

A photograph of a modern, multi-story glass building at dusk. The building's interior lights are on, and the sky is a mix of blue and orange. In the foreground, there is a paved walkway and some landscaping.

# 2023 ANNUAL SECURITY REPORT

*Kansas City Campus*

## INTRODUCTION

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

## POLICY FOR PREPARING THE ANNUAL REPORT

This report is prepared by the Director of Campus Operations in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Jim Herrington, Smith Hall, 1750 Independence Avenue, Kansas City, MO, 64106, 8416-654-7916.

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

## GENERAL SAFETY AND SECURITY POLICIES

### Campus Security Personnel & Relationship with Local Law Enforcement

The Safety and Emergency Management Department is responsible for campus safety at the University. KCU Safety and Emergency Management security officers are armed proprietary patrol agents who work exclusively for the University. KCU patrol agents derive their law enforcement authority from the Kansas City (Mo.) Police Department (KCPD/KCMO) through Revised Missouri Statute Section 84.720 which provides the Kansas City Missouri Police Department Board of Commissioners power to regulate security personnel.



The rules of the regulation can be found at:

<http://si.sos.mo.gov/cmsimages/adrules/csr/current/17csr/17c10-2.pdf>

KCU security officers' authority is to detain or apprehend subjects committing felonies, misdemeanors or city ordinance violations in their presence, during an attempt to commit the same, or upon probable cause to believe an offense was committed. This authority is limited to the officers' working hours and to KCU property. In addition, as security officers for a private institution, KCU officers may be involved in the reporting and investigation of violations of institutional policy or allegations thereof.

There is no written agreement with local law enforcement concerning the investigation of alleged criminal offense, but the entire campus is in Kansas City, Mo., and the Kansas City (Mo.) Police Department (KCPD) has jurisdiction over the KCU campus. KCPD is responsible for reporting and investigating crimes that occur on or near the campus. The prosecution of all criminal offenses is done through Kansas City Municipal Court, the Jackson County (Mo.) Prosecutor's Office or the United States Attorney's Office for the Western District of Missouri.

## Campus Security Authorities

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Title IX Coordinator at 816-654-7000
- Campus Dean, Kansas City Campus at 816-654-7000
- Dean, College of Biosciences at 816-654-7000
- Director of Campus Operations at 816-654-7000
- All members of Student Affairs Department at 816-654-7000
- Executive Dean, Academic Affairs at 816-654-7000
- President and Chief Executive Officer at 816-654-7000
- Curriculum Coordinators at 816-654-7000
- Assistant Vice Provost of Student Affairs at 816-654-7000
- Executive Vice-President of Academic and Research Affairs, Provost, and Chief Academic Officer at 816-654-7000

## Reporting a Crime or Emergency

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so. All students, employees and guests are encouraged to promptly report criminal incidents, accidents and other emergencies occurring on campus, on other property owned by the University, or on nearby property to KCU Safety and Emergency Management by dialing 816-654-7911 or by calling ext. 7911 from a campus phone. KCU Safety and Emergency Management's dispatch office is located in Leonard Smith Hall, 1700 Independence Avenue. The office is staffed 24 hours a day. Incidents that occur outside the jurisdiction of KCU Safety and Emergency Management should be reported to the police by calling 911 for emergencies. KCU officers will assist in contacting the proper authorities for emergency and non-emergency incidents, if requested. Anonymous reporting of incidents is possible by calling the KCU Safety and Emergency Management dispatcher at 816-654-7911. The dispatcher or a security officer can take the report over the telephone.

The University also has nineteen (19) emergency two-way call boxes (blue phones) on the campus property. These blue phones can be used to report crime or summon security. They are in parking lots and other strategic locations. By pressing the button on the call box, users can communicate directly with a dispatcher/officer. Students and employees may also report criminal incidents, accidents and other emergencies to designated Campus Security Authorities identified above. Once reported, the individual may also be encouraged to report that situation to the appropriate police agency. If requested, a University staff member will assist in making the report to the police.

## **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's Title IX and Sexual Misconduct Policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The University does not have pastoral counselors.

## **Security of and Access to Campus Facilities**

The exterior doors of the University buildings are locked and access to the buildings requires an access card. Security patrols the campus and buildings and can assist authorized individuals with gaining entry to buildings if they have lost or forgotten their access card. The Walker Family Visitor Center on the north side of the Administrative Building, 1750 Independence Avenue is accessible without an access card during regular business hours, 7:50 a.m. to 4:30 p.m. A receptionist is stationed to assist visitors at the Walker Family Visitor Center entrance. All visitors are required to sign in and obtain a visitor's badge or to be escorted by an authorized person. Contractors may sign in and obtain a visitor/contractor badge at the Facilities Department or at the Safety and Emergency Management Department.

