMS/text-messaging devices. Just go back to the "OU" box and choose "Login Now!"

All email addresses and phone numbers entered into Ottawa University Alerts are confidential. Ottawa University Alerts will only send messages you request. The campus community will be notified via email before any Ottawa University Alerts test messages are sent. Ottawa University Alerts can only contact registered users.

## DRILLS

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At Ottawa University, evacuation drills may be announced or unannounced, and are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components. At the Surprise campus, the Office of Student Affairs is responsible for planning all drills, and will publicize emergency response procedures in conjunction with at least one test per calendar year. The University will document for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

Evacuation drills are also monitored to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

## EMERGENCY PROTOCOLS

### FIRE SAFETY STANDARDS

#### General Precautions:

- Know the location of all fire exits, fire alarms and fire extinguishers on your floor.
- The greatest danger in buildings is not from flames but from smoke and heat. Therefore, fire doors in halls and stairwells must be kept closed at all times.
- Do not take any chances with fire because even a small one can get out of control. If the fire cannot be extinguished with available equipment, activate the nearest fire alarm and immediately report all fires.
- If you are in a room where a fire starts, leave and close the door to confine the blaze to that room as long as possible. Do not lock the door.
- Plan ahead—think about how you would exit from different areas of your building.
- If an alarm is sounded, feel your door before you open it. If it is hot, do not open the door. Seal crack around the door with tape, clothes, sheets, etc. Signal rescuers by waving a sheet or clothing out the window. Finally, never jump from the window.

#### In Case of Fire:

- Stay calm.
- Close windows.
- Check door for heat before opening.
- If hallway is safe, leave by the nearest exit.
- Pound on doors as you exit building.
- Pull nearest alarm if not already sounded.

### Personal Security:

Ottawa University attempts to provide a safe living and learning environment. However, your personal security relies on you. Listed below are a few guidelines that will also help you and your belongings remain safe:

- Always carry keys with you.
- Never leave valuables in plain view.
- Mark your personal property and keep a list of serial numbers, model numbers and approximate value of your belongings.
- Do not prop exit doors open.
- When walking at night, walk in groups.
- Report all incidences (suspicious persons, etc.).

## STORM PROCEDURES

Severe weather in the form of high winds, hail and rain usually occurs in Kansas from the months of April through August. In many cases, the severe weather can become a tornado. Ottawa has a warning siren that sounds when a tornado has been spotted. Every Monday at Noon, Ottawa tests its warning sirens. The first blast is a national disaster alert test; the second last, a three-minute undulating sound, is the tornado siren test. When an actual warning is sounded, please take the following safety precautions:

- Close room windows.
- Move to the lowest floor of the residence hall and to an interior hallway.
- Stay away from windows.
- Follow all instructions given by the residence hall staff.

During lightning storms, stay indoors, away from electrical appliances including the telephone. If caught outside, stay away from water, tractors, and small metal vehicles. Avoid natural conductors such as lone trees, and discard metal objects such as golf clubs or umbrellas. Also avoid high ground as people can become a lightning rod.

## SECURITY AND ACCESS TO CAMPUS BUILDINGS AND GROUNDS

The Ottawa University community is comprised of a student, faculty and staff population with the University's many special events and programs attracting additional guests. The Surprise campus is accessible to the general public during regular business hours. The campus is considered closed from 7:00 p.m. until 7:00 a.m., Monday through Friday and all day on weekends and holidays, unless otherwise posted. Most campus buildings and facilities are open to the public during the day and evening hours, when classes are in session and events are occurring. At other times, campus buildings are generally locked and only faculty, staff and authorized individuals are admitted. Do not leave doors propped open or unlocked after hours. If your campus keys/access cards are lost or stolen, report the loss immediately to the Ottawa University Office of Student Affairs.

Security Maintenance Facilities and landscaping are maintained in manner that minimizes hazardous conditions. Security regularly patrols the campus and reports malfunctioning lights and other unsafe conditions to the Chief Operating Officer for repair. Other members of the campus community should promptly report hazardous or unsafe conditions to either the Office of Student Affairs or the Chief Operating Officer.

Safety Escorts: The Office of Student Affairs can facilitate on-campus escort services between buildings and parking lots. At least 30-minutes prior to departure, you may also call Security at 480-318-5831. Depending on the current call volumes for service, a University representative will respond to your location and accompany you to your vehicle. If there is an immediate threat, please dial 911.

## ACCESS AND SECURITY IN RESIDENTIAL AREAS

Each resident is issued a card/key to his/her building and room. Students are responsible for upholding the integrity of the residential security system by not permitting use of their cards and keys to others, not propping doors, and by entering and exiting through marked entrances and exits.

University-sponsored housing options are staffed by professional staff and paraprofessional staff. The Dean of Student Affairs is a professional staff member who oversees the residence life program and services. Each hall has a professional staff member and also has a full staff of paraprofessional Resident Assistants who are trained by the residence life professional staff. Residence life professional staff are available 24 hours a day, and serve to provide campus residents with information and support regarding campus policies and procedures. Resident Assistants have the authority to enforce campus procedures and practices. Emergency numbers are provided to residents via the Student Handbook. Residents are an integral part of the security of the residential housing options at Ottawa University, and are directed to report criminal or policy-violating activities to their residence life professional staff or to the Office of Student Affairs.

## CAMPUS SAFETY AND CRIME PREVENTION PROGRAMS

Ottawa University encourages students and employees to be responsible for their own security and the security of others. The University also informs students and employees about the prevention of crimes. The campus emergency notification system (e2campus), policies pertaining to on campus safety and procedures for reporting incidents are all discussed during an in-person new student orientation. Local police and outside groups provide programs covering topics such as personal safety awareness, sexual assault prevention, and resources, alcohol and drug education, and self-defense. Informational reminders regarding campus safety and security is sent through the University email system, posted on the video boards, alerts, newsletters, and posted on MyOttawa.

Ottawa University, through various departments and organizations, provides programs related to public safety. Upon request, campus security personnel will provide escort services across campus. Residence life staff, University organizations, local police and outside groups provide programs covering topics such as personal safety awareness, sexual assault prevention and resources, alcohol and other drug education, and self-defense. Some of the major programs are as follow:

- Active Shooter Training
  - ◆ Interactive and educational training is provided by local law enforcement.
- Alcohol and Other Drug Awareness.
  - ◆ Prior to arrival all new first-year students are required to complete an online alcohol education course, AlcoholEdu. New first-year students are not permitted to move in and engage in academic classes until the course is completed.
  - ◆ New Student Orientation provides a number of heavy-hitting speakers related to alcohol and the effects of alcohol on personal and educational endeavors.
  - ◆ Alcohol Awareness Week. The Student Activities Office offers an alcohol education and prevention week with various activities and presenters.
  - ◆ Student activities office offers a wide range of alcohol and drug-free events available to all students on and off campus.
  - ◆ Ottawa University has a comprehensive Alcohol and Other Drug policy that works to provide educational sanctions to students who use alcohol and other drugs on and off campus.

- ◆ Ottawa University has a comprehensive athletic drug testing policy designed to monitor and ensure that student-athletes are not using alcohol and other drugs particularly to the detriment of their physical health as it relates to their athletic performance.
- By-stander Intervention Training.
  - ◆ Ottawa University has trained personnel in bystander intervention. The curriculum adopted at Ottawa University is the StepUp! Program developed and implemented by The University of Arizona and the NCAA.
  - ◆ Prior to arrival all new students are required to complete an online bystander intervention education course focusing on alcohol and sexual related issues, 3rd Millennium. New students are not permitted to move in and engage in academic classes until the course is completed.
  - ◆ New Student Orientation provided an opportunity to provide bystander education training sessions in person by trained staff to all new students.
- Self defense
  - ◆ Self-defense programs are offered at various times during the year.
- Sexual assault awareness
  - ◆ Prior to arrival all new students are required to complete an online bystander intervention education course focusing on alcohol and sexual related issues, 3rd Millennium. New students are not permitted to move in and engage in academic classes until the course is completed.
  - ◆ New Student Orientation offers a number of sexual assault related programs new first year students are mandated to attend.

The Office of Student Affairs, in conjunction with the Surprise Police Department, also conducts programs throughout the year to inform students and employees of safety and security policies, procedures, and practices. Additional crime prevention presentations are available by special request. Some of the presentations that are available are:

- Personal Safety
- Workplace Violence
- Drinking and Driving

### DAILY CRIME LOG

A daily crime log documenting reported crimes that occurred on campus, in or on non-campus buildings or property, and crimes that occurred on public property adjacent to and accessible from campus and is kept in accordance with the Higher Education Opportunity Act (Clery Act). The logs contain the date and time the crime was reported. The logs may be viewed by going to the Office of Student Affairs.

## STATE OF ARIZONA SEX OFFENDER REGISTRY

Ottawa University complies with all state and federal laws regarding sex offender registry. When the Dean of Student Affairs is informed that a student is listed on the Arizona Department of Public Safety's State Sex Offender Registry, Ottawa University reserves the right to take immediate action including but not limited to not permitting a student to enroll at the University, suspend or dismiss the student if the student is deemed to pose a significant risk to the health, safety, and/or welfare of the community or to any person.

The Arizona Department of Public Safety has established this website to facilitate public access to information about persons who have been convicted of certain sex and violent offenses, as set forth in the Arizona Offender Registration Act (ARS 13-3827 et seq.).

Any person who uses information obtained through this website to threaten, intimidate, or harass another, or who otherwise misuses the information, may be subject to criminal prosecution and/or civil liability.

- Arizona Registered Offenders Search: <https://www.azdps.gov/services/public/offender>
- National Sex Offender Search: <http://www.nsopw.gov/Core/Conditions.aspx?AspxAutoDetectCookieSupport=1>





# Sexual Misconduct Policy

## SEXUAL MISCONDUCT POLICY

### POLICY STATEMENT

Ottawa University ("University") is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. The University considers sex discrimination in all forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated. Sex discrimination includes discrimination based on pregnancy, gender identity as well as that based on the failure to conform to stereotypical notions of femininity and masculinity.

Sexual harassment, whether verbal physical, or visual, that is based on sex, is a form prohibited sex discrimination. Sexual harassment also includes sexual violence. The specific definitions of sexual harassment and sexual violence, including examples of such conduct, are set forth below.

### SCOPE

This policy applies to administrators, faculty, and other University employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the University's educational programs and activities, including third-party visitors on campus (the "University Community"). This policy prohibits sex discrimination, sexual harassment, and sexual violence even when the complainant and alleged perpetrator are members of the same sex, and it applies regardless of national origin, immigration status, or citizenship status. The University's prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

### JURISDICTION

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

### TITLE IX STATEMENT ON POLICY

It is the policy of the University to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the University's educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. The University has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquired regarding Title IX, including complaints for sex discrimination:

Carrie Stevens  
Director of University Compliance/Title IX Coordinator  
1001 South Cedar Street  
Ottawa, KS 66067  
785-248-2326  
Carrie.stevens@ottawa.edu

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html) or by calling 1-800-421-3481.

### SEXUAL MISCONDUCT VIOLATIONS

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, Ottawa University has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Ottawa considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, Ottawa reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. Violations include:

#### Sexual Harassment

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including when: submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activities; submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting the individual; or such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive University environment.

Sexual harassment may occur when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment.

