

# Sexual Misconduct / Title IX Complaint Process

## A. Making a Complaint

### 1. Faculty and Employees

All University faculty and employees have a duty to promptly report sexual misconduct to the Title IX Coordinator when they observe such conduct or a report of sexual conduct is made to them. This does not apply to the employees who may maintain confidentiality as described in Section VI.A.3 of this policy.

### 2. Students

Students are encouraged to file a report under this policy when they experience or witness sexual misconduct. Students who wish to report sexual misconduct should file a complaint with the Title IX Coordinator. Students should be aware that all faculty and employees at the University, except those who may maintain confidentiality as described in Section VI.A.3 of this policy, have an obligation to report sexual misconduct to the Title IX Coordinator if they observe such conduct or receive a report of such conduct.

Students may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in Section III above.

### 3. Confidential Reports

If a victim desires to talk confidentially about his or her situation, s/he may contact: Ottawa University Counseling Center, located at Ward Science Hall; 785-248-2317. Hours are 9:00 a.m. - 4:00 p.m., Monday through Friday; or Ottawa University Health Services, located Ward Science Hall; 785-248- 2318. Hours are 9:00 a.m. - 4:00 p.m., Monday through Friday. They are available to assist you and will not report your circumstances to the University for investigation without your permission. Notwithstanding, Ottawa University Counseling Center, will report a crime to the appropriate University personnel for inclusion in the University's annual crime statistics disclosure, though your name will be withheld from this report. Other external resources that are available include:

#### RAINN

The Rape, Abuse and Incest National Network is the nation's largest anti-sexual assault organization. RAINN operates the National Sexual Assault Hotline at 1-800-656-HOPE (4673) and the National Sexual Assault Online Hotline at [rainn.org](http://rainn.org), and publicizes the hotline's free, confidential services; educates the public about sexual assault; and leads national efforts to prevent sexual assault, improve services to victims and ensure that rapists are brought to justice.

#### Kansas Coalition Against Sexual & Domestic Violence

To contact KDSDV, call the Kansas Crisis Hotline at 888-END-ABUSE or 888- 363-2287. You can also view their resources at [www.kcsdv.org](http://www.kcsdv.org).

### 4. Content of the Complaint

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

### 5. Conduct that Constitutes a Crime

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

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

If you are the victim of sexual violence (including sexual assault), domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. When physical violence of a sexual nature has been perpetrated against you, the University recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement (911 if emergency), in addition to making a prompt complaint to the Title IX Coordinator. You may also wish to call the National Sexual Assault Hotline at 800-656-HOPE (4673). Additional resources are listed in Section VI(A)(3).

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

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

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

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

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

## 7. Vendors, Contractors, and Third-Parties

This policy applies to the conduct of vendors, contractors, and third parties. If any of these people believe they have been subject to sexual misconduct in violation of this policy should make a report to the Title IX Coordinator. They may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in Section III above.

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

## 8. Retaliation

It is a violation of this policy to retaliate against any member of the University Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

## 9. Protecting the Complainant

Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, the University will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

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

### B. TIMING OF COMPLAINTS

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

### C. INVESTIGATION AND CONFIDENTIALITY

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures, and the University will take disciplinary action where appropriate. The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint as it applies to both complainant and respondent. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. The University reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality.

### D. RESOLUTION

If a complaint of sexual misconduct is found to be substantiated, the University will take appropriate corrective and remedial action to prevent the students, faculty, and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from University programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.