The campus buildings are accessible by faculty and staff 24 hours a day throughout the year. Students normally have access to campus buildings according to the following schedule:



<p><b>Academic Center (AC)</b> 7 a.m. to 11 p.m.</p> <hr/> <p><b>Administration Building</b> 7 a.m. to 11 p.m.</p> <hr/> <p><b>Classroom Annex</b> 7 a.m. to 11 p.m.</p> <hr/> <p><b>Center for Medical Education Innovation</b> 7 a.m. to 11 p.m.</p>	<p><b>D'Angelo Library &amp; Center for Medical Informatics</b> 7 a.m. to 11 p.m.   Mon-Fri 9 a.m. to 11 p.m.   Sat-Sun</p> <hr/> <p><b>Dybedal Center for Research</b> 7:45 a.m. to 4:45 p.m.   Mon-Fri</p> <hr/> <p><b>Smith Hall</b> 7 a.m. to 11 p.m.</p>	<p><b>Student Activities Center (SAC)</b> 7 a.m. to 11 p.m.</p> <hr/> <p><b>Strickland Education Pavilion (SEP)</b> 7 a.m. to 11 p.m.</p> <hr/> <p><b>Community Park &amp; Garden</b> The park gates are locked. The keypad lock combination is provided to students during orientation. 7 a.m. to 7 p.m.   Daily (unless posted)</p>
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Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured
- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone who does not belong to the campus community

## Security Considerations in the Maintenance of Facilities

KCU is committed to campus safety and security. Exterior lighting and landscaping control are a critical part of that commitment. Representatives from the KCU Safety and Emergency Management, Grounds Department and the Physical Facilities Department continually conduct inspections to ensure campus lighting and building access are adequate and that landscaping is appropriately controlled. Officers routinely check lighting and locking mechanisms on campus during regular patrols and, if any are inoperable, initiate a repair order, which is acted upon by Physical Facilities, usually within 24 hours. Any community member having concerns about security of facilities is encouraged to contact KCU Safety and Emergency Management at 816-654-7911.

After hours, Physical Facilities staff is available to respond to calls for service regarding unsafe issues for personal safety and property protection. These conditions may also include unsafe steps or handrails, unsafe conditions on parking lots and sidewalks, and unsecured equipment.

## Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

Safety and crime prevention tips are provided during both student and employee orientations, as well as information about the University's security procedures and practices. In addition, during the academic

year, KCU Safety and Emergency Management reiterates safety tips, updates and reminders of services during bi-monthly student safety meetings. KCU Safety and Emergency Management reiterates safety tips, updates and reminders of services during bi-monthly student safety meetings. KCU Safety and Emergency Management present crime prevention tips and educational sessions on personal safety upon request and during bi-monthly student safety meetings. A common theme of all crime prevention is to encourage students and employees to be aware of their surroundings and how to prevent thefts, robberies and assaults. Students and staff are told to travel in numbers whenever possible and to utilize the services provided by KCU Safety and Emergency Management to ensure their safety, including asking for escort to vehicles or buildings. In addition, information is disseminated to students and employees through crime prevention campaigns. When time is of the essence, information is released to the University community through security alerts (including timely warnings and emergency notifications) posted electronically and, if necessary, through the RAVE emergency notification system, with the aid of the Alertus platform.

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

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **DRUG AND ALCOHOL POLICY**

As a University committed to excellence in the education of highly qualified students in osteopathic medicine, biomedical sciences and bioethics, we embrace the tenets of osteopathic medicine and believe that the body is a unit and that the person is a unit of body, mind and spirit. Therefore, in conjunction with the Drug-Free Schools and Communities Act, KCU is committed to maintaining an environment that is free of impairment and conducive to the physical, emotional, psychological and spiritual development of all persons.

Possession, use or sale of alcohol on campus or as any part of the University's activities is prohibited, except in the event of specific business settings as approved by senior leadership. KCU also enforces the underage drinking laws of the state of Missouri. The University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

## **Federal Drug Laws (updated 08.01.2023)**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812. In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense. Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (21 U.S.C. § 860) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal\\_Trafficking\\_Penalties\\_Chart\\_6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

