

September 2022

Exterior image of the Westport campus building

1100 Rockhurst Road

Kansas City, MO 64110

816-501-5000

# Saint Luke’s College of Health Sciences at Rockhurst University

2022 ANNUAL SECURITY REPORT

## Introduction

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. Accordingly, this report provides students and employees of St. Luke’s College of Health Sciences (“College” or “St. Luke’s”) at Rockhurst University (“University”) with information on: the College’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 College 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 Chief of the Department of Safety and Security of Rockhurst University, Randy Hopkins, in cooperation with local law enforcement authorities. It includes information provided by them and the College’s campus security authorities, and various other elements of the College. Each year an email notification is made to all enrolled students and employees that provide 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 5401 Troost, Kansas City, Missouri, 64110. 816-501-4010. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a campus community member, 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.

**(Note)** In June of 2022, the St. Luke’s College of Health Sciences physically moved from the Westport Campus and now resides in the newly renovated Sedgwick Hall on the Main Troost Campus.

## General Safety and Security Policies

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

The Department of Safety and Security is responsible for campus safety at the College.

All Department of Safety and Security personnel are commissioned as private police officers in accordance with the authority vested in the Kansas City Board of Police Commissioners under section 84.720 RSMo., Title 17 CSR 10-2.010/020/030/040/050/055/060. All personnel have a Class A license and are designated as either a patrol agent or a private investigator. Selected personnel in Administration and Operations are qualified to carry firearms. Whether armed or unarmed, all personnel have the power of arrest as assigned by the administration of the Department of Safety and Security and the University. This authority is granted under Title 17 outlined above. The University Department of Safety and Security patrols an area that includes the surrounding neighborhood for a radius of one block in all directions.

All crimes occurring on campus, on non-campus property owned by the College, or on nearby public property should be reported immediately to the Chief of Safety and Security. The number to contact is 816-501-4010.

The Department of Safety and Security Dispatch Communications Center is staffed 24 hours per day, 365 days per year.

While the College does not have written agreements with local law enforcement agencies, it maintains a close working relationship with local police.

### **Campus Security Authorities**

The College 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 College annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

* Vice President & Dean of Students Dr. Matt Quick at 816-501-4030
* Associate Vice President for Student Development Mark Hetzler at 816-501-4843
* Director of New Students/Access Coordinator/Assistant Dean of Students Mindy Pettegrew at 816-501-4689
* Associate Dean of Students & Families Marcia Ladage at 816-936-8716
* Human Resources Director Jackie Michaels at 816-501-4555
* Student Success Coach Matt Emory at 816-501-4628
* Student Success Coach Kristy MaGee at 816-501-0432
* Student Activity Director/Greek Life Angie Carr-Robinette at 816-501-4541
* Area Coordinator Jordan Schwabauer at 816-501-4429
* Director of Compliance and Risk Management Kimberly Brant Schmelzle at 816-501-4036
* Chief of Department of Safety and Security Randy Hopkins at 816-501-4659
* Captain with the Department of Safety and Security Leonard Patterson at 816-501-3524

### **Reporting a Crime or Emergency**

The College 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.

* Crimes posing imminent danger (off-campus) should be reported by calling 911, and all crimes occurring on or near College property should be reported immediately to the Department of Safety and Security by calling (816) 501-4010 from any campus phone or cell phone.  Keep in mind that the person making the call from a cell phone will need to provide the address where the emergency occurred.
* Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to the Rockhurst University Department of Safety and Security or one of the campus security authorities identified above. Once reported, the individual making the report will also be encouraged to report it to appropriate police agencies. If requested, a member of the University staff will assist a student in making the report to the police. Campus crimes may be reported anonymously to the Department of Safety and Security by calling the dispatcher at (816) 501-4010.

### **Confidential Reporting**

The College will protect the confidentiality of victims. Only those with a need to know the identity to investigate the crime, assist the victim, or discipline the perpetrator will know the victim’s identity.

Pursuant to the College’s Sexual Harassment 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 or Deputy Title IX Coordinator.

Any victim of other types of crimes who does not want to pursue action within the College (which is the same as that for the University) disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. With the victim’s permission, a report of the details of the incident can be filed without revealing the victim’s identity.  Such a confidential report complies with the victim’s wishes but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where a crime pattern may develop, and alert the community to any potential danger.  These confidential reports are counted and disclosed in the annual crime statistics for the University.

The College encourages its pastoral and 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.

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

**SEDGWICK HALL:** Sedgwick Hall was the oldest building on campus. However, it was recently renovated and is the new home for Saint Luke’s College of Nursing and Health Sciences. The renovation project was completed in May 2022. Inside is 55,000 square feet of space, with classrooms, faculty and staff offices, an interfaith meditation room, conference rooms, common areas, and the state-of-the-art Blessed Seelos Simulation Center, where students in the health sciences — which includes nursing as well as physical and occupational therapy — can take part in immersive patient care situations in different settings, all directed discretely by evaluators.