Examples of Sexual Harassment:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes or humor
- Making sexual gestures
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail and Internet uses that violates this policy

- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, and photos (electronic or otherwise)
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as flowers, chocolate, or lingerie that suggest the desire for a romantic relationship
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Sexual violence (as described in this policy)

### Non-consensual Sexual Contact

Non-consensual sexual contact is defined as:

- Any intentional sexual touching
- However slight
- With any object
- By a person upon another person
- That is without consent and/or by force

Sexual touching/contact includes, but is not limited to, any bodily contact with breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

### Non-consensual Sexual Intercourse

Non-consensual sexual intercourse is defined as:

- Any sexual penetration or intercourse (anal, oral, or vaginal)
- However slight
- With any object
- By a person upon another person
- That is without consent and/or by force

Sexual intercourse includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

### Sexual Violence

Collectively, Non-consensual Sexual Contact and Non-consensual Sexual Intercourse can be referred to as "Sexual Violence". Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because of his or her youth, or because of his or her incapacitation due to the use of drugs or alcohol.

Examples of Sexual Violence

- Rape or sexual assault: sexual intercourse (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person's vagina or anus with an object
- The use of the "date rape drug" (or similar drug) to effect sexual intercourse or some other form of sexual contact with a person
- One partner in a romantic relationship forcing the other to have sexual intercourse without the partner's consent
- Exceeding the scope of consent by engaging in a different form of sexual activity than a person has consented to

- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Coercing someone into having sexual intercourse by threatening to expose their secrets
- Secretly videotaping sexual activity where the other party has not consented
- Prostituting another student/employee

### Intimate Partner Relationship Violence (Domestic and Dating Violence)

The offenses of domestic violence and dating violence or abuse occurs between those in an intimate interaction and/or relationship to each other

Examples:

- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
- A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
- Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

### Stalking/Cyberstalking

Persons who violate Ottawa University's policy against stalking/cyberstalking, as found in the Student Handbook, will be subject to disciplinary action through the Ottawa University Office of Student Affairs who administers the Code of Conduct, unless the alleged violation is also being brought in a complaint under this Sexual Misconduct Policy. In that case, the violation may be determined in conjunction with the Title IX Complaint. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Course of conduct is defined as "a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct."

- Examples of Stalking
  - o A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together.
  - o A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate if the gift deliveries stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together".

### Sexual Exploitation

An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose, the act or acts of sexual exploitation are present even if the behavior does not constitute another sexual misconduct offense. Sexual exploitation may involve individuals who are known to one another, have an intimate sexual relationship, and /or may involve individuals now known to each other.

Examples of Sexual Exploitation:

- Sexual voyeurism (such as watching person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- Gathering information about an individual from friends, family, and acquaintances
- Threats to harm self or others
- Defamation – lying to others about the reporting party
- Vandalism

### Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking

1. If you are the victim of a crime sexual violence, domestic or dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. When physical violence of a sexual nature has been perpetrated against you, the University recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement (call 911 if an emergency), in addition to making a prompt complain to the Title IX Coordinator. You may also wish to contact the National Sexual Assault Hotline at 800-656-HOPE or one of the additional resources listed in this policy.
2. If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence by may be necessary for proof of the crime in obtaining a protection order. Victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, ordering liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.
3. Under the Violence Against Women Act ("VAWA"), Ottawa University is required to disclose certain information regarding sexual violence, domestic and dating violence, and stalking. You may find Ottawa University's information, which includes state-specific statutes for criminal violations of these offenses, in Appendix D of the Student Handbook.

### CONSENT, FORCE, AND INCAPACITATION

Consent: is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawn is clearly communicated.

Consent to some sexual contact (such as kissing) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous

dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred an any similar previous patterns that may be evidenced.

**Force:** Force is the use of physical violence an/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("have sex with me or I'll hit you"). Coercion is unreasonable pressure for sexual activity. Coercive behavior different from seductive behavior based on the type of pressure someone uses to get consent from another when someone makes clear that they do not want a sexual activity to occur, continued pressure can be coercive. Note: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not be definition forced.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacity has violated this policy. It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why or how") of their sexual interaction). This policy also covers a person whose incapacity results form mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

A person who is legally considered a minor cannot consent to sexual activity. This means that sexual contact by an adult with a person considered a minor by the State may be a crime and a potential violation of this policy, even if the minor wanted to engage in the act.

### ROLES AND RESPONSIBILITIES

#### Title IX Coordinator

It is the responsibility of the Title IX Coordinator to: (1) receive complaints under this policy; (2) coordinate dissemination of information and education and training programs; (3) assist members of the University Community in understanding that sexual misconduct is prohibited by this policy; (4) answer questions about this policy; (5) appoint investigators and ensure that they are trained to respond to and investigate complaints of sexual misconduct; (6) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct; and (7) to implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures. If circumstances require, the Executive Vice President/Chief Financial Officer may designate another person to oversee the process as stated in this Policy, should a conflict arise or should the Coordinator otherwise be unavailable to fulfill the duties herein.

#### Administrators, Deans, and Other Managers

It is the responsibility of administrators, deans, and other supervisory staff (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Work with the Title IX Coordinator to implement education and training programs for employees and students
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

#### All Employees

It is the responsibility of all employees to review this policy and comply with it. All employees, including Administrators, Deans, Managers, Faculty, Staff, Graduate Assistants, Residential Life Professional Staff, and others, are "mandatory reporters". As a mandatory reporter, one must inform the

appropriate supervisor and/or the Title IX Coordinator upon receiving any information which might be a violation of this policy.

### Students

It is the responsibility of all students to review this policy and comply with it.

### The University

When the University is aware that a member of the University Community may have been subjected to or affected by conduct that violates this policy, the University will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sexual misconduct. The University will act in accordance with its Complaint Resolution Procedures.

## ACADEMIC FREEDOM

While the University is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression or the proper exercise of academic freedom.

## EDUCATION

Because the University recognizes that the prevention of sexual misconduct, as well as domestic violence, dating violence, intrapersonal violence, and stalking, is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees; patrioting in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

## AMNESTY FOR REPORTING PARTY AND WITNESSES

The University encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, Ottawa University maintains a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident. However, this policy does not prevent the University from requiring educational and/or counseling options when needed to those who offer assistance under this policy.

## COMPLAINTS

Ottawa University encourages the reporting of misconduct and crimes by witnesses and victims. This Section addresses the method and details of filing a complaint and the following Section addresses the Complaint Resolution Procedures.

### Making a complaint

Complaints may be made directly to the Title IX Coordinator, Carrie Stevens, at 785-248-2326 or [carrie.stevens@ottawa.edu](mailto:carrie.stevens@ottawa.edu) or with the Deputy Title IX Coordinator, Brittney Kellar, who is located at the Surprise, AZ campus, and can be reached at 623-233-7546 or [Brittney.kellar@ottawa.edu](mailto:Brittney.kellar@ottawa.edu). A person may also tell any employee who can assist in relaying the information to the Title IX Coordinator. Students may also file a complaint with the Department of Education's Office of Civil Rights, as set forth above.

Complaints will be resolved as set forth in this policy under the heading, "Complaint Resolution Procedures", below.

### Timing of Complaints

There is no statute of limitations for complaints under the Sexual Misconduct Policy. However, the University encourages persons to make complaints of sexual misconduct as soon as possible because late reporting may limit the University's ability to investigate and respond to the conduct complained of.

## Faculty and Employees

All University faculty and employees have a duty to promptly report sexual misconduct to the Title IX Coordinator when they observe such conduct or a report of sexual misconduct is made to them. This does not apply to employees who may maintain confidentiality as described in this policy.

### Students

Students are encouraged to file a report under this policy when they experience or witness sexual misconduct. Students who wish to report sexual misconduct should file a complaint with the Title IX Coordinator. Students should be aware that all faculty and employees at the University, except those who may maintain confidentiality as described in this policy, have an obligation to report sexual misconduct to the Title IX Coordinator if they observe such conduct or receive a report of such conduct.

### Vendors, Contractors, and Third Parties

This policy applies to the conduct of vendors, contractors, and third parties. If any of these people believe they have been subject to sexual misconduct in violation of the policy, they should make a report as instructed in this policy.

Likewise, members of the University Community may file complaints under this policy against vendors, contractors, and third parties.

### Content of the Complaint

So that the University has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the University may follow up appropriately.

### Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime – including sexual violence, domestic violence, dating violence, or stalking – is encouraged to make a complaint to local law enforcement. If requested, the University will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

### Confidential Reports

If a person desires to talk confidentially about the situation, that person may contact numerous on-and off-campus resources. These resources are available to assist you and will not report your circumstances to the University for investigation without your permission. Notwithstanding, crimes reported to confidential resources at Ottawa University will be reported to the appropriate University personnel for inclusion in the University's annual crime statistics disclosure, though your name will be withheld from this report.

### University-wide Confidential Resources

University Chaplain Dr. John Holtzhuter 785-248-2334 or [john.holtzhuter@ottawa.edu](mailto:john.holtzhuter@ottawa.edu)

Ottawa University Counseling Services 785-248-2582

### Arizona Confidential Resources

- Arizona Coalition to End Sexual & Domestic Violence 800-782-6400 or [www.acesdv.org](http://www.acesdv.org)
- Banner Medical Center 623-524-4000

### Kansas Confidential Resources

- The Trauma and Abuse Care Center 785-843-8985
- The Willow Domestic Violence Center 800-770-3030

### National Confidential Resource

The Rape, Abuse & Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. RAINN operates the National Sexual Assault Hotline at 1-800-656-HOPE or [www.rainn.org](http://www.rainn.org), provides confidential services and support to victims and supporters.



## Protecting the Complainant and Respondent

**Interim Measures:** Pending the final outcome of an investigation in accordance with the Complaint Resolution Procedures, the University will take steps to protect the complainant from further discrimination or harassment. This may include issuing a no-contact order between the parties, assisting and allowing the complainant to change his or her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether an investigation has begun, or a finding has been made.

**Legal Orders:** If either party has obtained an order of protection, temporary restraining order, other no-contact order against the other party, the information should be provided to the Title IX Coordinator, Dean of Student Affairs, or campus manager. The University will then take all reasonable and legal action to implement the order.

**Policy Against Retaliation:** It is a violation of this policy to retaliate against any member of the University Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Person who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this Policy. Complaints of retaliation will be handled as a matter separate from the Sexual Misconduct Complaint and will be sanctioned as a separate policy violation.

**Bad Faith Complaints:** While the University encourages all good faith complaints of sexual misconduct, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

## Investigation and Confidentiality

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures, and the University will take disciplinary action where appropriate. The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint as it applies to both complainant and respondent.

However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality to those who make complaints. In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. The University reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. The Title IX Coordinator is the person responsible for evaluating requests for confidentiality.

## Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking

4. If you are the victim of a crime sexual violence, domestic or dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. When physical violence of a sexual nature has been perpetrated against you, the University recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement (call 911 if an emergency), in addition to making a prompt complaint to the Title IX Coordinator. You may also wish to contact the National Sexual Assault Hotline at 800-656-HOPE or one of the additional resources listed in this policy.
5. If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime in obtaining a protection order. Victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or

dering liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

6. Under the Violence Against Women Act ("VAWA"), Ottawa University is required to disclose certain information regarding sexual violence, domestic and dating violence, and stalking. You may find Ottawa University's information, which includes state-specific statutes for criminal violations of these offenses, in Appendix D of the Student Handbook.