## Drug and Alcohol State Laws


Category	Summary (Missouri Revised Statues)
<p><b>Possession of Marijuana</b></p>	<p>Statutorily, marijuana remains a Schedule I controlled substance. Mo. Rev. Stat. § 195.017(2)(3)(ff). Possession for personal use of less than 10 grams for a first offense is a class D misdemeanor with a maximum fine of \$500 and no jail time. § 579.015(4). For a second offense, the charge elevates to a class A misdemeanor with a maximum fine of \$2,000 and up to one year in jail. § 579.015(4). The same punishment applies to possession of more than ten grams but thirty-five grams or less of marijuana or synthetic cannabinoid. § 579.015(3). Possessing more than 35 grams is a class D felony with a maximum fine of \$10,000 and up to 7 years in jail. § 579.015(2). Notwithstanding the foregoing, the use of recreational marijuana was legalized via a ballot amendment to the Missouri Constitution in 2022. As of December 8, 2022, individuals over the age of twenty-one may purchase, possess, and consume up to 3 ounces of dried marijuana. Mo. Const. art. XIV § 2. Medical marijuana for certain conditions is allowed, and up to four ounces may be purchased every 30 days. Mo. Const. art. XIV § 1.</p>
<p><b>Controlled Substances</b></p>	<p>Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. Mo. Rev. Stat. §§ 579.015–579.040. Possession of a controlled substance, except thirty-five grams or less of marijuana, is a class D felony, with a term of up to seven years and a fine up to \$10,000. § 579.015(1). Delivery of a controlled substance other than 35 grams or less of marijuana is a class C felony, resulting in a prison term of not less than 3 years and not more than 10 years, and a fine up to \$10,000. §§ 579.020(2), 558.002, 558.011. If a controlled substance is distributed or delivered within one thousand feet of a park designed for public recreation purposes or on public housing property, the charge elevates to a class A felony, resulting in imprisonment between 10 or 30 years or life imprisonment. §§ 579.030, 558.011. Notwithstanding the foregoing, the use of recreational marijuana was legalized via a ballot amendment to the Missouri Constitution in 2022. As of December 8, 2022, individuals over the age of twenty-one may purchase, possess, and consume up to 3 ounces of dried marijuana. Mo. Const. art. XIV § 2.</p>
<p><b>Alcohol and Minors</b></p>	<p>In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor, subject to class D misdemeanor carrying a fine not to exceed \$500. §§ 311.325, 558.002. A subsequent violation is a class A misdemeanor, subject to a term of up to one year in jail and a fine not to exceed \$2,000. Id.; § 558.011(6). Anyone between the ages of 17 and 21 who represents that s/he is 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. § 311.320(1). The use of a fake identification is subject to a \$500 fine. § 311.320(2). An attempt to purchase, or possession of alcohol, may also result in license suspension. § 311.325(1).</p>



Category	Summary (Missouri Revised Statues)
<b>Driving Under the Influence (DUI)</b>	<p>A person is guilty of a DUI if the person has a blood alcohol concentration of 0.08 percent. § 577.012. A first offense results in a class B misdemeanor resulting in a suspended license for 30 days then a restricted license for 60 days, and may require a certified ignition interlock device. § 302.525(2)(1). A second offense within five years results in a one-year restricted license and additional penalties. Id.</p>

### Drug and Alcohol Abuse Prevention Program

KCU has developed a program to prevent the illicit use of drugs or the abuse of alcohol by students and employees., which includes an annual notification to students and employees. The program provides services related to drug use and abuse, including dissemination of informational materials, educational programs, counseling services, referrals and University disciplinary actions. The University conducts a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced.

 The Drug and Alcohol Abuse Prevention Policy can be found in the university policy library or the direct link at the following location:  
[https://cdn.agilitycms.com/kansas-city-university/intranet/policies/Drug\\_Alcohol\\_Policy.pdf](https://cdn.agilitycms.com/kansas-city-university/intranet/policies/Drug_Alcohol_Policy.pdf)

For more information concerning this policy, contact the Director of Legal Affairs and Risk Management, Jessie James, 816-654-7109, Jjames@kansascity.edu.

### POLICIES, PROCEDURES, AND PROGRAMS RELATED TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

 TITLE IX and Sexual Misconduct Policy:  
<https://mykcu.kansascity.edu/policies/university-wide---governance-policies>

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

## Primary Prevention and Awareness Program

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### *Crime Definitions:*

<b>Crime Type</b> (Missouri Revised Statutes)	<b>Definitions</b>
<b>Dating Violence</b>	<p>The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.</p>
<b>Domestic Violence</b>	<p>Missouri's protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> <li>• "Abuse", includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner.</li> <li>• "Domestic violence" is abuse or stalking committed by a family or household member.</li> <li>• "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.</li> </ul> <p>In addition, Missouri criminal statutes include various degrees of the crime "Domestic Assault," as follows:</p> <ul style="list-style-type: none"> <li>• Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002.               <ul style="list-style-type: none"> <li>o Mo Rev. Stat. § 565.002(6) indicates that a "domestic victim" is a household or family member as the term "family" or "household member" is defined in 455.010, including any child who is a member of the household or family.</li> </ul> </li> <li>• Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A</li> </ul>

<b>Crime Type</b> (Missouri Revised Statues)	<b>Definitions</b>
<b>Domestic Violence</b>	<p>person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term “domestic victim” is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</p> <ul style="list-style-type: none"> <li>• Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term “domestic victim” is defined under section 565.002.</li> <li>• Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term “domestic victim” is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</li> </ul>
<b>Stalking</b>	<ul style="list-style-type: none"> <li>• Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property.</li> </ul>