The building is equipped with an electronic access control swipe-card system on its exterior entry doors.  CCTV is installed in the building interior and on the exterior of the building, which the Department of Safety and Security Dispatcher records and monitors. Panic alarms are installed in select office locations.

Enrolled students are issued identification badges from the IT department of the University. Identification badges must be worn at all times when students are at the College and in all clinical practice environments. The identification badge is required for admittance into other controlled areas of the College. Identification badges are not transferable; the badge may not be loaned to anyone and must be returned when the student is no longer enrolled at the College.

To provide a safe and positive learning environment for all students, children and/or guests are not allowed to accompany students to any learning setting.

Rockhurst Department of Safety and Security Officers patrol the College. After hours, persons found in restricted areas of the building will be asked to show identification, and those in restricted areas without proper authorization will be referred for disciplinary and/or criminal action.

Students and employees are asked to be alert and not to 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
* Immediately report lost or stolen access cards to the Department of Safety and Security

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed after receiving the proper authorization.  Each department supervisor is responsible for ensuring their area is secured and locked.

Employee and student identification badges may be used to verify the identity of persons suspected to be in campus facilities without permission.

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

Every building at Rockhurst, both residential and non-residential, are inspected daily for problems related to lighting, locks, closed-circuit television, and access control (both traditional keys/locks and electronic applications).  These inspections include checking the red phone system for proper operability.  Any discrepancy is reported via the security report system to the physical plant or telecom office.  A work order is generated, and when work is complete, security is notified.  Any security concern of an immediate nature, such as a broken lock, broken or missing windows, red or blue phone problems, or any problem deemed to need immediate attention, is reported to the Physical Plant’s on-call staff or the Information Technology Supervisory Staff.  Repairs and replacements are then taken care of quickly.

### **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, which also cover the College, are discussed below.

The first type of program consists of training to inform students and employees about campus security procedures and practices and encourage students and employees to be responsible for their own security and the security of others. A description of this training and the frequency of its presentation follows:

* The Department of Safety and Security provides two types of educational programs for the campus community.  One of these programs is designed to inform students and employees about campus security procedures and practices and to encourage students to be responsible for their safety.  These programs are presented each semester in person or online and are accompanied by brochures with information related to the topic covered. They are offered at orientations at the start of each semester, in residence hall programs once per academic year, and on-demand and cover such topics as:
  + Within the first few weeks of each semester, information is sent to the College community via email regarding policies and procedures related to campus security.
  + During the orientation of each semester, the Department of Safety and Security officers provide information and tips on how to be safe on campus, and/or informational safety brochures are placed in orientation folders or placed in the student commons areas.
  + How to contact the Department of Safety and Security. It also includes security authority, training, and issues related to security operations.
  + When to contact, which includes reporting criminal victimization, witness information, suspicious persons and activity, asking general questions to clarify security questions and concerns, and statistical data.
  + Specific risk-reducing measures-walking in pairs, not leaving property visible in cars, and parking in well-lighted areas.
  + Requested programs: self-defense, sexual assault prevention measures, police department programs on crime prevention, and how to reduce risk. These programs can be requested and scheduled through student development or security.
  + Other content related to security, such as:
    - Identifying suspicious persons, activity, and vehicles:
    - Techniques for reporting descriptions of persons.
    - Identifying what suspicious persons and activity mean; actions of, not personal traits such as race, gender, nationality.
    - Witnessing a crime or incident such as an auto accident or safety concerns.
    - How and why the Department of Safety and Security functions, its mission, and methods of accomplishment.
    - The Department of Safety and Security’s role in crisis management and what the campus community does to participate in the many crises that may arise, for example: an active shooter, bomb threats, weather crises, and fires, to name a few.

The second category of educational programming is designed to inform students and employees about the prevention of crimes.  These programs are conducted in person, with brochures and audio-visual media.  This information is presented at orientation at the start of each semester, in the residence halls once per academic year, during new hire orientations with the Human Resources Department, and on-demand:

* + Emphasis is on demonstrating how to implement the basic tenets of crime prevention for all members of the campus community
  + Teaching the definition of crime prevention and then showing how the definition can be applied to reducing or eliminating crime risk in our daily lives and activities on campus.
  + Crime prevention is shown to help reduce the risk of becoming a victim of any crime, property, or personal crime.
  + These crime prevention educational techniques are reiterated throughout the basic introductory campus orientations and throughout the academic year in the residence halls and to faculty and staff during regular educational emails.

