



2023

Annual Security Report & Drug and Alcohol Abuse Prevention Program

LOCATION: 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; Surprise, 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 Associate Vice President of Compliance and his or her designees, working in collaboration with local security officials and local police as necessary. The Associate Vice President 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 noncampus 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 free of charge on the Ottawa University website (www.ottawa.edu), 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, gender, color, religion, disability, 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
Associate Vice President of Compliance/Title IX Coordinator/ADA Coordinator
1001 South Cedar Street
Ottawa, KS 66067
Phone: 785-248-2326
Email: 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

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 Surprise (OUAZ) campus, the decision to issue an alert and the writing of the notice will be made by the Campus President, 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 should connect you with the local law enforcement. Advise them of your location. Several "bluelight" emergency call phones are located throughout campus, which will call law enforcement directly.

Crime or Non-emergency to Ottawa University

To report a crime or non-emergency to Ottawa University Arizona (OUAZ — Surprise, Arizona) staff, campus security at 623-596-1666; Sarah Eberle,

Dean of Student Affairs at 623-233-7611 or 602-758-0065; Carrie Stevens, Associate Vice President of Compliance and University Title IX Coordinator at 785-248-2326; or Alex Blaser, Deputy Title IX Coordinator – OUAZ at 623-233-7564. If warranted, these reports may be considered for a timely warning alert to be sent.

Confidential Reporting

At the Surprise Campus, all employees are mandatory reporters (i.e., are mandated to report crimes to their supervisors and/or the Title IX Coordinator with the exception of the following three confidential procedures/people):

- You may contact the Campus Counselor, Ralitsa Wiersen, at 623-233-7571, for information on counseling, resources, and further information on reporting crimes on a confidential basis.
- 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 Reporting Hotline at 844-719-2846 or online at www.ottawa.ethicspoint.com.
- The University Chaplain, Dr. John Holzhter may also be contacted for pastoral services, information on counseling, and further information on reporting crimes on a confidential basis at 785-248-2334.

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 Campus President.

You may contact the appropriate party as follows:

Dean of Student Affairs (OUAZ) Sarah Eberle	623-233-7611
Campus President Dennis Tyner	623-233-7549

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.

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.

CONFIDENTIAL CONTACT

A student who wishes to identify a confidential contact may do so through the Office of Student Affairs. Students shall be given the opportunity to register confidential contact information by completing and submitting the Student Confidential Contact Form when completing the on-campus or commuter application via the housing portal website. 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.

NOTICE TO CUSTODIAL PARENT

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.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Ottawa University staff are committed to ensuring that the 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, a University or campus executive becomes aware of situations that pose a threat to some or all of the campus community. This information may be obtained from a variety of sources including eyewitnesses, news sources, law enforcement, campus employees, students, governmental agencies, or social media. The executive administration designees will confirm that there is a dangerous situation and will contact the local designee and/or local law enforcement when appropriate.

If time permits, the University will consult with the law enforcement 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 University administration, along with law enforcement 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. The office responsible for issuing the emergency notification will, in concert with law enforcement, 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 (Omnalert), email, text message system, the University website, emergency bulletins and local news broadcasts, and social media. It is critically important that students and employees sign up for the Omnalert 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 (Omnalert) 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.

INFECTIOUS DISEASE SAFETY MEASURES

The University takes proactive steps to protect all campuses in the event of an infectious disease outbreak. To help prevent such outbreaks and lessen the effects when such may occur, the University may take measures such as requiring social distancing where practical, providing enhanced and more frequent cleaning in high-traffic areas, encouraging virtual meetings/classes when possible and practical, providing masks, and provide an on-campus nurse to assist when symptoms are present.

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, Arizona, campus, the Office of Student Affairs in conjunction with the Campus Safety and Security Office is responsible for planning all drills and will publicize its emergency response procedures in conjunction with at least one test per calendar year. The Director of Campus Safety and Security (or designee) documents for each test:

- a description of the exercise;
- the date and 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 are more likely to occur in Arizona from the months of June through September. In many cases, the severe weather can lead to thunderstorms, heavy rain, lightning, hail, high winds, flash flooding, dust storms and extreme heat.

During lightning storms, stay indoors, away from electrical appliances including the telephone. If caught outside, stay away from water, heavy machinery, 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

Providing for the safety and well-being of members of the Ottawa University community is a responsibility of campus security personnel. Campus security officers at Ottawa University are not official law enforcement officers and do not have powers of arrest. The officers patrol campus on foot, as well as in University vehicles. OU security officers will contact the City of Surprise Police Department when local, state or federal regulations are violated or when their assistance is appropriate. Campus security officers and services are available 24-hours per day, seven days per week, 365 days per year. In addition, campus security personnel provide safety/security coverage for sporting events, concerts, and other special events. During duty hours, they check all buildings by foot or by vehicle. Campus security personnel are equipped with cell phones so they can respond to emergencies. In an emergency situation, call 9-1-1 (from a campus phone) or 9-1-1 from a cell/non-campus phone to connect with the local dispatcher or campus security on-call phone at 623-546-1666. Be sure to tell them your location.