## COMPLAINT RESOLUTION PROCEDURES

### General Principle

- A. **Applicability**

These Complaint Resolution Procedures apply to the resolution of all reports under the Sexual Misconduct Policy. They apply to the resolution of complaints against students, faculty, administrators, staff, and third parties, and they are the exclusive means of resolving complaints of sexual misconduct.
- B. **Administration and Training**

For purposes of administering this policy:

  1. "Investigating Officer" means the person or persons appointed by the Title IX Coordinator to conduct a formal investigation of a Title IX report. The Investigating Officers are selected from a group of employees selected by the Title IX Coordinator in consultation with the Executive Vice President & Chief Financial Officer and the Director of Human Resources. The Investigating Officer(s) shall have responsibility for administering these complaint resolution procedures. At their discretion, the Title IX Coordinator may appoint multiple Investigating Officers to work together in administering these complaint resolution procedures. Depending on the circumstances, one or two investigators may be appointed to a particular situation.
  2. The Investigating Officers are trained on an annual basis and are provided supplemental training material that is available at all times. They are trained on issues related to sexual misconduct, domestic violence, dating violence, and stalking. They are also trained on how to conduct an investigation and the process that protects the safety of victims and promotes accountability.
- C. **Promptness, Fairness, and Impartiality**

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Investigating Officer shall discharge his or her obligations under these procedures fairly and impartially. If the Investigating Officer determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, the Investigating Officer shall inform the Title IX Coordinator so that another appropriate individual can be designated to administer these procedures.

### Investigation and Resolution of the Complaint

1. **Timing of the Investigation**

The University will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigation Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.
2. **Preliminary Inquiry**

Following receipt of notice or a report of misconduct, the Title IX Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the Sexual Misconduct Policy has been

violated. The preliminary inquiry is typically 1-3 days in duration. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, Ottawa University, reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed, or Ottawa University determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through the process as stated in these Resolution Procedures. If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator.

### 3. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the complainant may terminate any such informal means at any time. In any event, informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence.

### 4. Interim Measures

At any time during the investigation, the Investigating Officer, in coordination with the Title IX Coordinator, may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Sexual Misconduct Policy.

### 5. Support Person

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

### 6. Pending Criminal Investigation

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

### 7. Rights of the Parties

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence;
- Similar and timely access to all information considered by the Investigating Officer;
- Equal opportunity to review any statements or evidence provided by the other party; and
- Equal access to review and comment upon any information independently developed by the Investigating Officer.

### 8. Commencement of the Investigation

Once a complaint is made, the Investigating Officer will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the Investigating Officer may receive counsel from University administrators, the University's attorneys, the Title IX Coordinator, or other parties as needed.

### 9. Content of the Investigation

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

### 10. Resolution (including Sanctions) of Complaints Against Student Respondents

At the conclusion of the Investigating Officer's investigation, the Investigating Officer will prepare a draft written report. The report will explain the scope of the investigation and identify findings of fact. The Investigating Officer will present the report to the Title IX Coordinator who will review the draft, revise as necessary, and finalize.

If the final written report finds that any allegations in the complaint were found to be substantiated by a preponderance of the evidence resulting in a policy violation, the Title IX Coordinator will consult with the Provost/Dean with jurisdiction over the complainant and respondent to determine discipline and remedial measures. The Title IX Coordinator will prepare an addendum setting forth the discipline and remedial measures. Examples of such measures include: no-contact orders, classroom reassignment, the provision of counseling or other support services, suspension of campus activities, educational programming and training, and discipline for the perpetrator including up to probation, suspension in abeyance, suspension, expulsion, and other appropriate institutional sanctions. This document will explain the scope of the investigation, identify findings of fact (if any), and state whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence resulting in a policy violation.

The final written determination shall be final subject only to the right of appeal set forth in this policy, below.

### 11. Resolution (including Sanctions) of Complaints Against Employee, Faculty, and Third-Party Respondents

At the conclusion of an Investigating Officer's investigation, the Investigating Officer will prepare a draft written report. The report will explain the scope of the investigation and identify findings of fact. The Investigating Officer will present the report to the Title IX Coordinator, and the Title IX Coordinator will review the draft, revise as necessary, and finalize it.

If the final written report finds that any allegations in the complaint were found to be substantiated by a preponderance of the evidence resulting in a policy violation, the Title IX Coordinator will consult with the University administrator with jurisdiction of the complainant and respondent to determine discipline and remedial measures. The Title IX Coordinator will prepare an addendum setting forth the discipline and remedial measures. Examples of sanctions may include: no-contact orders, classroom reassignment, the provision of counseling or other support services, referral to the EAP program, training, discipline for the perpetrator including up to probationary status, termination, and other appropriate institutional sanctions. Discipline may be directly imposed for, in cases with faculty member respondents, a referral may be made for further proceedings in accordance with faculty discipline proceedings.

The Title IX Coordinator will notify the parties of the outcome in writing as described below.

#### 12. Notification of Outcome

The Title IX Coordinator will provide written notification of the outcome of the investigation and any addendum to the complainant and the respondent within three (3) days of its completion. If necessary, the version of the addendum provided to the complainant and/or respondent will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with Title IX, the Family Educational Rights and Privacy Act (FERPA), and the Clery Act.

#### 13. Special Procedure for Complaints Against the Chancellor, the Title IX Coordinator, or Other Administrators Ranked Higher than the Title IX Coordinator.

If a complaint involves alleged conduct on the part of the University's Chancellor, the University's Board of Trustees will designate the Investigating Officer(s). Based on the information gathered by the investigation, Trustees will prepare and issue the written report determining the complaint. The determination of the Board of Trustees is final and not subject to appeal. If a complaint involves alleged conduct on the part of the Title IX Coordinator, a Vice President of the University, or the University Provost, the University's Chancellor will designate the Investigating Officer(s). Based on the information gathered by the investigation, the Chancellor will prepare and issue the written report determining the complaint. The determination of the Chancellor is final and not subject to appeal.

The Investigating Officers may be chosen from outside sources.

#### 14. Withdrawal or Resignation While Charges Pending

**Students:** Ottawa University does not permit a student to withdraw if that student has an allegation pending for violation of the Sexual Misconduct Policy. Should a student decide to leave and/or not participate in the investigation, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Ottawa University unless all sanctions have been satisfied. The student will not have access to an official academic transcript until the allegations have been resolved.

**Employees:** Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any Ottawa University responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

## APPEALS

Either party may appeal the final determination (finding of violation or severity of sanction).

### Grounds for Appeal

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

- There is a substantial likelihood that newly discovered information not available at the time evidence was presented to the Investigating Officer would result in a different decision;
- There was a procedural error significant enough to call the outcome into question;
- There was a clear error in factual findings;
- Bias or prejudice on the part of the Investigating Office; or
- The punishment or the corrective action imposed is disproportionate to the offense.

### Method of Appeal

Either party may appeal the final outcome determination. The appeal is submitted to the following parties, depending on the identity of the respondent:

- Appeals from complaints that allege a student or faculty have committed sexual misconduct shall be directed to the University Provost, Dr. Terry Haines.
- Appeals from complaints that allege an employee or third-party has committed sexual misconduct shall be directed to the Executive Vice President/Chief Financial Officer, Clark Ribordy.

The official to which the appeals are submitted (i.e., the University Provost or the Executive Vice President/Chief Financial Officer) shall be referred to as "Appeals Officials". The appeal must be filed within ten (10) days of receipt of the written report determining the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of complainant;
- Name of respondent;
- A statement of the determination of the complaint, including corrective action if any;
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
- Requested action, if any.

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

### Resolution of Appeal

The Appeal Official will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The decision of the Appeal Official is final. The Appeal Official shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Title IX Coordinator's previous written determination. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of the resolution. In some cases involving faculty member respondents, the discipline imposed may result in additional process following the appeal.

### Documentation

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, and the Appeal Officials as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio procedures.

### Intersection with Other Procedures

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

Questions on this Policy should be directed to:

Carrie Stevens

Director of Compliance/Title IX Coordinator

1001 South Cedar Street  
Ottawa, KS 66067  
785-248-2326  
Carrie.stevens@ottawa.edu

### **Revisions**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. Ottawa University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

*This policy and procedure was most recently revised September 30, 2018.*



# Violence Against Women Act

## **VIOLENCE AGAINST WOMEN ACT (“VAWA”) OFFENSES: PREVENTION, SAFETY, SPECIAL PROCEDURES**

Ottawa University’s Sexual Misconduct Policy prohibits sexually violent acts, termed “Sexual Misconduct” by the University which can be crimes as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal/relationship violence, sex/gender-based stalking, and sexual harassment. While Ottawa utilizes different standards and definitions than State (Arizona, Kansas, and Wisconsin) Statutes, sexual misconduct often overlaps with the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence. Victims of these behaviors are protected by federal laws, specifically Title IX (Ottawa University Title IX Information) and the Clery Act, which mandates the contents of this report. This portion of the Clery Report is required by the Violence Against Women Act (“VAWA”) and informs people of intersection between the University Policy, the Clery definitions for sexual misconduct crimes, and state definitions. This portion also provides a summary of the information that can be found in the Ottawa Sexual Misconduct Policy, which provides more detailed information on the University’s policies, procedures, protections, and educational and preventive programs.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, the University utilizes a range of campaigns, strategies, and initiatives to promote awareness, educational, risk reduction, and prevention programming.

It is the policy of the University to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation and throughout an incoming student’s first semester. Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sexual misconduct as well as legal definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Some programs that have been offered by Ottawa residential campuses include Take Back the Night events, Sexual Assault Awareness Week (“Do’s and Dough-not’s”, speakers, “What Were You Wearing” display, extra presence of outside advocates on campus), orientation programs focus on real-life scenarios that college students may face. Ottawa believes that sexual assault education and prevention extends also to programming related to drug and alcohol abuse and strives to provide programs and events such as Alcohol and Drug Abuse Awareness Week, Mocktail Nights, many free opportunities for student entertainment such as free sporting events, bowling, free movies, magicians and hypnotists, and group transportation to events students may not otherwise be able to attend. Students are provided with easy access to information for resources through our website, handbooks, Annual Security Reports, counseling centers, and informational magnets with important contact numbers were handed out at Fall 2018 Orientation at the Kansas residential campus. Ottawa University recently created an informal “Title IX Team” which is made up of both internal and external university members. This team and meets quarterly to discuss University issues as well as national issues and develops training and educational programs and discusses trends in both prevention and education.

Programs are informed by evidence-based research and/or are assessed for their effectiveness. Climate surveys are done at least every other year.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders.

In the event that sexual misconduct, gender-based violence, or the crimes of sexual assault, stalking, dating violence, or domestic violence do occur, the University takes the matter very seriously. The University employs interim protection measures such as interim suspensions and/or no contact orders in any case where a student’s behavior represents a risk of violence, threat, pattern, or predation. If a student is accused of sexual misconduct, other gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, s/he is subject to action in accordance with the Sexual Misconduct Policy in the student handbook. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator, Carrie Stevens (785-248-2326; carrie.stevens@ottawa.edu), the Deputy Title IX Coordinator (located at OUAZ), Brittney Kellar (623-233-7546; Brittney.kellar@ottawa.edu), or the Complaint Hotline (844-719-2846). Anyone with knowledge about sexual misconduct, gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately. Protective measures for victims are available from the campus whether a victim chooses to report to local and/or campus law enforcement, and irrespective of whether a victim pursues a formal complaint through the University resolution process.

It is the policy of Ottawa University to not automatically notify local law enforcement when sexual misconduct occurs, unless a victim wishes or there is an emergency threat to health or safety. Victims have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement, but may also respect a victim’s request not to do so.

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call 911.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. The Ottawa University Counseling Services can be reached by calling 785-248-2582. Should you seek pastoral services, you may call the University Chaplain John Holtzhuter at 785-248-2334.
4. If you are in Arizona and prefer to seek outside confidential support, you may consider reaching out to Arizona Coalition to End Sexual & Domestic Violence, which can be reached at 800-782-6400 or [www.acesdv.org](http://www.acesdv.org).
5. If you are in Kansas and prefer to seek outside confidential support, you may consider reaching out to the Trauma and Abuse Care Center at 785-843-8985 or The Willow Domestic Abuse Center at 800-770-3030.
6. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault.

The hospital will arrange for a specific medical examination at no charge or can work with you to arrange state reimbursement.