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

The College 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 College 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 College 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**

 The College’s drug and alcohol abuse policy applies to all students and employees: the unlawful manufacture, possession, use, or distribution of any controlled substance of any kind, including drugs and alcohol, by students and/or employees on college property or as any part of the activities of the College, is strictly prohibited. For purposes of this policy, “unlawful” is defined as a violation of any local, state, or federal law regarding the manufacture, possession, use, or distribution of drugs or alcohol, and the College enforces the state’s underage drinking laws. College personnel will give law enforcement authorities full cooperation for any investigations.

The College has also adopted a zero-tolerance policy for using, possessing, selling, distributing, or manufacturing illicit or illegal drugs. The College will not tolerate any use, possession, sale, distribution, or manufacture of illicit or illegal drugs, or the improper use of all legal or prescription drugs by any student or employee on campus, off campus, or while attending any school-sponsored or sanctioned event. Such actions will result in appropriate disciplinary action. The College also enforces state and federal drug laws.

The College reserves the right to require a drug test from a student or employee where there is a reasonable suspicion that the College’s drug-free policy has been violated. Failure to submit to a drug test is a major violation of the disciplinary rules and will result in suspension or expulsion.

**Federal Drug Laws** (updated 08.04.2022)

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions, successful completion of a drug treatment program, including periodic testing, and appropriate community service, or any combination of the three.

**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.

In the case of a controlled substance in schedule I or schedule II, GHB, or flunitrazepam, 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 that 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.

**Drug and Alcohol State Laws**

| **Category** | **Summary (Missouri Revised Statues)** |
| --- | --- |
| Possession of Marijuana | The use of recreational marijuana is illegal and marijuana is 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). Medical marijuana for certain conditions is allowed, and up to four ounces may be purchased every 30 days. Mo. Const. art. XIV § 1. |
| Controlled Substances | 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. |
| Alcohol and Minors | 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). |
| Driving Under the Influence (DUI) | 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.* |

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

The University has a drug and alcohol abuse and prevention program (“DAAPP”) and conducts a biennial review of this program to evaluate its effectiveness.  For more information, see below.

* Alcohol and Drug Education webpage: <https://ww2.rockhurst.edu/health-information-services/alcohol-drug-education>
* Alcohol and Substance Abuse policies: <https://ww2.rockhurst.edu/compliance/alcohol-substance-abuse-policies>
* Biennial review DAAPP (available upon request from the Dean of Student’s office)
* Alcohol/drug webpage:**U.S. Department of Justice, Bureau of Justice Statistics, “Alcohol and Crime,” 1998. Courtesy of National Council on Alcoholism and Drug Dependence, Inc. (NCADD) 244 East 58th Street, New York, NY 10022, 212-269-7797** [**www.ncadd.org**](http://www.ncadd.org)**.**

**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:

* Rockhurst University Harassment Policy: <https://www.rockhurst.edu/about/human-resources/sexual-misconduct-prevention-response/policy>

This policy applies to Sexual Harassment that occurs within the University’s Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the University community.

This policy does not apply in the following situations:

* Sexual Harassment that occurs off‑campus, in a private setting, and/or outside the scope of the University’s Education Programs and Activities.
* Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the University’s Education Programs and Activities, such as a study abroad program.

Sexual Harassment that occurs either off‑campus, in a private setting, and/or outside the scope of the University’s Education Programs and Activities and/or outside the geographic boundaries of the United States is governed by the Student Conduct Code if alleged to have been committed by a student, the Faculty Handbook if by a faculty member, the Employee Handbook if by a covered employee, or other applicable University policies and standards, including but not limited to the Rockhurst University’s Consensual Relationship Policy and Rockhurst University’s Non‑Discrimination Policy.

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; provide 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 advise 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**

| **Crime Type (Missouri Revised Statues)** | **Definitions** |
| --- | --- |
| Dating Violence | The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence. |
| Domestic Violence | Missouri’s protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):   * “Domestic violence” is abuse or stalking committed by a family or household member. * “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.   In addition, Missouri criminal statutes include various degrees of the crime “Domestic Assault,” as follows:   * 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.   + 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. * Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A 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. * 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. * 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. |
| Stalking | * 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. 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. * 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. * 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. |
| Sexual Assault | 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)). |
| Rape, Fondling, Incest, Statutory Rape | 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:   * Rape in the First Degree (Mo. Rev. Stat. § 566.030.1): 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. * Rape in the Second Degree (Mo. Rev. Stat. § 566.030.1): 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. * Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling. * 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. * Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032.1): 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. * 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. |
| Other “sexual assault” crimes | Other crimes under Missouri law that may be classified as a “sexual assault” include the following:   * Sodomy in the First Degree (Mo. Rev. Stat. § 566.060.1): 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, 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. * Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061.1): 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. * Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062.1): 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. * Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064.1): 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. * Child Molestation, First Degree (Mo. Rev. Stat. § 566.067.1): 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. * Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068.1): 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. * Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069.1): 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. * Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071.1): 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. * Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083.1): 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; (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. * Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093.1): 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. * Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095.1): 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. * Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100.1): 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. * Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101.1): 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. |
| Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14)) | 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. |