Campus security is charged by the Ottawa University administration with enforcing policies and regulations, as well as cooperating with state and local law enforcement. Ottawa University also provides full time professional on call residential life staff 24 hours a day, 7 days a week, and 365 days a year. The emergency on-call number for Scholars Hall and Veritas Hall is 623-235-4607. Security provides an escort service within the campus grounds. To use this service, students should contact security at 623-546-1666 at least 30 minutes before they need to be escorted. Campus security is available 24 hours a day, 7 days a week.

Ottawa University facilities are strictly for the use of OU students, faculty, staff and the guests of OU, though it 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.

Security escorts unauthorized individuals off campus, and these individuals may face criminal action. Security also escorts OU students, faculty, staff or guests who are found in unauthorized locations out of that location. If students need access to a facility, arrangements must be made in advance with the Office of the Chief Administrative Officer to gain proper authorization.

The Office of the Chief Administrative Officer coordinates the maintenance of the University's buildings and grounds with contracted vendors. Along with a committee, they routinely inspect the facilities and make the necessary repairs. Other members of the campus community should promptly report hazardous or unsafe conditions to either the Office of Student Affairs or facilities.

Security officers are responsible for:

- promoting a safe environment on campus,
- upholding all University rules and regulations,
- locking and unlocking buildings as directed,
- maintaining contact with the residential hall staff,
- providing escort service, and
- contacting after-hours maintenance personnel.

ACCESS AND SECURITY IN RESIDENTIAL AREAS

Residents are an integral part of the security of the residential facilities at Ottawa University, and are directed to report criminal or policy-violating activities to their residential life staff, Security or to the Office of Student Affairs. Emergency numbers are provided to residents via the Student Handbook and posted in the residential facilities.

RESIDENCE LIFE STAFFING

The residential facilities are staffed by professional and paraprofessional staff. Professional staff members include, the Graduate Assistants for Residential Life (reside in Scholar Hall or Veritas Hall). They are available 24 hours a day and serve to provide campus residents with information and support regarding campus policies and procedures. Paraprofessional staff members, which are trained by the professional staff members, include resident assistants (RA). They have the authority to enforce campus procedures and practices.

ACCESS

The residential facilities are locked 24 hours a day. In Scholars Hall and Veritas Hall, each resident is issued a card/key for building access and a card/key for their individual suite/room. Students are responsible for upholding the integrity of the residential facility's security system by not permitting use of their cards and/or keys to others.

SECURITY

Depending on the facility, security measures include, but are not limited to, regular patrolling, security cameras, 24-hour locked facilities, access limited through key/card by residents, visitor hour and over-night stay regulations/enforcement, and alarmed exit doors.

Students also play an important role in the security of residential facilities. To ensure safety, students are not permitted to provide the use of their card/key to others, are not to prop open doors, and should enter and exit through marked entrances and exits only.

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 (Omnilert), 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, active shooter simulation training, 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. Residential 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 the Surprise Police Department.
- Alcohol and Other Drug Awareness.
 - ♦ New Student Orientation provides information related to alcohol and the effects of alcohol on personal and educational endeavors.
 - ♦ Alcohol Awareness Week. The Office of Student Affairs 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.
- 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.
 - ♦ New Student Orientation provided a speaker to discuss the benefits of by-stander intervention.
- Self defense
 - ♦ Self-defense programs are offered at various times during the year.
- Sexual assault awareness
 - ♦ New Student Orientation offers sexual assault related program new first year students are mandated to attend.

- ◆ The OU Title IX Coordinator provides information on the University's policies, procedures and consent.

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

COUNSELING SERVICES AND RESOURCES

ON CAMPUS COUNSELING RESOURCES

Ottawa University Arizona has a mental health counselor on site. The counselor is located in the O'Dell Center, Recreation and Fitness area, Off #175. To schedule an appointment, click on this Appointment Scheduling Link at <https://outlook.office365.com/owa/calendar/OUAZCounselingAppointmentOnlineScheduling@ottawauniversity.onmicrosoft.com/bookings/>.

COUNSELING ONLINE RESOURCES

To provide a convenient information and self-evaluation source for students to explore in the privacy of their choosing, Ottawa University Counseling Services has affiliated with the following not-for-profit organizations to provide accurate and direct information about mental health and substance use issues.