- To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
  - Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.
  - If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
  - Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
  - Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
  - If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Security and/or the Title IX Coordinator so that those orders can be observed on campus.
  - If you have any phone messages, photos, text messages, social media posts, etc., that are relevant, preserve those messages by sending them to a trusted friend or your own email address.
7. Even after the immediate crisis has passed, consider seeking support from the resources listed above.
  8. Contact the Title IX Coordinator, Carrie Stevens (785-248-2326, carrie.stevens@ottawa.edu) or the Dean of Student Affairs if you need assistance with University-related concerns, such as no-contact orders or other protective measures. The Coordinator will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The University is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. The University is able to offer information about legal assistance, and student financial aid considerations for victims.

## LEGAL DEFINITIONS REGARDING CONSENT, SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND STALKING

Consistent with the provisions as set forth in the Ottawa University Sexual Misconduct Policy, the University prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking, as defined for the purpose of the Clery Act. The Clery Act definitions are those used to record the statistics for the Annual Crime Statistic Reporting, which you will find at the end of this Annual Security Report. For this portion of the Annual Security Report, under VAWA, the following State legal definitions are provided to assist in victims. The definitions for Consent, Sexual Assault, Domestic Violence, and Stalking are below.

### Consent

#### Arizona

Arizona does not define what "consent" is, but does define what it is not (ARS 13-1401):

"Without consent" includes any of the following:

- (a) The victim is coerced by the immediate use or threatened use of force against a person or property.

- (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
- (c) The victim is intentionally deceived as to the nature of the act.
- (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

#### Kansas

Kansas does not define "Consent".

#### Wisconsin

Wisconsin (Wis. Stat. 940.225): "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact.

\*\*\*

The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11(2):

- b. a person suffering from a mental illness or defect which impairs capacity to appraise personal conduct. 940.225(4)(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

### Sexual Assault

#### Arizona

Arizona (ASR 13-1406): A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

#### Kansas

Kansas (K.S.A. 21-5503)

Relevant portions of the statute include:

- (a) Rape is:
  - (1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances:(A) When the victim is overcome by force or fear; or (B) when the victim is unconscious or physically powerless;
  - (2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;
  - (3) sexual intercourse with a child who is under 14 years of age;
  - (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
  - (5) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority. \*\*\*

#### Wisconsin

Wisconsin (Wis. State 940.225)

- (1) FIRST DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class B felony:
  - (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

- (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
  - (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- (2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class C felony:
- (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
  - (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
  - (c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.
  - (cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.
  - (d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
  - (f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.
  - (g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.
  - (h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
  - (i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
  - (j) Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.
- (3) THIRD DEGREE SEXUAL ASSAULT.
- (a) Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony.
  - (b) Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.
- (3.m.) FOURTH DEGREE SEXUAL ASSAULT. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

## Domestic/Dating Violence

### Arizona

#### Arizona (A.S.R. 13-3601)

- A. "Domestic violence" means any act that is a dangerous crime against children as defined in § 13-705 or an offense prescribed in § 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, § 13-2904, subsection A, paragraph 1, 2, 3 or 6, § 13-2910, subsection A, paragraph 8 or 9, § 13-2915, subsection A, paragraph 3 or § 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:
1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
  2. The victim and the defendant have a child in common.
  3. The victim or the defendant is pregnant by the other party.
  4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
  5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
  6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:
    - (a) The type of relationship.
    - (b) The length of the relationship.
    - (c) The frequency of the interaction between the victim and the defendant.
    - (d) If the relationship has terminated, the length of time since the termination.

### Kansas

#### Kansas (K.S.A. 1-5414)

- (a) Domestic battery is:
- (1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or
  - (2) knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.
- (b) Aggravated domestic battery is:
- (1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner; or
  - (2) knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.
- \*\*\*
- (e) As used in this section:
- (1) "Dating relationship" means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed,

frequency of interaction between the parties and time since the termination of the relationship, if applicable;

- (2) "family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. "Family or household member" also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

## Wisconsin

Wisconsin (Wis. Stat. 940.19)

In Wisconsin, there are no specific Domestic Violence statutes; persons are prosecuted under relevant statutes such as battery, etc.. Below is the statute for battery.

- (1) Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a Class A misdemeanor.
- (2) Whoever causes substantial bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class I felony.
- (4) Whoever causes great bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class H felony.
- (5) Whoever causes great bodily harm to another by an act done with intent to cause great bodily harm to that person or another is guilty of a Class E felony.
- (6) Whoever intentionally causes bodily harm to another by conduct that creates a substantial risk of great bodily harm is guilty of a Class H felony. A rebuttable presumption of conduct creating a substantial risk of great bodily harm arises:
  - (a) If the person harmed is 62 years of age or older; or
  - (b) If the person harmed has a physical disability, whether congenital or acquired by accident, injury or disease, that is discernible by an ordinary person viewing the physically disabled person, or that is actually known by the actor.

## Stalking

### Arizona

Arizona (A.R.S. 13-2923)

- A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:
1. Suffer emotional distress or reasonably fear that either:
    - (a) The victim's property will be damaged or destroyed.
    - (b) Any of the following will be physically injured:
      - (i) The victim.
      - (ii) The victim's family member, domestic animal or livestock.
      - (iii) A person with whom the victim has or has previously had a romantic or sexual relationship.
      - (iv) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
  2. Reasonably fear death or the death of any of the following:
    - (a) The victim's family member, domestic animal or livestock.
    - (b) A person with whom the victim has or has previously had a romantic or sexual relationship.
    - (c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
- B. This section does not apply to an interactive computer service, as defined in 47 United States Code section 230(f)(2), or to an informa-

tion service or telecommunications service, as defined in 47 United States Code section 153, for content that is provided by another person.

C. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 of this section is a class 3 felony.

D. For the purposes of this section:

1. "Course of conduct":
  - (a) Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:
    - (i) Maintain visual or physical proximity to a specific person or direct verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short.
    - (ii) Use any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.
    - (iii) Communicate, or cause to be communicated on more than one occasion, words, images or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose.
  - (b) Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative or if the other person is a minor, the minor's parent or guardian.
2. "Emotional distress" means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

## Kansas

Kansas (K.S.A. 21-5427)

- (a) Stalking is:
- (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear;
  - (2) engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or
  - (3) after being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2011 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear.
- \*\*\*
- (f) As used in this section:
- (1) "Course of conduct" means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof:
    - (A) Threatening the safety of the targeted person or a member of such person's immediate family;



- (B) following, approaching or confronting the targeted person or a member of such person's immediate family;
- (C) appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family;
- (D) causing damage to the targeted person's residence or property or that of a member of such person's immediate family;
- (E) placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person;
- (F) causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family;
- (G) any act of communication;
- (2) "communication" means to impart a message by any method of transmission, including, but not limited to: Telephoning, personally delivering, sending or having delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, including electronic transmissions generated or communicated via a computer;
- (3) "computer" means a programmable, electronic device capable of accepting and processing data;
- (4) "conviction" includes being convicted of a violation of K.S.A. 21-3438, prior to its repeal, this section or a law of another state which prohibits the acts that this section prohibits; and
- (5) "immediate family" means father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; any person residing in the household of the targeted person; or any person involved in an intimate relationship with the targeted person.

## Wisconsin

### Wisconsin (Wis. Stat. 940-32)

#### (1) In this section:

- (a) "Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:
  1. Maintaining a visual or physical proximity to the victim.
  2. Approaching or confronting the victim.
  3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
  4. Appearing at the victim's home or contacting the victim's neighbors.
  5. Entering property owned, leased, or occupied by the victim.
  6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
- 6m. Photographing, videotaping, audio taping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
- 7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
- 8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
- 9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
- 10. Causing a person to engage in any of the acts described in subds. 1. to 9.

(am)"Domestic abuse" has the meaning given in s. 813.12 (1) (am)  
 (ap)"Domestic abuse offense" means an act of domestic abuse that constitutes a crime.

(c) "Labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(cb) "Member of a family" means a spouse, parent, child, sibling, or any other person who is related by blood or adoption to another.

(cd) "Member of a household" means a person who regularly resides in the household of another or who within the previous 6 months regularly resided in the household of another.

(cg) "Personally identifiable information" has the meaning given in s. 19.62 (5)

(cr) "Record" has the meaning given in s. 19.32 (2)

(d) "Suffer serious emotional distress" means to feel terrified, intimidated, threatened, harassed, or tormented.

#### (2) Whoever meets all of the following criteria is guilty of a Class I felony:

(a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household.

(b) The actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor's acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

#### (2e) Whoever meets all of the following criteria is guilty of a Class I felony:

(a) After having been convicted of sexual assault under s. 940.225, 948.02, 948.025, or 948.085 or a domestic abuse offense, the actor engages in any of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic abuse offense.

(b) The actor knows or should know that the act will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor's act causes the specific person to suffer serious emotional distress or induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

#### (2m) Whoever violates sub. (2) is guilty of a Class H felony if any of the following applies:

(a) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v), or (1x)

(b) The actor has a previous conviction for a crime, the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

(c) The actor intentionally gains access or causes another person to gain access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation.

(d) The person violates s. 968.31 (1) or 968.34 (1) in order to facilitate the violation.

(e) The victim is under the age of 18 years at the time of the violation.

- (3) Whoever violates sub. (2) is guilty of a Class F felony if any of the following applies:
- (a) The act results in bodily harm to the victim or a member of the victims family or household.
  - (b) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v) or (1x), the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.
  - (c) The actor uses a dangerous weapon in carrying out any of the acts listed in sub. (1) (a) 1. to 9.
- (3m) A prosecutor need not show that a victim received or will receive treatment from a mental health professional in order to prove that the victim suffered serious emotional distress under sub. (2) (c) or (2e) (c)
- (4)
- (a) This section does not apply to conduct that is or acts that are protected by the persons right to freedom of speech or to peaceably assemble with others under the state and U.S. constitutions, including, but not limited to, any of the following:
    1. Giving publicity to and obtaining or communicating information regarding any subject, whether by advertising, speaking or patrolling any public street or any place where any person or persons may lawfully be.
    2. Assembling peaceably.
    3. Peaceful picketing or patrolling.
  - (b) Paragraph (a) does not limit the activities that may be considered to serve a legitimate purpose under this section.
  - (5) This section does not apply to conduct arising out of or in connection with a labor dispute.
  - (6) The provisions of this statute are severable. If any provision of this statute is invalid or if any application thereof is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

### **CAMPUS PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, SEXUAL HARASSMENT, AND OTHER ACTS OF SEX AND GENDER DISCRIMINATION**

Any complaints or inquiries regarding sexual harassment of any member of the Ottawa University community by or against any other member of the Ottawa University community, including vendors and third-parties, should be brought to the immediate attention of The Title IX Coordinator, Carrie Stevens at 785-246-2326 or [carrie.stevens@ottawa.edu](mailto:carrie.stevens@ottawa.edu). The University will investigate such claims promptly and thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Title IX Coordinator, the student may inquire or complain to any Department Chair or any officer of the University at the level of Vice President or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, the University will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the University for serious or repeated violations.

For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct, and stalking, sanctions range from warning to expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion, or termination of employment. Lying to investigators (and/or failing to participate in an investigation) can result in additional consequences under the Code of Student Conduct. The sanctions for students will be consistent with those available in the Student Code of Conduct. The sanctions for employees will be consistent with those available

in the Employee Handbook. For students, options include but are not limited to: no-contact orders, classroom reassignment, living space reassignment, the provision of counseling or other support services, suspension of campus activities, educational programming and training, and discipline including up to probation, suspension in abeyance, suspension, expulsion, and other appropriate institutional sanctions. For employees, options may include but are not limited to: no-contact orders, classroom reassignment, the provision of counseling or other support services, referral to the EAP program, training, discipline including probationary status, termination, and other appropriate institutional sanctions. In cases with faculty member respondents, a referral may be made for further proceedings in accordance with faculty discipline proceedings.