*University Definition of Consent*

In addition to the definition of consent under Missouri law, the University uses the following definition of consent for the purpose of determining whether a violation of its Sexual Harassment Policy 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 not passive and requires an affirmative, mutually understood, act or statement by each participant to engage in the specific sexual acts.  A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
  + Consent is informed and freely given.  If unreasonable manipulation—or any kind of Coercion, physical force, or weapon—is used, there is no consent.
  + If a person is mentally or physically incapacitated (as described below), there is no consent.
  + If a person is below the minimum age of consent in the applicable jurisdiction, there cannot be consent (Note:  In Missouri, the minimum age of consent for purposes of Statutory Rape is age 17 and no one under 14 years of age is considered capable of consent.)
  + Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
  + Consent can be withdrawn.  When consent is withdrawn, sexual activity must immediately stop.  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, in and of itself, imply consent to any form of sexual activity.  Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act.  Consent may be withdrawn at any time.  (Rockhurst University’s Consensual Relationship Policy outlines limitations on consensual romantic or intimate relationships between and among University employees, and between University employees and students).

*Risk Reduction*

1. Always practice sound crime prevention techniques. Some tips are discussed earlier in this report.
2. If you find yourself in a situation that makes you uncomfortable get away from it by seeking out another person you know for support. You might also excuse yourself and let the person who is bothering you know that you are expected elsewhere; others are waiting for you.
3. You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
4. Drink responsibly. Don’t accept drinks from others; even if you know them unless you can be sure of the contents.
5. Learn all you can about someone. This is one of the ways you can build trust.
6. Trust your instincts; act on them to avoid possible problems.
7. Attend large parties with friends you trust.  Watch out for your friends and ask that they watch out for you.
8. Report situations or person(s) that you find unusual or suspicious.
9. 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:

1. Remember that you owe sexual respect to the other person.
2. Don’t make assumptions about the other person’s consent or about how far they are willing to go.
3. Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
4. If your partner expresses a withdrawal of consent, stop immediately.
5. Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
6. Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
7. 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.
8. 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:

1. Watch out for your friends and fellow community members-if you see someone who looks like they are in trouble, ask if they are okay.  If you see a friend doing something shady, say something.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Call the police and/or the Department of Safety and Security when a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.
5. Interject yourself into a conversation where another person seems unsafe to cause a distraction.
6. If you see someone you know, or you suspect may be in a situation that could lead to a problem, try to intercede by offering them an alternative; telling them you need to talk to them.
7. Refuse to leave the area (or call the police and/or the Department of Safety and Security) if a person is trying to get you to leave so they can take advantage of another.
8. Speak up if someone says something offensive, derogatory, or abusive, let them know that the behavior is wrong and you don’t want to be around it. Don’t laugh at racist, sexist, homophobic jokes.  Challenge your peers to be respectful. Offer to drive an incapacitated friend home from a party.
9. Ensure that friends who are incapacitated do not leave the party or go to secluded places with others.
10. Believe someone who discloses a sexual assault, an abusive relationship, or experience with stalking or cyberstalking.
11. Be respectful of yourself and others. Make sure any sexual act is OK with your partner if you initiate.

*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 College 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 PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the College.  Methods include, but are not limited to online presentations, distribution of written materials, periodic email blasts, and guest speakers.  Specific examples of this programming include:

*PPAP*

* **Student Life and Residence Life**
  + Freshman and transfer students: information on a wide variety of topics during their orientation phase. Includes training on sexual harassment (including sexual assault). This training is both prevention-oriented and what to do if the student becomes the victim of sexual violence.
  + Completion of the “Think About It” online course. This material focuses on minimizing the risks associated with alcohol, drugs, and **sexual violence.** The approach of the course is to create a healthy campus culture where students can feel comfortable, thrive, grow, and learn. Is a required online course.
  + Completion of Green Dot Training which has the ultimate goal of preparing organizations/communities to implement a strategy of violence prevention that measurably reduces power-based personal violence (including sexual, domestic violence, dating violence, stalking, child abuse, elder abuse, and bullying). The program is an all-day “training” fashion to students by the Green Dot committee comprised of members representing: Student Life, Campus Ministry, Residence Life, Student Retention, Office of Mission and Ministry, PRM, and the Chemistry Department. Once trained, students can implement the bystander lifestyle throughout their day and help spread the knowledge of the program to their peers.
* **Department of Safety and Security**
  + Freshman and transfer students: information on a variety of security and crime prevention related topics:
    - Recognizing suspicious activity relevant to sexual assault and other crimes.
    - Reporting – how to, red phone, phone, cell phone 816-501-4010
    - Crime avoidance techniques the risks of sexual assault.
    - What to do if you become the victim of harassment; sexual assault, domestic violence, dating, and stalking. Includes you can report campus security authorities.
    - Security services designed to deliver preventive efforts to the campus community.
* **Title IX Office**
  + Student Leaders, Resident Assistants, Desk Assistants, Greek Advisors, and Graduate Assistants are required to complete the “Think About It-Adult Learner” online course which covers Title IX and VAWA issues.  Additionally, Resident Assistants, Desk Assistants, and Resident Directors attended a live training on Title IX and VAWA issues and protocols for responding to reports of sexual violence and sexual misconduct prepared by the Title IX Coordinator.