Resources available

- 2-1-1 Arizona
2-1-1 Arizona connects you with thousands of nonprofit and government services in your area. If you want personal assistance, call the three-digit number 2-1-1 or go online at <https://211arizona.org/>. This service is available 24/7. If you are in crisis, dial 800-631-1314. If you are in an emergency, dial 9-1-1.
- College Confidential
Articles and discussion forums around all college related topics www.collegeconfidential.com
- Crisis Text Line
Text "Home" to 988 for free 24/7 confidential support in the US.
- The Jed Foundation
Working to reduce emotional distress and prevent suicide among college students, The Jed Foundation is recognized as the nation's leading organization working to reduce emotional distress and prevent suicide among college students. Guided by leading experts, The Jed Foundation is changing the way students and their parents think about mental health, paving the way for more young people to get treatment and helping colleges create safer, healthier campus communities." (Jed Foundation website): www.jedfoundation.org/
- NAMI
National Alliance on Mental Illness: Awareness, education, and advocacy for individuals and families affected by mental illness www.nami.org
- National Suicide Hotline — Call or Text 988
Call or text 988 if you are having suicidal thoughts or are in a crisis. For FAQs on this service, read here: www.samhsa.gov/find-help/988/faqs#about-988.
- OUAZ Campus Security
Please note that security can coordinate with our residence life staff as needed.

623-596-1666

- OUAZ Website Resources
www.ottawa.edu/ouaz/student-services/counseling-services

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>

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 requested by emailing compliance@ottawa.edu.

Sexual Misconduct Policy

SEXUAL MISCONDUCT POLICY

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.

At points, this Policy discusses discrimination and harassment that does not fall under Title IX. This is because there are sometimes instances in which it may be difficult to determine if discrimination and/or harassment is motivated by gender/sex. Typically, it will be the Title IX Coordinator who makes this determination. As such, references to the non-Title IX nature of violations and procedures are included at relevant places below.

This Policy complies with the University's obligations under Title IX of the Education Amendments of 1972 (Title IX)(As amended May 6, 2021 and implemented August 14, 2021) which prohibits discrimination on the basis of sex in the University's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and other applicable law.

DEFINITION

- **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute a violation of this policy; or retaliation for engaging in a protected activity under this policy.
- **Complaint (formal)** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a violation of this policy or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.
- **Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- **Day** means a business day when the University is in normal operation.
- **Directly Related Evidence** is evidence connected to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.
- **Education Program or Activity** means locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- **Final Determination** A conclusion by the preponderance of evidence that the alleged conduct did or did not violate policy.
- **Finding** A conclusion by the preponderance of evidence that the conduct did or did not occur as alleged (as in a "finding of fact").
- **Formal Grievance Process** means a method of formal resolution designated by the University to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- **Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- **Hearing Decision-maker** refers to those who have decision-making and sanctioning authority within the University's Formal Grievance process. The Hearing Decision-maker may be one person or may be made up of a panel of more than one person.
- **Investigator** means the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- **Mandated Reporter** means an employee of Ottawa University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor. *Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.*
- **Notice** means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority (OWA) of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Official with Authority (OWA)** means an employee of OU explicitly vested with the responsibility to implement corrective measures for harassment and discrimination that does not fall under Title IX, but does fall under the OU Code of Conduct, and/or retaliation for those complaints on behalf of OU.
- Parties include the Complainant(s) and Respondent(s), collectively.
- University means a postsecondary education program that is a University of federal funding; in the context of this policy, the University is Ottawa University (OU).
- Relevant Evidence is evidence that tends to prove or disprove an issue in the complaint.
- Remedies are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's educational program.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- Resolution means the result of an informal or Formal Grievance Process.
- Sanction means a consequence imposed by OU on a Respondent who is found to have violated this policy.
- Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17.b., for greater detail.
- Title IX Coordinator is at least one official designated by OU to ensure compliance with Title IX and OU's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

RATIONALE FOR POLICY

Ottawa University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, OU has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Ottawa University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

APPLICABLE 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 sexual misconduct, 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.

TITLE IX COORDINATOR

Carrie Stevens, the Associate Vice President of Compliance, serves as the Title IX Coordinator and ADA/504 Coordinator and oversees implementation of OU's Title IX policy on sexual misconduct, sexual harassment and sexual discrimination. The Title IX Coordinator has the primary responsibility for coordinating OU's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

INDEPENDENCE AND CONFLICT-OF-INTEREST

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

Reports of misconduct or discrimination committed by the Title IX Coordinator or raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Executive Vice President/CFO, Clark Ribordy, at clark.ribordy@ottawa.edu. Concerns of bias or a potential conflict of interest, as well as reports of misconduct or discrimination by any other Title IX Team member should be raised with the Title IX Coordinator.