<b>Crime Type</b> (Missouri Revised Statues)	<b>Definitions</b>
<b>Stalking</b>	<p>The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</p> <ul style="list-style-type: none"> <li>• Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> <li>• As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> </ul>
<b>Sexual Assault</b>	<p>The institution has determined, based on good-faith research, that Missouri's criminal statutes do not define the term sexual assault. However, Missouri's protective order statutes indicate that "sexual assault" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. (Mo. Rev. Stat. § 455.010(1)(e)).</p>



<b>Crime Type</b> (Missouri Revised Statues)	<b>Definitions</b>
<b>Rape, Fondling, Incest, Statutory Rape</b>	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape in the First Degree (Mo. Rev. Stat. § 566.030): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>• Rape in the Second Degree (Mo. Rev. Stat. § 566.031): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling.</li> <li>• Incest (Mo. Rev. Stat. § 568.020.1): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood.</li> <li>• Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034.1): A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</li> </ul>
<b>Other “sexual assault” crimes</b>	<p>Other crimes under Missouri law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>• Sodomy in the First Degree (Mo. Rev. Stat. § 566.060): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent,</li> </ul>

<b>Crime Type</b> (Missouri Revised Statues)	<b>Definitions</b>
<b>Other  "sexual assault"  crimes</b>	<p>or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</p> <ul style="list-style-type: none"> <li>• Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen (14) years of age.</li> <li>• Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064): A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.</li> <li>• Child Molestation, First Degree (Mo. Rev. Stat. § 566.067): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen (14) years of age to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.</li> <li>• Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071): A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.</li> <li>• Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;</li> </ul>

<b>Crime Type</b> (Missouri Revised Statues)	<b>Definitions</b>
<p><b>Other "sexual assault" crimes</b></p>	<p>(2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</p> <ul style="list-style-type: none"> <li>• Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.</li> <li>• Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.</li> <li>• Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.</li> <li>• Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.</li> </ul>
<p><b>Consent (as it relates to sexual activity)</b></p> <p><b>(Mo. Rev. Stat. § 556.061(14))</b></p>	<p>Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.</p>

### *University Definition of Consent:*

The University uses the following definition of consent in its Title IX: Non-Discrimination and Anti-Harassment Policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

“Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is incapacitated is not capable of giving Consent.

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. As defined above, consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive. Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary psychological or physical disability, and being below the age of consent in the applicable jurisdiction are factors which detract from or make consent impossible.

In Missouri, the minimum age of consent for purposes of Statutory Rape is 17 years of age, and no one under 14 years of age is considered capable of consent.

In addition to Missouri law, the following are essential to understanding what constitutes effective consent under this policy:

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- Warning signs of when a person may be incapacitated due to drug and/or alcohol use include: slurred speech, falling down, passing out, and vomiting.
- If a person is asleep or unconscious, there is no consent.
- If a person is below the minimum age of consent in the applicable jurisdiction, there cannot be consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee)



### *Risk Reduction:*

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

### *Bystander Intervention:*

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

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

### *Other Information Covered by the PPAP:*

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.



## PPAP and OPAC Programming Methods

The University's Primary Prevention and Awareness Programs are for all incoming students and new employees as well for contractors. For students this training occurs during their first week of orientation and is conducted by the Safety and Emergency Management Department and the Title IX Coordinator. For employees this training is conducted during their Human Resources orientation. Title IX training is repeated on an annual basis. Among other items this training covers relevant definitions, procedures a victim should follow, procedures the University will follow when an offense is reported, resources and accommodations available to victims, confidentiality and sanctions. The training also provides information on risk reduction so that individuals can recognize warning signs of abusive behavior and know how to avoid potential attacks. The training also addresses safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk that another individual may become a victim. Examples of programming provided in the Ongoing Prevention and Awareness campaign include

- Self-defense classes co-sponsored with a student group
- Bi-monthly student safety meeting
- A video produced by [www.whoareyou.co.nz](http://www.whoareyou.co.nz) is utilized to explore bystander intervention techniques.
- Educational programs sponsored by the Safety and Emergency Management Department to promote the awareness of dating violence, domestic violence, sexual assault and stalking.
- These trainings are open to students as well as employees.

## Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking



If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call 911 or a University Security Officer at 816-654-7911 or contact another University campus security authority. You may also contact the University's Title IX Coordinator Jessie James, Director of Legal Affairs and Risk Management, [jjames@kansascity.edu](mailto:jjames@kansascity.edu) 816-654-7109.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.

3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### *Preservation of Evidence & Forensic Examinations*

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Truman Medical Center, 2301 Holmes, Kansas City, MO 64108, 816-404-1000.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### *Security/Law Enforcement & How to Make a Police Report*

- KCU Safety & Emergency Management Department, 816-654-7911
- Kansas City Missouri Police Department, 816-234-5000 or 911, 1125 Locust, Kansas City, MO 64106
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### *Information about Legal Protection Orders*



In Missouri, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault.