Procedurally, when the University receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, the campus Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the University will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations; changes in housing for the victim or the responding student; visa and immigration assistance; changes in working situations; and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). If the victim so desires, that individual will be connected with a counselor on- or off-campus, as well as an on- or off-campus victim's advocate. No victim is required to take advantage of these services and resources, but the [College/University] provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports, and procedures, in the form of this document, is provided to all victims, whether they are students, employees, guests, or visitors.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair, and impartial process to be initiated, commencing with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of the University can be found online here: (Ottawa University Sexual Misconduct Policy). The Coordinator is ultimately responsible for assuring in all cases that the behavior is brought to an end, the University acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The Coordinator is also responsible for assuring that training is conducted annually for all advocates, investigators, hearing officers, panelists, and appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process of protecting the safety of victims and promoting accountability for those who commit offenses.

The investigation and records of the resolution conducted by the University are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with State law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of victim or information that could easily lead to a victim's identification. Additionally, the University maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action. The role of advisors is described in detail in the Sexual Misconduct Policy. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the University's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The University does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator Carrie Stevens, 785-248-2326, [carrie.stevens@ottawa.edu](mailto:carrie.stevens@ottawa.edu) and/or to officials of the U.S. Department of Education.

Reporting of statistics under the Clery Act uses federal offenses definitions that allow comparability across campuses, regardless of the state in which the campus is located. These definitions are as follows:

### Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

### 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.

### 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.

- A. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- B. For the purposes of this definition:
  - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- ii. Dating violence does not include acts covered under the definition of domestic violence.
- C. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Domestic Violence

A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D. 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
- E. By any other person against an adult or youth victim who is protected

### Stalking

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

- A. Fear for the person's safety or the safety of others; or
- B. Suffer substantial emotional distress.
- C. For the purposes of this definition, 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.

### Sex Offenders

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the University is providing a link to the Arizona, Kansas, and Wisconsin State Sex Offender Registries. All sex offenders are required to register in these states and to provide notice of each institution of higher education in the state at which the person is employed, carries out a vocation, or is a student.

#### Arizona

Arizona Sex Offender Registry: <https://www.azdps.gov/services/public/offender>

#### Kansas

Kansas Sex Offender Registry: <https://www.kbi.ks.gov/registeredoffender/>

#### Wisconsin

Wisconsin Sex Offender Registry: <https://appsdoc.wi.gov/public>





# Alcohol and Other Drug Policy

## ALCOHOL AND OTHER DRUG POLICY

The alcohol policy for Ottawa University is in compliance with the laws of the states of Arizona, Indiana, Kansas, and Wisconsin. Students who fail to comply with the policies are subject to disciplinary action.

The alcohol policy at Ottawa University is based upon the recognition that:

1. The majority of the undergraduate student at the residential campuses cannot legally consume alcohol;
2. A number of students who are of legal age to consume or possess alcohol choose not to do so; and,
3. Alcohol abuse on college campuses across the nation can be problematic.

Ottawa University recognizes that abuse of alcohol and other drugs is a problem on our nation's campuses. Ottawa University condemns excessive consumption of alcohol. The University also considers the decision of whether to consume alcohol to be a value judgment on the part of each individual of legal age. All University-housing units on the residential campuses are dry, substance-free buildings. Some off campus University and University-sponsored housing options permit alcohol consumption with limitations for students of legal drinking age (reference your campus section for details).

## ALCOHOL IS PROHIBITED ON CAMPUS

Alcohol is prohibited on Ottawa University campuses. Exceptions to this policy may be authorized by the campus Provost/President or Dean of Student Affairs after review of specific situations, which present unique circumstances. Committing a city and/or state crime also constitutes a University violation.

1. All Ottawa University community members are expected to abide by any and all city, state, and federal laws, in addition to the policies specific to Ottawa University.
2. Possession or consumption of alcoholic beverages by an individual who is under 21 is a violation of policy and city and state law.
3. Use of false identification to justify underage possession or consumption of alcoholic beverages is a violation of policy.
4. Furnishing alcoholic beverages to a minor is a violation of policy. It is also a criminal violation of city and state law.
5. Hosting an event where alcohol is consumed by minors is a violation of policy. It is also a criminal violation of city and state law.
6. Abusive or disruptive behavior related to the use/abuse of alcohol or beer (alcoholic beverages) will not be tolerated on or off campus.
7. Paraphernalia related to alcohol consumption, including, but not limited to beer bongs, beverage containers, funnels, keg taps, bottle caps, etc. are prohibited in/on University and University-sponsored properties.
8. Organizations that receive budgetary support from the University, or organizations that solicit funds for the purpose of college activities are not allowed to use the funds to purchase alcoholic beverages.
9. Ottawa University reserves the right to report any incident of possible legal violation to law enforcement officials.

10. Alcohol policy violations are cumulative during a student's enrollment tenure at Ottawa University.

## ILLEGAL DRUGS ARE PROHIBITED ON CAMPUS

Students who are involved with drugs are encouraged to seek assistance through the University's Student Health and Counseling Services or our community professional partners. These services are confidential. Ottawa University will not tolerate unlawful possession, use, manufacture, distribution, or dispensing of illegal substances in or on property controlled by Ottawa University or at University-sponsored events or programs. Drug paraphernalia and water pipes are also prohibited. Examples of violations include:

- Misuse of over-the-counter drugs
- Misuse or sharing of prescription drugs
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug
- Possessing paraphernalia (i.e. rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug
- Possessing paraphernalia that contains or appears to contain illegal drug residue
- Purchasing or passing illegal drugs from one person to another
- Using mail services to purchase, pass, or distribute illegal drugs

Students found responsible for possession, use, or distribution of illegal drugs will face appropriate disciplinary action including but limited to separation from the University. Ottawa University is a partner with the local community law enforcement and does not provide immunity or protection from prosecution by local authorities. This policy provides flexibility for the University in addressing drug-related offenses which occur on or off campus. The focus of the policy is to ensure that students are engaging in behaviors that will lead to successful completion of their academic goals, and to that end, the University also considers any violations relative to illegal drugs a major offense that may be referred to local law enforcement.

## SAFE HARBOR

The University seeks to empower students with addiction problems to seek assistance. A safe harbor rule exists at Ottawa University to assist students in obtaining the resources necessary to overcome addiction issues. If any University student brings their own use, addiction, or dependency to the attention of a University official outside the threat of drug tests or imposition of the conduct process and seeks assistance, a student conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and the campus conduct process will be initiated.

## GOOD SAMARITAN CLAUSE

Any student who seeks assistance for him/herself or another student from Campus Security, Residence Life, or professional medical personnel, for intoxication or overdose shall not be subject to formal Conduct System.

This refers to isolated incidents only and does not excuse or protect those who flagrantly and/or repeatedly violate the Ottawa University alcohol policy. It applies only to cases of suspected extreme intoxication or other life-threatening

circumstances due to alcohol and does not extend to related infractions such as assault or property damage. Although formal disciplinary action may not be invoked, mandatory referrals for educational sessions and/or assessment at the student's own expense may be made.

## VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

1. University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code, if both possible violations result from the same factual situation, without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Student Conduct Administrator. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual based on his/her status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled with the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with campus policies or sanctions. Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## ALCOHOL

Alcohol sanctions differ between campuses, as well as University and University-sponsored housing units. It is the student's responsibility to know the sanctions that apply to his/her circumstances.

Containers promoting alcohol consumption and/or once contained any alcoholic beverage are prohibited on University and University-sponsored properties. This prohibition includes, but not limited to:

- Shot glasses
- Beer cans/bottles
- Liquor bottles
- Wine bottles
- Kegs
- Funnels
- Beer bong
- Flasks
- Games/Activities simulating alcohol consumption
- Items with the intent to conceal alcohol
- Items promoting any alcoholic brand (i.e. t-shirts, posters, etc.)

Please note, any décor made from any type of alcohol container is considered paraphernalia and is not permitted. Discovery of an empty alcoholic beverage container or other alcoholic paraphernalia will require immediate discarding of the item in the presence of a residence life staff member. If a student is asked on more than one occasion to dispose of empty alcohol containers or paraphernalia, they will be referred to a Conduct Administrator.

### Alcohol Violations and Sanctions

Ottawa University seeks to educate students about responsible drinking behaviors. To clearly note, a total of three (3) alcohol violations are deemed the maximum number a student may accumulate throughout his/her career at Ottawa University. The fourth violation at any tier or combination of any of

the tiers is grounds for suspension or dismissal. As part of the readmissions process, all students who are suspended based on cumulative alcohol violations must provide evidence they may successfully engage in their education at Ottawa University without further issues with alcohol.

Tier One Violations (may include, but are not limited to):

- Being in the presence of alcohol, on more than one occasion
- Possessing Alcohol Containers & Alcohol Paraphernalia, on more than one occasion

Tier One Sanctions (may include, but are not limited to):

- Disciplinary Warning for up to the academic year
- Fine of \$50-\$150
- Five to Ten (5-10) Hours Community Restitution
- Alcohol Education Program
- Disciplinary Paper

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 1 Violation during his/her time at Ottawa University. A second Tier 1 Violation moves the violation to a Tier 2 status.

Tier Two Violations (may include, but are not limited to):

- More than one (1) Tier 1 Violation
- Possessing or consuming alcohol
- Your guest in possession (regardless if they are signed in to the hall or not) of alcohol (any quantity)
- Public consumption- public areas, such as buildings within the perimeters of campus and University grounds.
- Public intoxication
- Destruction of property related to alcohol

Tier Two Sanctions (may include, but are not limited to):

- Disciplinary Probation up to suspension for the remaining semester
- Parent Notification Letter (if a student is under 21 at the time of violation)
- Fine of \$150-\$300
- Alcohol Education Program
- Reflection Paper
- Ten to Twenty (10-20) Community Restitution Hours
- Removal from Ottawa University Housing or change in housing assignment
- Referral to Ottawa University Counselor. Follow all recommendations.
- Repayment of any costs to repair/replace property damaged

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 2 Violation during his/her time at Ottawa University. A second Tier 2 Violation moves the violation to a Tier 3 status.

Tier Three Violations (may include, but are not limited to):

- More than one (1) Tier 2 Violation
- Ticketed and/or arrested as a result of alcohol
- Providing alcohol to minors
- Coercing or forcing another individual to consume alcohol
- Public intoxication leading to harm to self or others

- Public intoxication leading to property damage, disruption to the community

Tier Three Sanctions (may include, but are not limited to):

- Disciplinary Probation up to expulsion for an academic year
- Parent Notification Letter (if a student is under 21 at the time of violation)
- Fine of \$300-\$500
- Alcohol Education Program
- Reflection Paper
- Twenty to Forty (20-40) Community Restitution Hours
- Removal from Ottawa University Housing or change in housing assignment
- Referral to Ottawa University Counselor. Follow all recommendations.
- Repayment of any costs to repair/replace property damaged

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 3 Violation during his/her time at Ottawa University. A subsequent violation will lead to suspension or dismissal from Ottawa University.

## CONTROLLED SUBSTANCES AND DRUG

Violations associated with controlled substances and illegal drugs are managed under drug sanctions. Drug sanctions differ between campuses. It is the student's responsibility to know the sanctions that apply to his/her circumstances and locations.

Students can only have two drug-related policy violations in total with the exception of a Tier 3 violation in which the student faces immediate suspension/dismissal.