ADMINISTRATIVE CONTACT INFORMATION

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Name: Carrie Stevens
Title IX Coordinator
1001 S. Cedar St.
Ottawa, Kansas 66067
785-248-2326
Carrie.stevens@ottawa.edu

OU has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section

below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20212-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012 TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

External inquiries and complaints involving employees may be made to the Equal Employment Opportunity Commission (EEOC):

US Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507
202-663-4900/(tty) 202-663-4494

Gateway Tower II
400 State Ave., Ste. 905
Kansas City, KS 66101

Reuss Federal Plaza
310 West Wisconsin Ave., Ste. 500
Milwaukee, WI 53203

Phoenix District Office
3300 North Central Ave., Ste. 690
Phoenix, AZ 85012-2504

NOTICE/COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a complaint with or give verbal notice to the Title IX using the contact information provided above. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed (at left).
- 2) Report using the harassment/discrimination hotline, either online or by phone using the following information:

www.ottawa.ethicspoint.com or 844-719-2846

This is an external hotline and reports can be made anonymously. However, it may be difficult to investigate an anonymous report. Further, OU tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as OU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

- 3) Filing a report with the University does not prevent a Complainant from also filing a report with law enforcement. The University can assist in providing information and support should a Complainant opt to do so.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that OU investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail

or through an online portal provided for this purpose by the OU) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that OU investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

SUPPORTIVE MEASURES

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. The University will act to ensure as minimal an academic/occupational impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program (for employees)
- Referral to community-based service providers
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator
- Timely Warnings

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

EMERGENCY REMOVAL

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in writing, electronic or otherwise, in a timely manner (48 hours, inclusive of weekends), objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee/student worker, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

PROMPTNESS

All allegations are acted upon promptly by the University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in University procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

PRIVACY

Every effort is made by the University to preserve the privacy of reports. The University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: The Office of Student Affairs/Life, University Security, the Behavioral Intervention Team, Counseling, Dean of Academics, Campus President, and Compliance. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

For the purpose of this policy, privacy and confidentiality have distinct meanings. Privacy means that information related to a complaint will be shared with a limited number of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the University's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 18. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

JURISDICTION OF THE UNIVERSITY

This policy applies to the education program and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by University's recognized student organizations. The Respondent must be a member of University's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to University's educational program. The University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or any OAW, as designated above, who will then contact the Title IX Coordinator.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and their employers will be notified of any reports filed against them.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

TIME LIMITS ON REPORTING

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

POLICY ON DISCRIMINATORY HARASSMENT

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. The University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of University policy, though supportive measures will be offered to those impacted. All policies encompass actual and/or attempted offenses.

Discriminatory Harassment

Discriminatory harassment poses a specific type of harassment that may not fall under Title IX but should be addressed under this Policy. Discriminatory Harassment constitutes a form of discrimination that is prohibited by the University Code of Conduct and may be apparent in a Title IX Complaint. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law; relevant here when that harassment is based on sex/gender.

The University does not tolerate discriminatory harassment of any employee, student, visitor, or guest. University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational University's Investigative Guidance.

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under University policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms. Typically, when violations of this policy are alleged, they will be addressed by the Dean of Student Life, if involving a student, or the Director of Human Resources, if involving a student.

Sexual Harassment

Ottawa University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

Quid Pro Quo:

- a. an employee of the University,
- b. conditions (implicitly or explicitly) the provision of an aid, benefit, or service of the University,
- c. on an individual's participation in unwelcome sexual conduct.

Sexual Harassment:

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to the University's education program or activity.

Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Sexual Assault, defined as:

a) Sex Offenses, Forcible:

- o Any sexual act directed against another person,

A "sexual act" is specifically defined by federal regulations to include one or more of the following:

Forcible Rape:

- o Penetration,
- o no matter how slight,
- o of the vagina or anus with any body part or object, or
- o oral penetration by a sex organ of another person,
- o without the consent of the Complainant.

Forcible Sodomy:

- o Oral or anal sexual intercourse with another person,
- o forcibly,
- o and/or against that person's will (non-consensually), or
- o not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age# or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:

- o The use of an object or instrument to penetrate,
- o however slightly,
- o the genital or anal opening of the body of another person,
- o forcibly,
- o and/or against that person's will (non-consensually),
- o or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:

- o The touching of the private body parts of another person (buttocks, groin, breasts),
- o for the purpose of sexual gratification,
- o forcibly,
- o and/or against that person's will (non-consensually),

o or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- o without the consent of the Complainant,
- o including instances in which the Complainant is incapable of giving consent.

b. Sex Offenses, Non-forcible:

- o Incest:
 - i. Non-forcible sexual intercourse,
 - ii. between persons who are related to each other,
 - iii. within the degrees wherein marriage is prohibited by the laws of the relevant state in which the Ottawa University campus is located.
- o Statutory Rape:
 - i. Non-forcible sexual intercourse,
 - ii. with a person who is under the statutory age of consent of the relevant state law.

Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - o The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - o Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - o Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the relevant state in which the Ottawa University campus is located or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the laws of the relevant state in which the Ottawa University campus is located. *To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - o would cause a reasonable person to fear for the person's safety, or
 - o the safety of others; or
 - o Suffer substantial emotional distress.

For the purposes of this definition—

- i. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communi-

cates to or about a person, or interferes with a person's property.

- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

Force—Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not

demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion—Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

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. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

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 by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when 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).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, the University additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - o Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - o Invasion of sexual privacy.
 - o Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography
 - o Prostituting another person
 - o Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - o Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - o Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections
 - o Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity
 - o Knowingly soliciting a minor for sexual activity
 - o Engaging in sex trafficking
 - o Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when

related to the admission, initiation, pledging, joining, or any other group-affiliation activity as defined further in the Hazing Policy;

- Bullying, defined as:
 - o Repeated and/or severe
 - o Aggressive behavior
 - o Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - o That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other University policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities. The Title IX Coordinator may find that a violation of a Civil Rights Offense under this policy does not fall under Title IX and should be addressed through the Conduct process.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

RETALIATION

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Ottawa University and any member of the University's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or

participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

MANDATED REPORTING

All University employees (faculty, staff, coaches, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at the University for a Complainant or third-party (including parents/guardians when appropriate):

Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

OUKS Students

- Onsite counseling services: Kelsey Foss, Director of the Ottawa, Kansas Counseling Services at: 785-248-2582/ Kelsey.foss@ottawa.edu

- Off-campus advocates with onsite office hours: The Care Center, 785-843-8985/www.stacarecenter.org; The Willow Domestic Violence Center; 785-242-6300/24-hour hotline: 785-843-3333/franklincounty@willowdvcenter.org

OUAZ Students

- Please contact the Office of Student Life for information on counseling services.

All Students and Employees

- Chaplain John Holtzhuter: 785-248-2334/john.holtzhuter@ottawa.edu

Employees

- Employee Assistance Program (EAP), New Directions: www.ndbh.com/800-624-5544, participant code is ottawau.

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who are confidential and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

The Mandated Reporter must inform the Complainant that, if they request that a Mandated Reporter maintain the Complainant's anonymity, they cannot guarantee that the Complainant will remain anonymous. The Mandated Reporter may need to provide the name and details of the report if they reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the University's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

Mandated Reporters and Formal Notice/Complaints

All employees of the University (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University.

Supportive measures may be offered as the result of such disclosures without formal University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action, including termination, for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

WHEN A COMPLAINANT DOES NOT WISH TO PROCEED

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Universities may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the University, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

FEDERAL TIMELY WARNING OBLIGATIONS

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue

timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

FALSE ALLEGATIONS AND EVIDENCE

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

AMNESTY FOR COMPLAINANTS AND WITNESSES

The University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Please note that, under these Amnesty provisions, the University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with Campus Security at the residential campuses or the Campus Manager at the adult campuses, regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/life/student conduct staff, Campus Security, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

PRESERVATION OF EVIDENCE

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The University will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better)
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do
3. Try not to urinate
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence)
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY

Overview

The University will act on any formal or informal notice/complaint of violation of Policy Against Sexual Discrimination and Harassment (“the Policy”) that is received by the Title IX Coordinator

The procedures below apply to qualifying allegations of sexual discrimination and harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the University needs to take.

The Title IX Coordinator will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
2. An informal resolution (upon submission of a formal complaint); and/or
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The University uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - o If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.

- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - o If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - o If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - o If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct
 - If it does not, the Title IX Coordinator determines that Title IX does not apply and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, and may refer the matter for resolution under other policies such as the code of conduct Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit the University’s authority to address a complaint with an appropriate process and remedies.

If circumstances require, the Campus President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer University about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by school counselors, academic advisors, law enforcement officers and/or campus security, student conduct officers, coaches, compliance officers, or other BIT members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT. Where a VRA is required by the Title IX Coordinator, a

Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

Dismissal (Mandatory and Discretionary)

The University must dismiss a formal complaint or any allegations therein if, at any time during the

investigation or hearing, it is determined that:

- The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- The conduct did not occur against a person in the United States; and/or
- At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University. Note that a Complainant is still entitled to supportive measures even when the formal grievance process is no longer applicable.

The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. [The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.] A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

The parties may each have an Advisor* of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available**.

**This could include an attorney, advocate, or support person. Typically, the University allows for one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally). However, in some circumstances, the University may permit an advisor and advocate for all parties.*

*** "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting*

roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties, on a case-by-case basis.

Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the University's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

Advisors in Hearings/University-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the University's policies and procedures.

Advisor Violations of University Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before University is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the University will comply with that request at the discretion of the Title IX Coordinator.

Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. [These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.]

Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

Assistance in Securing an Advisor

The Title IX Coordinator can assist in securing an Advisor for either party.

Additionally, the following resources may be helpful:

Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsof-crime.org>), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

At the Ottawa, Kansas campus, Complainants may wish to contact:

- The Care Center: <http://www.stacarecenter.org> or call 785-843-8985
- The Willow Domestic Violence Center: email FranklinCounty@willowdvcenter.org or call 785-242-6300

Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Ottawa University encourages parties to discuss any sharing of information with their Advisors before doing so.

Informal Resolution

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place; see discussion in b., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of

the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;

- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as

necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the Osame point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.

Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

Pool Member Appointment

The Title IX Coordinator, in consultation with the Executive Vice President/CFO and Director of Human Resources, appoints the Pool, which acts with independence and impartiality. Members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, sometimes using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

Pool Member Training

The Pool members receive annual training based on their respective roles. This training includes, as applicable to their position, but is not limited to:

- The scope of the University’s Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are University employees), and Chairs. The materials used to train all members of the Pool are publicly posted on the University website.

Pool Membership

The Pool typically includes members from:

- Academic Affairs administration and/or faculty
- administration/staff
- Campus Safety
- Human Resources
- Athletics

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare

for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related, and/or relevant evidence obtained during the review and comment period,
- A statement about the University's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the University's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' University-issued email. Once emailed and/or received in-person, notice will be presumptively delivered.

Resolution Timeline

The University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process (including the Title IX Coordinator, Investigator(s), and Decision-maker(s)) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and sup-

portable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Executive Vice President, Clark Ribordy, who can be reached by email at: Clark.ribordy@ottawa.edu.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Delays in the Investigation Process and Interactions with Law Enforcement

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the University will implement supportive measures as deemed appropriate.

University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations o Notice should inform the parties of their right to have the assistance of an Advi-

sor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party

- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) may share the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator(s) will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) deter-

mine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool or from an outside service.

Hearing Decision-maker Composition

The University will designate either a single Decision-maker or a three-member Decision-maker panel from either the Pool or an outside service, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter. The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider:

- 1) incidents not directly related to the possible violation, unless they evidence a pattern;
- 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of

the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, in align with the University's progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

If an external Decision-maker is brought in for the hearing, the Title IX Coordinator will appoint a member of the Pool to conduct the sanction. The determination of sanctions may be done in consultation with BIT members.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Decision-maker may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.

The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

- An invitation to each party to submit to the Decision-maker(s) an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can or cannot bring mobile phones/devices into the hearing (this may vary by situation).

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are

unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing.

The Title IX Coordinator or Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Pre-Hearing Preparation

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this

advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) may be recorded if all parties are informed of the recording.

Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator if needed, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused.

Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair and/or the hearing facilitator then conducts the hearing according to the hearing script]. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the University's established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Recording Hearings

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a

controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may, at their discretion, consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Dean of Student Life or other relevant administrator and may recommend the appropriate sanction(s); if the Decision-maker is from an outside source, they will not provide recommendations on sanctions.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations, if applicable. The Title IX Coordinator finalizes the sanctions with consultation with relevant University administration.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome may be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (please note that this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Statement of the Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to University officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by University law enforcement and/or other University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; both on campus and in the community.
- The right to a University-implemented no-contact order [or a no-trespass order against a non-affiliated third party] when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - o Relocating an on-campus student's housing to a different on-campus location
 - o Assistance from University staff in completing the relocation
 - o Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - o Transportation accommodations
 - o Visa/immigration assistance
 - o Arranging to dissolve a housing contract and a pro-rated refund
 - o Exam, paper, and/or assignment rescheduling or adjustment
 - o Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - o Transferring class sections
 - o Temporary withdrawal/leave of absence (may be retroactive)
 - o Campus safety escorts
 - o Alternative course completion options.
- The right to have the University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the University's ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right to have inadmissible prior sexual history or irrelevant character evidence excluded by the decision-maker.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received [at least eight hours of] relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, [preponderance of the evidence; clear and convincing evidence] to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- The right to a fundamentally fair resolution as defined in these procedures.

Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
 - The Respondent's disciplinary history
 - Previous allegations or allegations involving similar conduct
 - The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
 - The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
 - The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
 - The impact on the parties
 - Any other information deemed relevant by the Decision-maker(s)
- The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.
- The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at University.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend University-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- **Withholding Diploma:** The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including University registration) for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced supervision, observation, or review
- Required or Recommended Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade

- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Reassignment
- Delay of tenure track progress
- Assignment to new supervisor
- Restriction of stipends, research, and/or professional development resources
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate.

Withdrawal or Resignation While Charges Pending

Students

If a student has an allegation pending for violation of this, the University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses of University. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to University unless and until all sanctions have been satisfied.