Information about Adult Orders of Protection may be found at:

<http://www.courts.mo.gov/page.jsp?id=533>.



A protection order may be obtained by filing a petition with the court. Courts can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 15 days, until a court hearing, and (2) Full Orders of Protection, which may be issued for up to one year. Additional information about the orders may be found at: <http://www.courts.mo.gov/file.jsp?id=69655>.

- A Petition for Order of Protection should be filed for in the 16th Circuit of Jackson County’s Kansas City Courthouse. The address is: 415 E. 12th Street, Kansas City, Missouri 64106. The phone number is 816-881-3971. More information is available here: <https://www.16thcircuit.org/domestic-violence>.
- Information about obtaining an Order of Protection in Jackson County can be found here: [https://www.16thcircuit.org/Data/Sites/1/media/Civil\\_Records/booklet-16.pdf](https://www.16thcircuit.org/Data/Sites/1/media/Civil_Records/booklet-16.pdf).
- The circuit court clerk’s office can provide the necessary forms and may assist in completing the forms. Forms may also be found online at: <http://www.courts.mo.gov/file.jsp?id=537>. A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.



The Kansas City Missouri Police Department provides advocates for victims of domestic violence through their Victim Services Office. The KCPD is located at: 1125 Locust, Kansas City, Mo. 64106. The Victim Advocate phone number is: 816-234-5205.

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

KCU will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

KCU does not issue legal orders of protection. However, as a matter of institutional policy, KCU may impose a no-contact order between individuals in appropriate circumstances. KCU may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

## Available Victim Services

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

### *University Resources*

Health resources provided by/through the institution:

- Health Services- Student health services are not provided or contracted by the University. Students may seek health care wherever and with whomever they choose.
- The Office of Counseling Services provides support for students on-campus through psychotherapy, proactive support programs to assist students with the extra stresses associated with medical school and graduate study, and provides additional information and support through the University's orientation program. The University's Director of Counseling Services, Dr. Beth Epley, is located on the third floor of Smith Hall. Dr. Epley can be reached at (816) 654-7223, or at [bepley@kansascity.edu](mailto:bepley@kansascity.edu). In addition the University also has two other counselors available. Dr. Kristen Sager, is located on the 3rd floor of Smith Hall and can be reached at (816) 654-7213 or at [ksager@kansascity.edu](mailto:ksager@kansascity.edu). Dr. Amanda Lappin is located on the 3rd floor of Smith Hall and she can be reached at (816) 654-7219 or at [lappin@kansascity.edu](mailto:lappin@kansascity.edu).
- KCU has contracted with - ERS which offers free confidential counseling services to KCU students, spouses and children. Students may access ERS resources 24 hours a day, 7 days a week and from any location, including clerkship sites outside the state of Missouri. Resources include: Free and confidential mental health counseling (up to six sessions per year, per issue); Legal assistance; Financial assistance; Referrals for childcare, eldercare, and more; Life coaching; Medical advocacy; Personal assistance. Students may contact ERS by phone at **1-800-292-2780** or visit [www.mylifeexpert.com](http://www.mylifeexpert.com). KCU's company code is **kcusap**.
- Employee Assistance Program –Benefit Contact Information: Cigna, PO Box 182223, Chattanooga, TN 37422-7223 or Laura Burton, Human Resources Specialist, 417-208-0675, [Lburton@kansascity.edu](mailto:Lburton@kansascity.edu).
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with the vice provost for enrollment and student services, financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The University's financial aid website can be found at: <https://www.kansascity.edu/admissions/financial-aid>.

### *State/Local Resources*

- Truman Medical Center, 2301 Holmes, Kansas City MO 64108, 816-404-1000
- Center for Behavioral Medicine, 1000 E. 24th St, Kansas City MO 64108, <https://dmh.mo.gov/center-for-behavioral-medicine>

- Victim Advocacy Support- The Metropolitan Organization to Counter Sexual Assault (MOCSA) is available to all students and provides a variety of support services, including but not limited to a 24-hour Crisis Line.  
24-hour Crisis Line in Kansas: (913) 642-0233 | 24-hour Crisis Line in Missouri: (816) 531-0233
- Legal Aid of Western Missouri, 4001 Blue Parkway, Suite 300, KC, MO 64130, <https://lawmo.org/>

### *National Resources*

- National Domestic Violence Hotline: **1-800-799-7233**
- National Sexual Assault Hotline: **1-800-656-4673**
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

### **Accommodations and Protective Measures**

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement. Requests for accommodations or protective measures should be made to the Title IX Coordinator, Jessie James at 816-654-7109, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed.
- The age of the students involved.
- The severity or pervasiveness of the allegations.
- Any continuing effects on the complainant or accused.
- Whether the complainant and accused share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order

to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

## Procedures for Disciplinary Action

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the University's Title IX and Sexual Misconduct Policy. These procedures are invoked when a complaint is made to the Title IX Coordinator (Jessie James JJames@kansascity.edu. 816-654-7109), regardless of the status of the party making the complaint and the alleged perpetrator.