The illegal possession, use, sale, manufacturing, or distribution of drugs is a violation of the law and is prohibited. The illegal possession or use of drugs may subject individuals to criminal prosecution. The University will refer violations to appropriate authorities for prosecution on any Ottawa University campus or at any Ottawa University event. This prohibition includes, but not limited to:

- The use of non-prescribed controlled substances
- Improper use of prescription medications
- Possession and trafficking (manufacturing, dispensing, or selling) of controlled substances
- Possession of drug related paraphernalia (i.e. water bongs, bongs, bowls, and other common containers) is not permitted
- Disruptive or disrespectful behavior, property damage or personal harassment as a consequence of illicit drugs or controlled substances is strictly prohibited. Any person found in violation of this policy will be subject to various applicable University disciplinary actions which could include suspension or dismissal and will be reported to the appropriate local, state and Federal authorities.

Containers promoting drug usage and/or once containing any illegal drugs are prohibited. This prohibition includes, but not limited to:

- Bongs
- Bowls
- Rolled Papers
- Pipes
- Homemade One-Time Use Devices
- Items with the intent to conceal drugs
- Items promoting any drug company

Please note, any décor made from any type of drug container is considered paraphernalia and is not permitted. Discovery of an empty drug container or paraphernalia will require immediate discarding of the item in the presence of a residence life professional staff member.

## Drug Violations and Sanctions

Below is the list of drug-related violations and sanctions.

Tier One Violations (may include, but are not limited to):

- Possession of Drug Paraphernalia/Drug Container Violation
- In the presence of drugs (illegal, non-prescribed (to you), synthetic, etc.)

Tier One Sanctions (may include, but are not limited to):

- Disciplinary Probation for up to the academic year
- Fine of \$100-\$300
- Ten-Twenty (10-20) Hours Community Restitution
- Educational Sanction(s)
- Drug Assessment and Treatment as deemed necessary by University Counselor
- Parent Notification Letter

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 1 Violation during his/her time at Ottawa University. A second Tier 1 Violation moves the violation to a Tier 3 status.

Tier Two Violations (may include, but are not limited to):

- The use of non-prescribed controlled substances
- Improper use of prescription medications
- Possession of drugs (regardless of amount)
- Disruptive or disrespectful behavior as a consequence of illicit drugs or controlled substances
- Public inebriation leading to harm to self or others
- Public inebriation leading to property damage, disruption to the community
- Failure of Athletic Drug Test
- Ticketed and/or arrested as a result of drugs or controlled substances

Tier Two Sanctions (may include, but are not limited to):

- Disciplinary Probation up to suspension/dismissal
- Fine of \$300-\$500
- Twenty-Thirty (20-30) Hours Community Restitution
- Educational Sanction(s)
- Drug Assessment and Treatment as deemed necessary by University Counselor
- Parent Notification Letter
- Repayment of any costs to repair/replace property damaged
- Removal from Ottawa University Housing or change in housing assignment

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 2 Violation during his/her time at Ottawa University. A subsequent violation may result in suspension or dismissal.

Tier Three Violations (may include, but are not limited to):

- Two violations of the drug policy (any combination of Tier 1 or Tier 2 violations)
- Coercing or forcing another individual to consume a controlled substance and/or illicit drugs
- Dealing, selling and/or trafficking controlled substances
- Dealing, selling and/or trafficking illicit drugs

Tier Three Sanctions (may include, but are not limited to):

- Suspension/Dismissal
- Fine of \$500+
- Thirty-Forty (30-40) Hours Community Restitution
- Educational Sanction(s)
- Drug Assessment and Treatment as deemed necessary by University Counselor
- Parent Notification Letter

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

#### **FURTHER CONSIDERATIONS REGARDING VIOLATIONS**

1. In the absence of clear mitigating circumstances (resident away for the evening, etc.), all residents of the room/suite in which an Alcohol

and Other Drug Policy violation occurs will be charged with a violation.

2. Violations of this policy by individuals or groups will be referred to the Office of Student Affairs. The University conduct process will apply. All violations of this policy are cumulative and carry over throughout a student's career at Ottawa University. The degree of sanctioning for a student may depend on a number of factors including but not limited to the level of the violation, any mitigating factors regarding the incident, and the number and type of past violations.
3. Student-athletes are also subject to additional sanctions from the Athletic Department. The Director of Athletics will be notified of any alcohol-related issue/violation.
4. Additional sanctions may be recommended for any level of violation based on the circumstances of each individual incident. These additional sanctions may include but are not limited to:
  - Suspension of co-curricular activities
  - Required involvement with a student organization
  - Other educational sanctions as developed and assigned by a Conduct Administrator

# Drug and Alcohol Abuse Prevention Policy

## DRUG AND ALCOHOL ABUSE PREVENTION POLICY

### INTRODUCTION

Ottawa University is committed to providing a safe, healthy learning community for all its members. The University recognizes that the improper and excessive use of alcohol and other drugs may interfere with the University's mission by negatively affecting the health and safety of students, faculty and staff. Problems such as vandalism, assault, harassment, sexual misconduct, and disruption of sleep and study space increase in relation to misuse. It is due to the harm caused by excessive and illegal use that the University has a vested interest in establishing policies to prohibit unlawful behavior and sanctions to address policy violations by members of the University community.

Under the Drug-free Workplace Act and the Drug-free Schools and Communities Act, the University is required to have an alcohol and other drug policy and distribute this policy annually to all employees and students. This Policy must outline the University's prevention, education and intervention efforts, and consequences that may be applied by both the University and external authorities for policy violations. The law also requires that individuals be notified of possible health risks associated with the use and abuse of alcohol and other drugs, and sources of assistance for problems that may arise as a result of use.

### UNIVERSITY ALCOHOL AND OTHER DRUG POLICY

For the purpose of this Policy, the term "drug" includes:

1. controlled substances, as defined in 21 USC 802, which cannot be legally obtained
2. legally obtainable controlled substances which were not legally obtained, including:
  - o Prescribed drugs when prescription is no longer valid (e.g. use of medication after a course of treatment is completed);
  - o Prescribed drugs used contrary to the prescription;
  - o Prescribed drugs issued to another person.

All members of the campus community also are governed by laws, regulations and ordinances established by the state and local municipalities, and will be held accountable by law enforcement representatives of those entities for any illegal activity. It is the responsibility of all campus members to be aware of these laws.

Kansas, Wisconsin, Indiana, and Arizona law prohibits the dispensing, selling or supplying of drugs or alcoholic beverages to a person under 21 years old. Employees, students, faculty and campus visitors may not unlawfully manufacture, consume, possess, sell, distribute, transfer or be under the influence of alcohol, illicit drugs or controlled substances on University property, while driving a University vehicle or while otherwise engaged in University business. University property, as defined in this Policy, includes all buildings and land owned, leased, or used by the University, and motor vehicles operated by employees, including personal motor vehicles, when used in connection with work performed for or on behalf of the University unless exempted by the Board.

Any person taking prescription drugs or over-the-counter medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on University property, while driving a University or privately owned vehicle, or while otherwise engaged in University business. It is illegal to misuse prescription medication, i.e. con-

tinue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Misusing prescription drugs can result in conviction with jail time. The specific details of the University Alcohol and Other Drug Policy can be found in Appendix B of the Student Handbook.

### OTTAWA UNIVERSITY ALCOHOL AND OTHER DRUG PREVENTION STRATEGIES

The University uses evidenced-based strategic interventions, collaboration, innovation and the incorporation of the wellness dimensions to reduce harmful consequences of alcohol and other drug use.

- Providing education and awareness activities.
- Offering substance-free social, extracurricular, and public service options.
- Creating a health-promoting normative environment.
- Restricting the marketing and promotion of alcohol and other drugs.
- Limiting availability of alcohol and other drugs.
- Developing and enforcing campus policies and enforce laws to address high-risk and illegal alcohol and other drug use.
- Providing early intervention and referral for treatment.

For more detailed information on the University alcohol and other drug prevention strategies, contact the campus Office of Student Affairs at 623-233-7611 (OUAZ — Surprise, Arizona) or 785-248-2313 (OUKS — Ottawa, Kansas) or the University Director of Compliance at 785-248-2326.

### HEALTH RISKS

The use or abuse of alcohol and other drugs increases the risk for a number of health-related and other medical, behavioral and social problems. Below is a general description of the health risks associated with drug use.

#### Alcohol

Can cause short-term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long-term effects include risk of liver and heart damage, malnutrition, cancer and other illnesses; can be highly addictive to some persons.

#### Amphetamines

Can cause short-term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly; long-term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition and death.

#### Cannabis

Can cause short-term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long-term health effects include permanent damage to lungs, reproductive organs and brain function; can interfere with physical, psychological, social development of young users.

#### Cocaine (crack)

Can cause short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia,



confusion; long-term effects may include damage to respiratory and immune systems; malnutrition, seizures and loss of brain function; highly addictive.

**Designer Drugs/Synthetic Cannabinoids (bath salts, K2, spice)**

Can cause short-term effects such as elevated heart rate, blood pressure and chest pain; hallucinations, seizures, violent behavior and paranoia; may lead to lack of appetite, vomiting and tremor; long-term use may result in kidney/liver failure, increased risk of suicide and death.

**Hallucinogens (PCP, LSD, ecstasy, dextromethorphan)**

Can cause extreme distortions of what’s seen and heard; induces sudden changes in behavior, loss of concentration and memory; increases risk of birth defects in user’s children; overdose can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.

**Inhalants (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons)**

Can cause short-term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions; may lead to rapid and irregular heart rhythms, heart failure and death; long-term use may result in loss of feeling, hearing and vision; can result in permanent damage to the brain, heart, lungs, liver and kidneys.

**Opiates/Narcotics**

(heroin, morphine, opium, codeine, oxycodone, china white) Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest and death; long-term use leads to malnutrition, infection and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly.

**Sedatives**

Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death; long-term use can produce physical and psychological dependence; tolerance can increase rapidly.

**Tobacco (cigarettes, cigars, chewing tobacco)**

Can cause diseases of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer, particularly lung cancer and cancers of the larynx and mouth; nicotine is highly addictive.

For an extensive list of health-related risks please visit The National Institute on Drug Abuse: <http://www.drugabuse.gov/>

**COUNSELING AND TREATMENT PROGRAMS**

The University encourages individuals with alcohol- or other drug-related problems to seek assistance. For information on these services, contact:

**On-campus**

**Counseling Services**

**OUKS (Ottawa, Kansas)                      OUAZ (Surprise, Arizona)**  
785-248-2582                                      602-749-5166

**Health Service**

**OUKS (Ottawa, Kansas)                      OUAZ (Surprise, Arizona)**  
785-248-2319                                      602-749-5166

**Other Services for Students (Residential Offices of Student Affairs)**

**OUKS (Ottawa, Kansas)                      OUAZ (Surprise, Arizona)**  
785-248-2313                                      623-233-7611

**Services for Faculty and Staff**

785-248-2350

**Off-campus**

**Narcotics Anonymous**

[www.na.org](http://www.na.org)

**Alcoholics Anonymous**

[www.aa.org](http://www.aa.org)

**EAP Program**

800-624-5544

[www.ndbh.com](http://www.ndbh.com)

- Confidential counseling and consultation service for University faculty, staff, and their families.
- Serve as an early intervention resource when work, health, and life related issues arise.
- Offer 24-hour availability for consultation and intervention on issues relating to substance use disorders, both for leaders with questions on how to handle workplace situations, as well as for faculty and staff who want assistance, assessment, referral, and post-treatment monitoring.