New employees and certain identified student employees are required to watch a training video or attend live training on Title IX and VAWA issues prepared by the University’s legal counsel. Additionally, all employees, faculty, adjuncts, regular volunteers, and vendors receive annual Title IX training relating to sexual assault, domestic violence, dating violence, and stalking.

* **Human Resource Office:**
  + New employees are given an orientation to the university by the Human Resources Department. Includes information on sexual harassment, (including sexual assault) that in the University’s Human Resources Manual. The data is prevention-oriented and instructive on how to report if one.

*OPAC*

* Offices in the Student Development Area of the University; residence life, counseling center provide programming on these areas of concern:
  + Resident Assistants in all residential living facilities conduct sexual assault programming as part of the first-semester programming model.
  + For 2021 these included programs on sexual assault prevention, awareness and what will be done to support individuals.
  + New students must take the “Think About It” online course that deals with drinking, drugs, and sexual violence.
* The counseling center, although not having an ongoing, systematic campaign plan they do provide support and collaboration for the following related programs (which are geared towards sexual assault awareness and prevention):
  + Take Back the Night
  + The Clothesline Project and
  + Denim Day
* Title IX Office provides annual Title IX training relating to sexual assault, domestic violence, stalking, dating violence, and bystander intervention to student leaders, RA’s, certain student workers and student volunteers, all employees, faculty, adjuncts, graduate assistants, regular volunteers, Greek Advisors, and on-campus vendors. The Title IX Office also provides annual Title IX Investigator training for first responders to sexual assault, domestic violence, dating violence, and stalking.
* Additionally, the university counseling center, the student development office including the dean of students office, residence life, student activity office, the Title IX office and campus ministry is available for assisting students working with issues of sexual assault. Residence Life Personnel (RA’s, RD’s) have been given training in how to assist with prevention training as well as how to respond to a student who has been victimized.  The Human Resource Department and Title IX Office provide~~s~~ similar assistance to the faculty and staff, and the Department of Safety and Security is available to all members of the campus community for program information.

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

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Department of Safety and Security at 816-501-4010.   You may also contact the University’s Title IX Coordinator at 816-501-4036.

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 not to 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 St. Luke’s Hospital of Kansas City, 4401 Wornall Road, Kansas City, MO 64111, 816-932-2000.

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*

* Department of Safety and Security Dispatch: 5401 Troost Ave. Kansas City, MO. 64110, 816-501-4010
* Kansas City, Missouri Police Department: 1125 Locust St, Kansas City, MO. 64106, 911 or 816-234-5000
* 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](file:///C:\Users\hopkinsr\Desktop\2022%20CLERY%20Report%20Drafts\)<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>.
  + 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 (KCPD) 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. More information may be found at: <https://www.kcpd.org/crime/victim-resources/>
  + The Metropolitan Agency to Counter Sexual Assault (MOCSA) provides victims with free counseling, hospital advocacy, and police advocacy. MOCSA is located at: 3100 Broadway, Suite 400, Kansas City, MO 64111, and has outreach sites throughout the Kansas City metro area. The phone number is: (312) 325-9155, and more information may be found at: <http://mocsa.org/>. The 24/7 crisis hotline phone number is: 816-531-0233.
* When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in this area, you should contact the Kansas City, Missouri Police Department.
* The College 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 University’s Department of Safety and Security and/or Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the Department of Safety and Security and can be enforced on campus, if necessary. Upon learning of any orders, the University will take all reasonable and legal action to implement the order.
* The College does not issue legal orders of protection.  However, as a matter of institutional policy, the University may impose a no-contact order between individuals in appropriate circumstances.   The College 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:

1. The Rockhurst University Counseling Center thru the Department of Safety and Security dispatcher at (816) 501-4010 (you only need to give them your first name and a phone number to reach you). Or during regular hours at (816) 501-4275. Remember that a counselor is always available during the regular school year.
2. Rockhurst Campus Ministry contact at (816) 501-4747 for pastoral counseling and support and can be reached through the Department of Safety and Security dispatch (816) 501-4010.
3. Residence Life for support and coordination of services. Contact your R/A, R/D, or the Director of Residence Life at (816) 501-4663. Can be reached through the Department of Safety and Security dispatch (816) 501-4010.
4. Dean of Students for support and advocacy through the campus judicial process. Can be reached through the Department of Safety and Security dispatch (816) 501-4010 or (816) 501-4127.
5. Sometimes victims of serious crimes feel the need to take a leave of absence from school. If this is being considered, be aware that financial aid may be affected. If you have questions about financial aid implications in such circumstances, contact the Director of Financial Aid at (816) 501-4831. The Title IX Coordinator can help facilitate this conversation as well.
6. St. Luke’s Hospital of Kansas City, 4401 Wornall Road, Kansas City, MO 64111
7. Metropolitan Organization to Counter Sexual Assault (MOCSA) is available 24 hours per day 7 days per week--their HOTLINE IS (816) 531-0233; free, confidential crisis counseling; support groups during medical exams; advocacy and guidance in reporting the crime to the police and in navigating the judicial process. Visit [www.mocsa.org](http://www.mocsa.org/)  for more information.
8. Jackson County Mental Health Services: <https://www.jacksongov.org/Residents/Health-Services>
9. Missouri Coalition Against Domestic and Sexual Violence: <https://www.mocadsv.org/>
10. National Domestic Violence Hotline: 1.800.799.7233
11. National Sexual Assault Hotline: 1.800.656.4673
12. Legal Services of Missouri: <http://www.lsmo.org/>
13. Immigration Advocates Network: <http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
14. U.S. Citizenship and Immigration Services: <https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office_type=ASC&OfficeLocator.statecode=MO>

**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 at (816) 501-4036, 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 by the complainant.
* The age of the students involved.
* The severity or pervasiveness of the allegations
* Any continuing effects on the complainant
* Whether the complainant and alleged perpetrator 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. The University will make such decisions 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. If it is necessary to disclose information about a victim to provide an accommodation or protective order, the University will inform the victim of that necessity before the disclosure, including which information will be shared and with whom it will be shared, and why.

**Procedures for Disciplinary Action:**

All allegations of dating violence, domestic violence, sexual assault, or stalking at the College are funneled to the Title IX Coordinator and/or Deputy Title IX Coordinators for the University if such complaints are not made to them initially.  All College employees (except for certain designated confidential resources) have a duty to report incidents of this nature to the Title IX Coordinator and/or a Deputy Title IX Coordinator whenever they witness or become aware of them, and the employees have received training informing them of this responsibility.

Once such an allegation is brought to the attention of the Title IX Coordinator and/or a Deputy Title IX Coordinator, a preliminary evaluation is made to determine whether the alleged conduct is sexual in nature.

All allegations of sexual assault, dating violence, domestic violence, and stalking *that are sexual in nature* will be processed through the University’s Sexual Harassment Policy.

Allegations of dating violence, domestic violence, and stalking that fall outside of the scope of the Sexual Harassment Policy are processed through regular conduct procedures applicable to students, employees, and faculty.

The procedures set forth in the Sexual Harassment Policy involve an investigation carried out by the Title IX Coordinator, or designee(s), which will commence as soon as practicable but not later than seven (7) days after the complaint is made. During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The default process for adjudicating Formal Complaints is the hearing process specified in the Sexual Harassment Policy Section (“Hearing Process”). The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to informal resolution.

* Upon completion of the investigation, the Title IX Coordinator, or designee(s), will make a decision and issue a written report to the complainant and respondent with findings and, if necessary, attach an addendum with sanctions and remedial measures that will be implemented. The University strives to complete investigations of this nature within sixty (60) calendar days.
  + Under these procedures, both parties have an equal opportunity to appeal the decisions of the Title IX Coordinator or designee(s) to an Appellate Officer. Barring a conflict of interest or absence, the Appellate Officer is the Chief Financial Officer when there is a faculty respondent and the Vice President for Academic Affairs in all other situations. The Appellate Officer typically resolves an appeal within fifteen (15) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision.
  + When implementing the procedures accompanying the Sexual Misconduct Prevention and Response Policy, the University ensures that the entitlements of the parties listed in the next section are incorporated into the process.
* Rockhurst’s code of conduct disciplinary process is used for cases not involving sexual misconduct by students (including cases of dating violence, domestic violence, sexual assault, and stalking that do not have a sexual component).  This process will commence when an incident is brought to the attention of the Associate Dean of Students. The Associate Dean of Students, or designee, will investigate the allegations to determine if there is cause to believe there is merit to the charge and, if so, whether the charge can be resolved by mutual written consent of the parties involved on a basis acceptable to the University.  If not resolved through written mutual consent, the complaint is resolved through a hearing before a Hearing Examiner or a 3-person Hearing Committee. A Hearing Committee (as opposed to a single Hearing Examiner) typically hears cases involving situations where the Associate Dean of Students believes more serious discipline (e.g., suspension or expulsion) may be the outcome. Notices of the hearing will typically be provided at least seven calendar days before a hearing is to occur. Following a decision by the Hearing Examiner or Hearing Committee, sanctions are implemented if necessary. Parties have appeal rights under this disciplinary process, and such an appeal must be filed with the Dean of Students within three business days after notification of the previous hearing decision. The Dean of Students or designee then convenes a 3-person Board of Appeals to review the appeal as expeditiously as possible and make a final determination on the matter.  When implementing these procedures, the University ensures that the entitlements of the parties listed in the next section are incorporated into the process.
* Rockhurst’s regular employee and faculty procedures (which will be used in situations where an allegation of dating violence, domestic violence, or stalking without a sexual component is made against an employee or faculty member) provide significant flexibility for the University to investigate and resolve the situation as it deems appropriate based on the circumstances involved.  An additional process is also available to faculty members who are going to be suspended or terminated for conduct issues. When implementing these procedures, the University ensures that the entitlements of the parties listed in the next section are incorporated into the process.