Initially, reports of alleged Title IX violations will be reviewed by the Title IX Coordinator, who will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of this policy and/or Title IX (see "Scope"); and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment or Sexual Misconduct.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment or Sexual Misconduct, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to other University offices, as appropriate. If the Title IX Coordinator determines that the conduct reported could fall within the scope of Title IX, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant (see "Contacting the Complainant") and proceed under the Title IX procedures. If the Title IX Coordinator determines that the conduct could fall within the scope of this Policy but does not constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Director of Legal Affairs, who will proceed under the Sexual Misconduct procedures. As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.

Title IX Coordinator:  
Jessie James, Director of Legal Affairs and Risk  
Management  
1750 Independence Ave., Kansas City, MO 64106  
816-654-7109, jjames@kansascity.edu

Deputy Coordinator:  
Jamie Hirshey, Human Resources Director  
2817 St Johns Blvd, Joplin, MO 64804  
417-208-0633  
jhirshey@kansascity.edu

### *Special Procedures*

If the complaint is against the University President, the Board of Trustees will designate the Investigating Officer and issue the written report determining the complaint. If the complaint is against a University Executive

Vice-President, the President will designate the Investigating Officer and issue the written report determining the complaint. In these situations, there is no opportunity for further appeal. A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the University investigate and adjudicate a report of Sexual Harassment in accordance with the provisions “Investigation” and “Adjudication.” Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the University’s Education Programs or Activities. A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in “Reporting Sexual Harassment.” No person may submit a Formal Complaint on the Complainant’s behalf. In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) is there a risk that the incident will occur again.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation as specified in this policy and proceed to adjudicate the matter as specified in “Adjudication,” below. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party’s level of participation. In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes. The University may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in “Scope” (that is, because the alleged conduct did not occur in the University’s Education Programs or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in “Appeal.” The Title IX Coordinator may refer the subject matter of the Formal

Complaint to other University offices, including the Director of Legal Affairs, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in “Advisor of Choice.”
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in “Access to Evidence.”
- Notifying the Complainant and Respondent of the University’s prohibitions on retaliation and false statements specified in Sections “Bad Faith Complaints and False Information” and “Retaliation.”
- Information about resources that are available on campus and in the community.

Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated. After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the parties. The investigation will culminate in a written investigation report, specified in “Investigation Report,” that will be submitted to the adjudicator during the selected adjudication process. The University strives to complete its investigations in a reasonably prompt manner. Although the length of each investigation may vary depending on the totality of the circumstances, including the nature and complexity of the allegations, the availability of witnesses, and intervening breaks in the University’s calendar.

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in “Adjudication.” The notice will explain that the hearing process specified in “Hearing Process” is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in “Administrative Adjudication (Optional)” as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the



hearing process. Parties are urged to carefully review this policy (including the entirety of “Adjudication”), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process. The default process for adjudicating Formal Complaints is the hearing process specified in this Section (“Hearing Process”). The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified in “Adjudication Process Selection.”

## **Adjudication**

### *Hearing Process*

The default process for adjudicating Formal Complaints is the hearing process specified in this Section (“Hearing Process”). The hearing process will be used to adjudicate all Formal Complaints unless both parties’ timely consent to administrative adjudication as specified in “Adjudication Process Selection.”

### *Hearing Officer*

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in “Access to Evidence.”

## **Hearing Notice and Response to the Investigation Report**

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University’s Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section (“Hearing Notice and Response to the Investigation Report”).

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in “Sexual History,” or for any other reason;

- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
  - A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
  - Any objection that the party has to the University’s Hearing Procedures;
  - Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
  - Any other accommodations that the party seeks with respect to the prehearing conference and/or hearing;
  - The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the University provide an advisor for purposes of conducting questioning as specified in “Hearing.”

A party’s written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

### **Pre-Hearing Conference**

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary University personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer’s discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties’ written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer’s discretion, should be resolved before the hearing.

## **Issuance of Notices of Attendance**

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any University employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The University will not issue a notice of attendance to any witness who is not an employee or a student.

## **Hearing**

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the University's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal. The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary University personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to “Access to Evidence.”

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section (“Hearing”), the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section (“Hearing”) are met.

### **Subjection to Questioning**

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by a party’s advisor, the University’s Title IX Coordinator may determine that the hearing may still proceed. The hearing officer may not draw any adverse inference in reaching a determination regarding responsibility based solely on the individual’s absence from the hearing (or their refusal to be cross-examined).

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this Section (“Subjection to Questioning”), the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness’s absence from the live hearing and/or refusal to submit to questioning by the parties’ advisors.