Employees

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus of the University, and the records retained by the Title IX Coordinator will reflect that status.

All University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. The Appeal Decision-maker will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision in no more than 10 business days, barring exigent circumstances. The Chair will apply the preponderance of the evidence standard, where applicable.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the

sanction(s)/responsive action(s) only if there is a compelling justification to do so.

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional

sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

University will maintain for a period of at least seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. University will make these training materials publicly available on University's website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to the University's education program or activity; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Ottawa University will also maintain any and all records in accordance with state and federal laws.

Disabilities Accommodations in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will review the request and determine which accommodations are appropriate and necessary for full participation in the process.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

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

This Policy and procedures are effective August 14, 2021.

ATIXA 2021 ONE POLICY, TWO PROCEDURES MODEL

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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 2020 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), Alex Blaser (623-233-7564; alex.blaser@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.
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/Life 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. 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 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 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 bongs
- 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 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 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:

- Bong
- Bowl
- 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 designated 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 designated 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 designated 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/Life. 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/Life at 623-233-7611 (OUAZ — Surprise, Arizona) or 785-248-2313 (OUKS — Ottawa, Kansas) or the University Associate Vice President 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/Life)

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

Alcoholics Anonymous

www.aa.org

EAP Program

800-624-5544

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

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/Life 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/Life. 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.

Statement on the Arizona Medical Marijuana Act (Proposition 203) and Marijuanna Legalization Initiative (Proposition 207)

In 2010, Arizona voters approved the Arizona Medical Marijuana Act (Propositions 203), a state law permitting individuals to possess and use limited quantities of marijuana for medical purposes. And, in 2021, Arizona voters approved Marijuana Legalization Initiative (Proposition 207), allowing certain individuals to possess and use limited quantities of marijuana for recreational use.

Because of Ottawa University's obligations under federal law, however, OU will continue to prohibit marijuana possession and use on campus for any purpose, including both medical and recreational purposes. Under the Drug Free Workplace Act of 1988, and the Drug Free Schools and Communities Act of 1989, "...no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, unless it has adopted and has implemented a program to prevent the use of illicit drugs and abuse of alcohol by students and employees." Another federal law, the Controlled Substances Act, prohibits the possession, use, production, and distribution of marijuana for any and all uses, including medicinal use. This law is not affected by the passage of the Arizona Medical Marijuana Act or the Marijuana Legalization Initiative. Because Ottawa University could lose its eligibility for federal funds if it fails to prohibit marijuana, it is exempt from the requirements of the Arizona Medical Marijuana Act and Marijuana Legalization Initiative. Therefore, OU will continue to enforce its current policies prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on its property, sponsored properties, or as part of any of its activities.

Employees and students who violate the University's policy prohibiting the use or possession of illegal drugs on campus will continue to be subject to disciplinary action, up to and including expulsion from school and termination of employment.

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.

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	FIRST OFFENSE: 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. SECOND OFFENSE: 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	FIRST OFFENSE: 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. SECOND OFFENSE: 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. 2 OR MORE PRIOR OFFENSES: 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 kilogram or more mixture	

Substance / Quantity	Penalty
Any amount of other schedule I & II substances	FIRST OFFENSE: 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. SECOND OFFENSE: 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	FIRST OFFENSE: 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. SECOND OFFENSE: 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)	FIRST OFFENSE: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. SECOND OFFENSE: 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	FIRST OFFENSE: Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. SECOND OFFENSE: Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

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,
- 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 (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.

ALCOHOL MARKETING STANDARDS

The University will refuse advertising inconsistent with the fundamental missions of the University, or in conflict with the image the University seeks to project or the well-being of the University community. Examples of advertisements that will not be accepted include:

- Alcoholic beverages
- Tobacco products
- Sex as a product
- Gambling
- Paraphernalia associated with illegal drugs
- Dishonest, deceptive, or illegal advertising.

DISTRIBUTION OF POLICY

A copy of this policy will be distributed to all faculty, staff and students annually via email at the beginning of fall semester and/or at the time a student enrolls during the year if outside of the fall semester.

REVIEW OF UNIVERSITY PREVENTION PROGRAM AND POLICY

Biennially the University shall review its Drug and Alcohol Abuse Prevention Policy to determine effectiveness and implement changes, if needed, and to ensure that the University's disciplinary sanctions are consistently enforced.

FOR MORE INFORMATION

For more information concerning this Policy, contact the University Director of Governmental, Regulatory, Legal Affairs.

Carrie Stevens

Director of University Compliance/Title IX Coordinator

1001 S. Cedar Street

Ottawa, Kansas 66607

785-248-2326

carrie.stevens@ottawa.edu

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/Life
- Associate Vice President of Compliance
- Faculty Advisors
- Vice President of Finance and Operations/CFO
- Campus President
- 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.