The University has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination.  The name and contact information for the Title IX Coordinator is:

Kimberly Brant Schmelzle

Director of Compliance and Risk Management/Title IX Coordinator

Conway 102

1100 Rockhurst Road

Kansas City, MO 641110

816‑501‑4036  
[**TitleIX@rockhurst.edu**](mailto:TitleIX@rockhurst.edu)

The University has designated two Deputy Title IX Coordinator for Students and a Deputy Title IX Coordinator for Employees.  The Deputy Title IX Coordinators are available to receive inquiries regarding Title IX, including complaints of sex discrimination, when the Title IX Coordinator is unavailable, if a person is more comfortable engaging with one of the Deputies, or if the Title IX Coordinator has a conflict of interest.  The names and contact information for the Deputy Title IX Coordinators are as follows:

Dr. Matthew Quick

Vice President & Dean of Students/Deputy Title IX Coordinator for Students

Massman Hall, Room 1

816‑501‑4030  
[**TitleIX@rockhurst.edu**](mailto:TitleIX@rockhurst.edu)

Jackie Michaels

Director of Human Resources/Deputy Title IX Coordinator for Employees

Conway 102

816‑501‑4555

[**TitleIX@rockhurst.edu**](mailto:TitleIX@rockhurst.edu)

Once such an allegation is brought to the attention of the Title IX Coordinator and/or a Deputy Title IX Coordinator, a preliminary evaluation is made to determine whether the alleged conduct is sexual in nature. Allegations of dating violence, domestic violence, and stalking that fall outside of the scope of the Sexual Harassment Policy are processed through regular conduct procedures applicable to students, employees, and faculty.

After receiving a report of Sexual Harassment, the Title IX Coordinator will conduct a preliminary assessment to determine:

* Whether the conduct, as reported, falls or could fall within the scope of this policy; and
* Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of this policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX 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 this policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the University investigate and adjudicate a report of Sexual Harassment.  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 or be a part-time or full-time employee or faculty member of the University.

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) does the incident create a risk of occurring again.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation and proceed to adjudicate the matter.  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.

Within a reasonably prompt time period (not to exceed ten (10) 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 certain information as set forth in the policy.

If a written notice of a Formal Complaint is transmitted to the parties, an investigator is selected by the Title IX Coordinator or the Title IX Coordinator him/herself will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory evidence (which implies or tends to establish responsibility for a violation of this policy as alleged) and exculpatory evidence (which implies or tends to establish a lack of responsibility for a violation of this policy as alleged).  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 that will be submitted to the adjudicator during the selected adjudication process.  Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within sixty (60) days of the transmittal of the written notice of Formal Complaint.

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence.  The investigation is a party’s opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint.  A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

At the conclusion of the evidence‑gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor, in either electronic or hard copy form, the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including (1) evidence on which the University may choose not to rely at any hearing and (2) inculpatory or exculpatory evidence whether obtained from a party or some other source.  The parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report. The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

After the period for the parties to provide any written response has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree.  When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator.  The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

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. The notice will explain that the hearing process is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication 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 in lieu of the hearing process.  Parties are urged to carefully review the policy, 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 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.

After selection of the hearing process as the form of 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.

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.

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.

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.

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.

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.

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 the Sexual Harassment Policy, 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 rational for any evidentiary rulings.

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 pre‑hearing 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 this policy as alleged in the Formal Complaint.

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

After reaching a determination and consulting with the appropriate University official and Title IX Coordinator, the hearing officer will prepare a written decision. The hearing officer’s written determination will be transmitted to the parties.  This transmission concludes the hearing process, subject to any right of 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.