**Ottawa, Kansas**

**Elizabeth Layton Center**

785-242-3780 (weekdays)

785-242-3781 (emergencies)

**The Sexual Trauma and Abuse Care Center**

785-843-8985

[support@stacarecenter.org](mailto:support@stacarecenter.org)

**Willow Domestic Violence Center**

800-770-3030

785-843-3333

**Surprise, Arizona**

**Community Bridges**

602-861-2255

**ALCOHOL PREVENTION PROGRAMS**

The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

The Office of Student Affairs provides overall coordination of student-focused drug and alcohol prevention programs. The Office of Human Resources focuses on staff and faculty. Many services are provided collaboratively by various departments within the University.

**UNIVERSITY SANCTIONS**

The use or abuse of alcohol and other drugs also increases the risks for behavioral and social problems such as negative effects on academic work performance; conflicts with co-workers, classmates, family, friends and others; conduct problems resulting in disciplinary action, including loss of employment or dismissal from an academic program; and legal problems resulting in ticketing, fines and imprisonment.

The laws of the state of Arizona, Kansas, and Wisconsin, and the University’s policies prohibit the consumption or possession for personal consumption of alcoholic beverages by persons under the age of 21 years. Further, they also prohibit the sale, service or giving of alcoholic beverages to persons under the age of 21. University policies, local ordinances, state laws and federal laws also prohibit the unlawful possession, use and/or distribution of illicit drugs and alcohol.

Violation of University policies will be subject to campus disciplinary review and action, as follows:

- Students

The University community has established expectations for nonacademic student conduct under the Alcohol and Other Drug Policy in Appendix B of the Student Handbook that specifically addresses the illicit use of alcohol and other drugs.

- Staff and Faculty

Sanctions for violations by faculty and staff are governed by the Employment Policies Handbook. Appropriate sanctions may include: verbal or written warnings, a mandated rehabilitation program, probation, suspension, and termination. In each case, there are likely to be different circumstances that are relevant for understanding the situation and determining the appropriate sanction.

The following behaviors contradict the values of the University community and are subject to action under this policy:

- Illegally possessing or using alcohol and drugs
- Illegally distributing, manufacturing, or selling alcohol and drugs
- Disruptive or disrespectful behavior, property damage or personal harassment as a consequence of using alcohol or drugs

The policy is administered by University and campus administration. At the residential campuses, it is administered by the Office of Student Affairs. These designees are charged with facilitating the resolution process used to determine responsibility. Administration/staff work with parties to determine appropriate educational measures and sanctions. These measures cover a wide range of educational assignments and obligations, including but not limited to counseling (on- or off-campus), community service, probation, suspension, or expulsion.

## EXTERNAL SANCTIONS

Violations of laws and ordinances may result in misdemeanor or felony convictions accompanied by the imposition of legal sanctions, which include, but are not limited to, the following:

- Fines as determined under local, state, or federal laws;
- Imprisonment, including up to life imprisonment, for possession or trafficking in drugs such as heroin, cocaine, marijuana and prescription drugs;
- Forfeiture of personal and real property; /
- Denial of federal benefits such as grants, contracts and student loans;
- Loss of driving privileges;
- Required attendance at substance abuse education or treatment programs.

### State Laws

The following State laws for Arizona, Kansas, and Wisconsin are not inclusive of drug and alcohol violations and sanctions and are listed here only as a reference for the most common drug and alcohol violations. This list is not provided as legal advice.

#### Arizona

##### Alcohol

Under state law, it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first-time conviction may result in a fine, substance abuse education and treatment, community service and court-ordered drug screenings. There also is a provision for possible imprisonment or probation for a second or subsequent offense. Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation and community service.

Individuals can be arrested and/or convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher. If a student is under 21, there is a "zero tolerance" law in the state of Arizona

and any blood alcohol level of .01 or higher can lead to a minor in possession (MIP) citation as well as being cited for operating a vehicle while intoxicated, if applicable. This is in addition to suspension of driving privileges in the state of Arizona. State law requires drivers who are arrested by the police for a suspected violation of this law to submit to scientific tests that determine the amount of alcohol and/or drugs in their blood. Those who refuse will automatically lose their driving privilege in Arizona for 1 year.

#### Marijuana

Although the use of medical marijuana is legal in the state of Arizona with a valid state issued medical marijuana card, the possession of any amount of marijuana on the University campus, including University housing and University-sponsored housing, is a criminal violation and is subject to criminal prosecution, regardless of whether the possessor has a medical marijuana card or not.

#### Kansas

##### Alcohol-related offenses

It is illegal for anyone under 21 years of age to possess, purchase, attempt to purchase or consume cereal malt beverage or alcoholic liquor except where specific exemptions are provided by law. Maximum Penalty: \$200 minimum fine (18-21 years of age); \$500 fine (under 18 years of age); perform 40 hours of public service; attending an alcohol education program; and up to 1 year suspension of driving privileges.

It is illegal for anyone to furnish cereal malt beverage or alcoholic liquor to another person under 21 years of age. Maximum Penalty: 6 months in jail; \$200 minimum fine.

It is illegal for anyone to host a person under 21 in such a manner that permits the minor to consume alcoholic liquor or cereal malt beverages. Maximum Penalty: 1 year in jail, \$1,000 minimum fine; performance of community service.

It is illegal for anyone to operate a vehicle under the influence of alcohol, drugs, or both alcohol and drugs, with a breath or blood alcohol content of .08 or more. For anyone under 21, it is illegal to do so with a breath or blood alcohol content of .02 or greater. If convicted, you are subject to the following penalties:

##### First Conviction (Misdemeanor)

Maximum Penalty: 6 months in jail ; \$1,000 fine; required completion of an alcohol education program; suspended driver's license for 30 days; then use of ignition interlock device for 180 days (1 year suspension and subsequent 1 year ignition interlock device if alcohol concentration is .15 or greater)

##### Second Conviction (Misdemeanor)

Maximum Penalty: 1 year in jail; \$1,750 fine; completion of alcohol treatment program; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (2 years, if alcohol concentration is .15 or greater)

##### Third Conviction (Misdemeanor)

(Felony if prior conviction within preceding 10 years) Maximum Penalty: 1 year in jail;\$2,500 fine; completion of alcohol treatment program; suspended driver's license for 1 year; use of ignition interlock device for 2 years (3 years, if alcohol concentration is .15 or greater), with costs.

##### Fourth Conviction (Felony)

Maximum Penalty: 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year, then use of ignition interlock device for 3 years (4 years, if alcohol concentration is .15 or greater), with costs.

##### Fifth & Subsequent Convictions (Felony)

Maximum Penalty: 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year, then use of ignition interlock device for 10 years, with costs.

**Drugs**

The illegal possession or illegal use of drugs may subject individuals to criminal prosecution. The University will refer violations of proscribed conduct to appropriate authorities for prosecution.

Kansas law also mandates for certain offenders a non-prison sanction of placement in drug abuse treatment programs. Certain other offenders, including habitual drug users and those convicted of unrelated felonies, remain subject to punishment of imprisonment.

The manufacture of a controlled substance is a drug severity level 2 felony. Maximum Penalty: 12 years imprisonment; \$500,000 fine.

Illegal possession or use of opiates, amphetamines and narcotics is a drug severity level 5 felony. Maximum Penalty: 3 1/2 years imprisonment; \$100,000 fine.

Unlawful possession or use of depressants\*, stimulants, hallucinogenic drugs (including marijuana and K-2), anabolic steroids, simulated controlled substances and paraphernalia, as well as unlawfully obtaining and distributing prescription drugs is a Class A non-person misdemeanor and may

escalate to a level 5 felony. Maximum Penalty: 1 year imprisonment; \$2,500 fine. With a prior conviction for this offense: 3 1/2 years imprisonment; \$100,000 fine.

The sale or distribution of these drugs is a drug severity level 4 felony and may escalate to a drug severity level 1 felony. Maximum Penalty: 4 years & 3 months imprisonment; \$300,000 fine. With prior convictions for this offense: 17 years imprisonment; \$500,000 fine.

**Refusal to Submit to Alcohol or Drug Testing (Felony)**

Penalty:

- 1st time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for two years.
- 2nd time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for three years,
- 3rd time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for four years,
- 4th time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for five years,

**Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)**

Schedule	Substance / Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4,999 grams mixture	<b>FIRST OFFENSE:</b> Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>SECOND OFFENSE:</b> Not less than 10 years and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>FIRST OFFENSE:</b> Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>SECOND OFFENSE:</b> Not less than 20 years, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 OR MORE PRIOR OFFENSES:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 killogram or more mixture	
Substance / Quantity		Penalty		
Any amount of other schedule I & II substances		<b>FIRST OFFENSE:</b> Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>SECOND OFFENSE:</b> Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Any drug product containing gamma hydroxybutyric acid				
Flunitrazepam (Schedule IV) 1 gram				
Any amount of other schedule III drugs		<b>FIRST OFFENSE:</b> Not more than 10 years. If death or serious bodily injury, not less than 15 years or more than life. Fine \$500,000 if an individual, \$2.5 million if not an individual.  <b>SECOND OFFENSE:</b> Not more than 20 years. If death or serious bodily injury, not more than 30 years or more than life. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any amount of other schedule IV drugs (other than one gram or more of Flunitrazepam)		<b>FIRST OFFENSE:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>SECOND OFFENSE:</b> Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.		
Any amount of other schedule V drugs		<b>FIRST OFFENSE:</b> Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>SECOND OFFENSE:</b> Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		



- 5th time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for ten years.

Possession, use, attempting to obtain, sale, and manufacture of altered or false driver's licenses or identification cards are prohibited by criminal laws. Criminal convictions may jeopardize employment status in professions requiring licensing, certification, or security clearances.

It is illegal to lend a driver's license or identification card to a person under 21 years of age in order to obtain cereal malt beverage and/or alcoholic liquor.

Possession or display of any fictitious or fraudulently altered driver's license or identification card is a Class B nonperson misdemeanor. Maximum Penalty: 6 months in jail; \$1,000 fine; completion of alcohol/drug education or training program.

Lending a driver's license or identification card to a person under 21 years of age for use in obtaining cereal malt beverage and/or alcoholic liquor, is a Class B nonperson misdemeanor (first conviction); Maximum Penalty: at least 100 hours public service; \$500 fine; 6 months in jail; (severity level and penalties increase with subsequent convictions).

Other crimes relating to false identification can have more severe consequences. Dealing in false identification documents is a severity level 9 nonperson felony. Penalties will vary based upon factors considered in sentencing guidelines. Maximum Penalty: 23 months in jail; \$100,000 fine.

## Wisconsin

### Alcohol

Under state law, it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first-time conviction may result in a fine, substance abuse education and treatment, community service and court-ordered drug screenings. There also is a provision for possible imprisonment or probation for a second or subsequent offense.

Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation and community service.

Individuals can be arrested and/or convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher.

If a student is under 21, there is a "zero tolerance" law in the state of Wisconsin and any blood alcohol level of .02 or higher can lead to a minor in possession (MIP) citation, as well as being cited for operating a vehicle while intoxicated, if applicable. This is in addition to suspension of driving privileges in the state of Wisconsin.

### Marijuana

The laws of the state of Wisconsin make the possession of marijuana (for the first two infractions) a misdemeanor, punishable by a fine of \$1,000 and/or imprisonment of up to one year.

### Federal Laws

A full description of federal sanctions for drug felonies can be found at: [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30) (or see the chart at the bottom of the next page). The information, including the chart, in this section is not intended as legal advice; individuals should seek independent legal counsel for advice.

## EMPLOYEE REPORTING REQUIREMENT

Under the Drug-Free Workplace Act, in addition to the other requirements of this Policy, the University requires all employees who work in any capacity under a federal grant or contract to notify his or her University supervisor or department head in writing of his or her conviction for a violation of any criminal drug statute occurring in the workplace or on work-related activities no later than five (5) calendar days after such conviction. The supervisor or department head will notify University Human Resources, who will consult with the appropriate staff in the regarding satisfying the University's reporting obligations.