## **Deliberation and Determination**

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the prehearing conference, during the hearing, or by operation of "Subjection to Questioning." The hearing officer will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

## **Discipline and Remedies**

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate University official with disciplinary authority over the Respondent and such University official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive Measures or other remedies will be provided to the Complainant.

## **Written Decision**

After reaching a determination and consulting with the appropriate University official and Title IX Coordinator as required by "Discipline and Remedies," the hearing officer will prepare a written decision that will include

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate University official as referenced in "Discipline and Remedies";
- Whether the Complainant will receive any ongoing Supportive Measures or other remedies as

determined by the Title IX Coordinator; and

- A description of the University’s process and grounds for appeal, as specified in “Appeal.”

The hearing officer’s written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in “Appeal.” Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the hearing officer’s written determination within fourteen (14) days of the conclusion of the hearing.

## **Administrative Adjudication**

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in “Adjudication Process Selection.” At any time prior to the issuance of the administrative officer’s determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in “Hearing Process.”

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in “Access to Evidence.” The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer’s meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the University strives to issue the administrative officer’s written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section (“Administrative Adjudication”).

## **Dismissal During Investigation or Adjudication**

The University shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in “Scope” (that is, because the alleged conduct did not occur in the University’s Education



- Programs or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).
- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the University, as the case may be; or Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in "Appeal." The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, including the Director of Legal Affairs, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

## **Informal Resolution**

At any time after the parties are provided written notice of the Formal Complaint as specified in "Notice of Formal Complaint," and before the completion of any appeal specified in "Appeal," the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in "Administrative Adjudication" is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the University. Notwithstanding the forgoing if the form of informal resolution is Administrative Adjudication as specified in "Administrative Adjudication," there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in "Administrative Adjudication," all other forms of informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

### **Rights of the Parties in an Institutional Proceeding**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

- 1.** A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
- 2.** Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - The University will ensure that University officials acting under this policy, including but not limited to the Title IX Coordinator, Director of Legal Affairs, investigators, hearing officers, administrative officers, informal resolution facilitators, University provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law. Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. Training is conducted on an annual basis for all appointed Title IX investigators. This training covers university specific procedures, processes and investigative techniques to ensure a consistent investigatory model is applied with every open case. Additionally, the university provides opportunities to its Title IX investigators and coordinators to attend off site independent trainings hosted by leading law firms, compliance and higher education conferences, etc., in an effort to stay apprised of legal trends and updates relative to Title IX investigations.
- 3.** The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the

4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

### **Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses**

Following a final determination in the University’s disciplinary proceeding that an act of domestic violence, dating violence, sexual assault or stalking has been committed, the University may impose sanctions and order protective measures be taken. Students, faculty, and employees found to be in violation of this policy will be subject to discipline including, written reprimand, suspension, demotion, termination, or expulsion.

Protective measures that can be ordered range from no-contact orders to placing limitations on contact between the parties, modifying class schedules or work assignments and providing security escorts.

### **Publicly Available Recordkeeping**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.



## Victims to Receive Written Notification of Rights

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

## Sex Offender Registration Program

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Director of Campus Operations, Jim Herrington at 816-654-7616, [jherrington@kansascity.edu](mailto:jherrington@kansascity.edu).



State registry of sex offender information may be accessed at the following link:

<https://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

## TIMELY WARNINGS AND EMERGENCY RESPONSE

### *Timely Warnings*

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Safety and Emergency Management Department constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:



Safety and Emergency Management Department, 816-654-7911

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

### *Emergency Response*

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Safety and Emergency Management Department at Safety and Emergency Management Department of any emergency or potentially dangerous situation at 816-654-7911.

Members of the Safety and Emergency Management Department will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the members of the Safety and Emergency Management Department will consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Manager of Safety and Emergency Management will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.



At the direction of Eric Shirley, the University’s Manager of Safety and Emergency Management, the University will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.



*Methods for Issuing Timely Warnings and Emergency Notifications*

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

Method	Sign-Up Instructions
KCU Safety Application	Free download from iTunes and GooglePlay Store
RAVE Alert System Email	Automatically done during student registration/employee hiring process
RAVE Alert System Text Message	Automatically done during student registration/employee hiring process
Blue Phone Speakers	N/A

## Testing & Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Safety and Emergency Management Department will meet to train and test and evaluate the University's emergency response plan.

The Manager of Safety and Emergency Management maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

## Crime Statistics

The statistical summary of crimes for this University over the past three calendar years follows:

Crime	On Campus			Non Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	4	0	0
Burglary	0	0	1	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	1	1	0
Motor Vehicle Theft	0	0	0	0	0	0	0	1	0
Arson	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0

Crime	On Campus			Non Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Arrest - Drug Abuse Violation	0	0	0	0	0	0	5	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

\*The University does not have on-campus student housing facilities.

**Hate Crimes:**

2022: No hate crimes reported.  
 2021: No hate crimes reported.  
 2020: No hate crimes reported.