CRIME STAT DEFINITIONS

Murder/Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults 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 usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in serious 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 a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify 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).

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 person property of another, etc.

Illegal Weapons Possessions

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

Drug Law Violations

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); synthetic narcotics – manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transportation, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest

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

Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based 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. This crime includes, but is not limited to, sexual or physical abuse or the threat of such abuse. This crime does not include acts covered under the definition of domestic violence.

Domestic Violence

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

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or suffer substantial emotional distress. Course of conduct is two or more acts in which the stalked directly, indirectly, or through third parties, by any means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property. Substantial emotional distress is significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Hate/Bias Crimes

Any criminal offense or incident that manifests evidence that the victim was intentionally selected because of the perpetrator's (real or perceived) bias against the victim.

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.

CLERY GEOGRAPHY AND TITLE IX

Under Title IX, an institution's obligations to address sexual harassment in a recipient's "education program or activity" is a separate inquiry from an institution of higher education's obligations with respect to Clery Geography. While the two concepts may overlap, they are not coterminous and the two laws (Clery Act and Title IX) serve separate purposes and have separate obligations for entities covered by both laws.

When an institution has officially recognized a student organization, and sexual harassment occurs in an off-campus location not owned or controlled by the student organization but involving members of the officially recognized student organization, the recipient's Title IX obligations depend upon whether the recipient exercised substantial control over the respondent and the context of the harassment, or whether the circumstances may otherwise be determined to have been part of the "operations of" the institution. **Sexual harassment, under Title IX and as defined in 34 CFR 106.30(s), covers a wider range of misconduct than the sex offenses covered under the Clery Act.**

At 34 CFR 106.44(a), the Title IX regulations cover incidents in an institution's "education program or activity," which includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. The 2021 Title IX regulations do not impose a geographical limit on an institution's responsibilities, with the exception of the limitation of Title IX's scope to incidents that occur "against a person in the United States."

2022 Criminal Offenses	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON CAMPUS	PUBLIC PROPERTY
Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Murder / Non-Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Fondling	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Incest	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2021	0	0	0	1
	2022	0	0	0	0
Burglary	2020	0	0	0	0
	2021	2	2	0	0
	2022	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arson*	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

2022 Hate Crimes

[illegible]

2022 Hate Crimes (cont.)	YEAR	ON-CAMPUS PROPERTY								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	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	DISABILITY	ETHNICITY	NATIONAL ORIGIN
Larceny — Theft	2020	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	0	0	0	0	0	0	0
	2021	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	0	0	0	0	0	0	0
	2022	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	0	0	0	0	0	0	0
Intimidation	2020	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	0	0	0	0	0	0	0
	2021	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	0	0	0	0	0	0	0
	2022	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	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	2020	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	0	0	0	0	0	0	0
	2021	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	0	0	0	0	0	0	0
	2022	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	0	0	0	0	0	0	0

2022 VAWA Offenses	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON CAMPUS	PUBLIC PROPERTY
Domestic Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	1	0	0
Dating Violence	2020	1	1	0	1
	2021	1	1	0	0
	2022	0	0	0	1
Stalking	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

2022 Arrests	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON CAMPUS	PUBLIC PROPERTY
Weapons: Carrying, Possession, Etc.	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Drug Abuse Violations	2020	0	0	0	0
	2021	6	6	0	0
	2022	0	0	0	0
Liquor Law Violations	2020	10	10	0	0
	2021	0	0	0	0
	2022	0	0	0	0

2022 Disciplinary Actions	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON CAMPUS	PUBLIC PROPERTY
Weapons: Carrying, Possession, Etc.	2020	1	1	0	0
	2021	0	0	0	0
	2022	0	0	1	0
Drug Abuse Violations	2020	10	10	0	0
	2021	19	19	0	0
	2022	15	6	6	0
Liquor Law Violations	2020	13	13	0	0
	2021	32	32	0	1
	2022	20	20	1	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 2020, 2021, 2022. 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 Life.

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 ASR 13-2907.

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						
Fire Safety Systems	FIRE ALARM MONITORING ON-SITE/LOCAL FIRE DEPT.	FULL SPRINKLER SYSTEM	SMOKE DETECTION	FIRE EXTINGUISHER DEVICES	EVACUATION PLANS/ PLACARDS	NUMBER OF EVACUATION DRILLS EACH YR.
FACILITIES						
Scholar Hall	X	X	X	X	X	2
The Communities on Greenway	X	X	X	X	X	2

ON-CAMPUS STUDENT HOUSING FACILITIES				
2022 Fire Statistics	YEAR	FIRES	INJURIES	DEATHS
Scholars Hall	2021	0	0	0
	2022	0	0	0
The Communities on Greenway	2020	0	0	0
	2021	0	0	0
	2022	0	0	0



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