# Crime Statistics

## CRIME STATISTICS

The following criminal offenses must be reported under the Jeanne Clery Act annually.

### THE JEANNE CLERY DISCLOSURE OF CRIME STATISTICS

In accordance with the Clery Act, victims and witnesses are encouraged to report the following incidents to a designated campus security authority.

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible sex offenses
- Robbery
- Aggravated assault/Simple Assault
- Burglary
- Motor Vehicle Theft
- Arson
- All hate crimes involving bodily injury
- All liquor, drug or weapons law violations

The definition of "Campus Security Authority" according to the federal law is as follows:

*"An Official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings."*

"Campus security authorities," for example, may include the following:

- Academic Dean(s)
- Athletic Director/Team Coaches
- Campus Activities Director/Coordinator
- Campus Safety Personnel
- Dean of Student Affairs
- Director of Compliance
- Faculty Advisors
- Vice President of Finance and Operations/CFO
- President/Provost
- Residence Life Professional Staff
- Title IX Coordinator

Reports made to a designated Campus Security Authority are not confidential and will be reported to the Title IX Coordinator.

## CRIME CATEGORIES

The crime definitions are listed in order of seriousness. When counting multiple offenses, the "hierarchy" rule requires that you count only the most serious offense committed during a single incident. The exclusion to this is arson. Arson is always counted as an offense regardless of the nature of any other offenses that were committed during the same incident.

The Clery Act does not differentiate between attempted and completed crimes. For example, an incident involving an attempted forcible rape is counted as a forcible sex offense. The only exception to this rule applies to attempts or assaults to murder wherein the victim does not die. These incidents should be classified as aggravated assaults rather than murders.

## MURDER/NON-NEGLIGENT MANSLAUGHTER

The willful (non-negligent) killing of one human being by another. NOTE: deaths caused by negligence, attempts to kill, assault to kill, suicides, accidental deaths, and justifiable homicides are EXCLUDED.

### Negligent Manslaughter

The killing of another person through gross negligence.

### Robbery

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

### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary the injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

### Burglary

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

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned including joy riding).

### Weapon Law Violations

The violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of a deadly weapon; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### Arson

The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

### Drug Abuse Violations

Violations of the state and local laws 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 nonnarcotic drugs (barbiturates, Benzedrine).

### Liquor Law Violations

The violations or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintain unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## **LOCATION DEFINITIONS**

### **On Campus**

(1) any building or property owned or controlled by an institution within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's education purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### **Non-campus Building or Property**

(1) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### **Public Property**

All public property, including thoroughfares, streets, sidewalks, and parking areas that are within the campus, or immediately adjacent to and accessible from campus.

### **Crime Statistics and Rates**

Universities receiving Title IV grants (Federal Financial Aid) must, in accordance with the Campus Securities Act of 1990 and the Higher Education Amendments of 1992 and 1998, provide information relating to crime statistics and security measures to prospective and current students and employees.

<b>2017 Criminal Offenses</b>	<b>YEAR</b>	<b>ON-CAMPUS PROPERTY</b>	<b>ON-CAMPUS STUDENT HOUSING FACILITIES</b>	<b>NON CAMPUS</b>	<b>PUBLIC PROPERTY</b>
Negligent Manslaughter	2015				
	2016				
	2017	0	0	0	0
Murder / Non-Negligent Manslaughter	2015				
	2016				
	2017	0	0	0	0
Sex Offenses — Forcible	2015				
	2016				
	2017	0	0	0	0
Rape	2015				
	2016				
	2017	0	0	0	0
Fondling	2015				
	2016				
	2017	0	0	0	0
Incest	2015				
	2016				
	2017	0	0	0	0
Statutory Rape	2015				
	2016				
	2017	0	0	0	0
Robbery	2015				
	2016				
	2017	0	0	0	0
Aggravated Assault	2015				
	2016				
	2017	0	0	0	0
Burglary	2015				
	2016				
	2017	0	0	0	0
Motor Vehicle Theft	2015				
	2016				
	2017	0	0	0	0
Arson*	2015				
	2016				
	2017	0	0	0	0



2017 Hate Crimes (cont.)	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES												NON CAMPUS					PUBLIC PROPERTY							
		CATEGORY OF BIAS FOR CRIMES REPORTED																								
		RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	DISABILITY	ETHNICITY	NATIONAL ORIGIN	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	DISABILITY	ETHNICITY	NATIONAL ORIGIN	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	DISABILITY	ETHNICITY	NATIONAL ORIGIN	
Larceny — Theft	2015																									
	2016																									
	2017	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	2015																									
	2016																									
	2017	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	2015																									
	2016																									
	2017	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

2017 VAWA Offenses	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON CAMPUS	PUBLIC PROPERTY
Domestic Violence	2015				
	2016				
	2017	0	0	0	0
Dating Violence	2015				
	2016				
	2017	0	0	0	0
Stalking	2015				
	2016				
	2017	0	0	0	0

2017 Arrests	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON CAMPUS	PUBLIC PROPERTY
Weapons: Carrying, Possession, Etc.	2015				
	2016				
	2017	0	0	0	0
Drug Abuse Violations	2015				
	2016				
	2017	0	0	0	0
Liquor Law Violations	2015				
	2016				
	2017	0	0	0	0

2017 Disciplinary Actions	YEAR	ON-CAMPUS			
		PROPERTY	STUDENT HOUSING FACILITIES	NON CAMPUS	PUBLIC PROPERTY
Weapons: Carrying, Possession, Etc.	2015				
	2016				
	2017	0	0	0	0
Drug Abuse Violations	2015				
	2016				
	2017	12	12	0	0
Liquor Law Violations	2015				
	2016				
	2017	15	14	0	0

## RATES FOR HATE CRIMES

The Clery Act requires institution to separately report all Hate Crimes statistics on any of the previously mentioned offenses or any other crime involving bodily injury 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 or the perpetrator perceived the person to be in one of the protected group categories. There are six types of bias categories: Race, Gender, Religion, Sexual Orientation, Ethnicity/National Origin, and Disability.

There were no reported hate crimes for the years 2015, 2016, 2017. Ottawa University does not have any on-campus student housing or non-campus property at the Brookfield location.

\*The Higher Education Amendments of 1998 made some major changes to the Campus Securities Act of 1990. Some of these changes include: adding manslaughter and arson to the list of crimes that colleges must report each year; requiring colleges to keep statistics on violent crimes directed at individuals because of race, gender, religion, ethnicity, sexual orientation, or disability; defining further areas that colleges are responsible for when reporting campus crime; allowing colleges to release public information on any student who has admitted or been found guilty of committing a violent crime or a non-violent sexual offense and any sanction imposed by the institution; and allowing colleges to inform the parents or legal guardians of students under 21 who have violated laws on the use or possession of alcohol or drugs.

The figures provided in this report are based on the reporting requirements of the Department of Education. The Clery Act sets forth how crimes perpetrated by students of the institution are tracked (both on and off campus) and reported to various constituencies including students and employees of the educational institution.

## FIRE SAFETY REPORT

### Fire Safety

Ottawa University believes that fire safety and education is an important component to our residence life program. Each year, new and returning students are educated by professional and paraprofessional staff members on evacuation procedures, location of fire extinguishers, and the importance of self-reporting any potential problems with smoke detectors as well as not tampering with these devices.

### Fire Reporting

Any instances of fire should be immediately reported to 9-1-1. For non-emergent fires, please contact the Campus Security at 785-229-1075 or the Office of Student Affairs.

## APPLIANCE POLICY

Only cooking appliances with self-contained heating units may be used in student rooms. Such appliances include automatic-shut off coffee makers, hot pots, hot air popcorn poppers, microwave ovens (no more than 800 watts), etc. Appliances with an exposed element or that use oil are not permitted with the exception of a toaster. Only small appliances are allowed in residence halls. Full-size or apartment-sized refrigerators, freezers, or similar items are prohibited. Refrigerators should not exceed 5.0 cubic feet.

## DECORATING AND ROOM PERSONALIZATION

Residents are encouraged to decorate their rooms to express their individuality and personalize their living space with plants, pictures, curtains, and the like. When decorating, remember that you are responsible for your room and all damages that may occur because of decorations. All decorations should reflect the University's Christian heritage, should not contain offensive or degrading representations, and fall within safety regulations. Below are guidelines to follow when decorating your room. If in doubt, ask a residence hall staff member before you decorate.

### Not Permitted:

- Painting and/or loft construction.
- Pornographic and alcohol posters.
- Alcohol beverage bottles, cans, and containers (either full or empty).
- Posters placed on the inside of doors.
- Elevating floors.
- Additional wiring for electrical equipment or lighting effects.
- Construction and decoration that obstructs a 90-degree swing of the room entrance door.
- Construction and decoration that obstructs the air circulation of the heating/cooling unit.
- Furniture obstructing full view of room from entrance door.
- Furniture from lounges or lobbies.
- Lights/lamps using halogen bulbs.
- Candles, incense or other incendiary items.
- Foam-backed carpet and rugs and adhesives on the floor.



- Subwoofers or electric amplifiers.

The University has the right to remove any items that are judged to be objectionable and/or a safety concern.

**Extension Cords**

Single multiple wall socket outlet adapters (commonly called octopus outlets) are prohibited. If additional outlets are needed in a room, residents are to use a power strip bar (14 gauge or less) with a circuit breaker. Additional wiring and extension cord use and/or tampering with or altering any electrical outlets, lighting fixtures or light switches is prohibited.

**Fire Alarms and Fire Safety**

Fire drills will be conducted in the residence halls at least once each semester. When the fire alarms sound in the residence halls, residents and their guests must immediately exit the building. All students are expected to cooperate and leave the building when a fire alarm sounds. Students remaining in the building or trying to enter the building while the alarm is sounding or before the “all clear” is given will be referred to a Conduct Administrator.

Tampering with, covering or otherwise impeding the normal functioning of existing fire safety equipment including sensors, detectors, extinguishers, or sprinklers is prohibited and will result in referral for a conduct violation and potential monetary fines. Moreover, persons causing false alarms, tampering with fire safety equipment, or interfering with lawful efforts of firefighters are subject to prosecution pursuant to KSA 21-4110.

**Fire Hazards**

No materials, liquid or otherwise, of an explosive or combustible nature shall be kept on the premises. Open flame devices, including open heating coils, space heaters, candles, and/or incense are also fire hazards and are prohibited. If you have a candle that you utilize with candle warmer, the wick must be removed and/or show no signs of being burnt.

**Firearms, Fireworks and Weapons**

In the interests of health and safety, fireworks, ammunition, combustible liquids, and explosives of any kind are prohibited in the halls. Possession of firearms or other weapons, including large knives, paintball guns, pellet guns, and/or martial arts weapons are also prohibited in the halls, in campus buildings, campus parking lots, or any other location owned and/or operated by Ottawa University.

**Health and Safety Inspections**

For Residents’ well-being and protection, the Department of Residence Life will be conducting Health and Safety Inspections, a walk-through of common areas and individual rooms to identify and address any health, safety, sanitation or maintenance issues that may be present, once a month. The University has the right to enter a resident’s room to thoroughly inspect the rooms, its furnishings and/or student’s personal possessions for sanitation purposes, to notate or to perform repairs and/or maintenance, and lastly to document violations of University policies.

**ON-CAMPUS STUDENT HOUSING FACILITIES**

**2017 Fire Statistics**

	YEAR	FIRES	INJURIES	DEATHS
Harmony Apartments	2015			
	2016			
	2017	0	0	0
Windmill-All Suites	2015			
	2016			
	2017	0	0	0



Ottawa   
University  
*Prepare for a Life of Significance™*

15950 North Civic Center Plaza • Surprise, AZ 85374  
Ottawa.edu • 602-371-1188