**Crimes unfounded by the University:**

2022: 0 unfounded crimes.  
 2021: 0 unfounded crimes.  
 2020: 0 unfounded crimes.

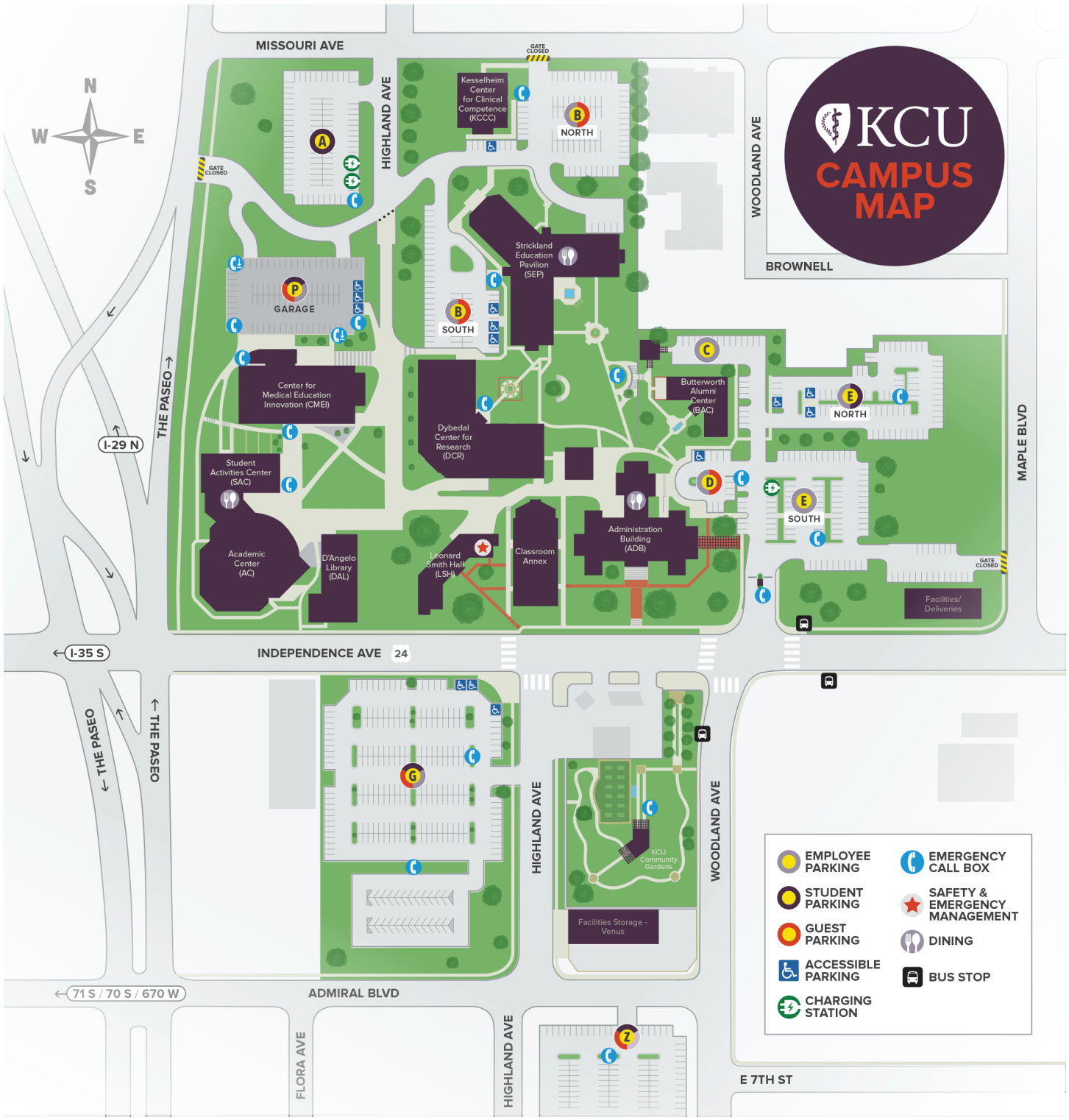
**Statistics for unfounded crimes provided by law enforcement agencies:**

2022: 0 unfounded crimes.  
 2021: 0 unfounded crimes.  
 2020: 0 unfounded crimes.

**Data from law enforcement agencies:**

The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University’s Clery Geography.

# CAMPUS MAP: KCU, KANSAS CITY



- |  |                    |  |                               |
|--|--------------------|--|-------------------------------|
|  | EMPLOYEE PARKING   |  | EMERGENCY CALL BOX            |
|  | STUDENT PARKING    |  | SAFETY & EMERGENCY MANAGEMENT |
|  | GUEST PARKING      |  | DINING                        |
|  | ACCESSIBLE PARKING |  | BUS STOP                      |
|  | CHARGING STATION   |  |                               |