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on certain listed grounds. one or more of the following grounds:

* A procedural irregularity affected the outcome;
* There is new evidence that was not reasonably available at the time the determination or dismissal was made that could have affected the outcome;
* The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within five (5) days of the other party appealing, whichever is later.  The appeal must be submitted in writing to the designated appeal officer.  When the case involves a faculty respondent, the appeal officer is the Chief Financial Officer.  In all other situations, the appeal officer is the Provost and Senior Vice President for Academic Affairs (Dr. Douglas Dunham, [**Douglas.Dunham@Rockhurst.edu)**](mailto:douglas.dunham@rockhurst.edu).

When an absence or conflict of interest makes it impossible for the designated appeal officer to resolve the appeal, the other appeal officer may resolve the appeal in place of the designated appeal officer.  Either appeal officer may also designate this responsibility to another administrator should both appeal officers be absent or have a conflict of interest.  The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal.  If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days.  The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer’s written decision within thirty (30) days of an appeal being filed.

This is a summary of procedures under the Sexual Harassment Policy, and a full description of these procedures can be found at <https://www.rockhurst.edu/about/human-resources/sexual-misconduct-prevention-response/policy>.

**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:

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.
   * Such training addresses topics such as relevant evidence and ow it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding the actual and perceived conflicts of interest. The University’s Title IX Coordinator, **Ms. Kimberly Brant Schmelzle,** and the other Deputy Title IX Coordinators, Hearing and Appeal Officers of the University’s Title IX response team received Title IX Coordinator/Investigator Training in Fall 2020 and 2021; Investigations Involving Student Athlete: Issues to Consider and Best Practices; 2020 Title IX Regulations: Core Issues and Lessons Learned prepared by legal counsel Husch Blackwell-Title IX & Sexual Harassment Response: Participants in Sexual Harassment policy process.  Ms. Schmelzle also attended a Husch training-Before new Title IX rules dropped in 2020. Though not currently a practicing attorney in her role as Title IX Coordinator at the University, Ms. Schmelzle is a licensed attorney in Missouri and Kansas that has practiced both as a civil attorney and as a prosecutor handling domestic violence, sexual assault, and stalking cases prior to joining the University. In addition to her past on-job Training, **Ms. Schmelzle** has received Child First Protocol training.  Also, in the past six years, Ms. Schmelzle has participated in several Title IX/VAWA-related training provided by the National Association of College and University Attorneys (NACUA) and several important pieces of the instruction supplied by the law firm **Husch Blackwell’s higher education team.  Some of the topics covered at these trainings include**:

Foundations Basic training for Sexual Misconduct Investigations, New Proposed Title IX Regulations and their Effect On Your Campus, NACUA 2018, 2019, 2020, 2021 Annual Conference (included topics on Title IX, Minors on Campus, Foresight through hindsight: expert advice on the New Title IX regulations; updates in employment law, etc.); Withdrawal of Federal Guidance, Annual KC Labor and Employment Seminar 2018, 2019, 2020, and 2021 sponsored by Husch Blackwell which included Title IX, Regulations and their Effect on your Campus and many other topics.

1. 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 extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
2. Have the outcome determined using the preponderance of the evidence standard.
3. 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 College’s disciplinary proceeding that one of the above offenses has been committed, the College may impose penalties depending on mitigating and aggravating circumstances involved.  For employees, potential sanctions include progressive discipline, counseling, limitations on activities or access to certain events or facilities, training, separation of the parties, written reprimand, no trespass orders, probation, suspension, demotion, or termination.  For students, potential sanctions include limitations on activities or access to certain events or facilities, mandated educational programming or training, fines, restitution, delaying or postponing honors or degrees, counseling, mental health assessment, suspension or termination of student employee job or leadership positions, community service, written apologies,  reflective paper, separation of the parties, no-trespass orders, written reprimand, full or partial housing bans, probation, suspension, and expulsion, conditions upon re-enrollment after suspension or expulsion.

Student suspensions from the College result in the exclusion of the student from participating in any academic or non-academic activity of the University for a stated period of time.  A suspension is typically for one term or one academic year but can be longer depending on the seriousness of the offense.  To be considered for re-admission, suspended students must reapply for admission to the College and be in full compliance with any and all conditions imposed by the Title IX office or Disciplinary Hearing Committee (whichever applies).

Employee suspensions from the College result in the exclusion of the employee from participating in any job-related functions or activities, academic or non-academic activity of the College for a stated period of time.  A suspension is typically for one term or one academic year but can be longer depending on the seriousness of the offense.  To be considered for return to job duties, suspended employees must be in full compliance with any and all conditions imposed by the Title IX office and/or the Human Resource Office.

In addition, the College can make available to the victim a range of protective measures.  They include:  forbidding the accused from entering the victim’s residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

**Publicly Available Recordkeeping:**

The College 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 College to the extent permitted by law.

**Victims to Receive Written Notification of Rights:**

When a student or employee reports to the College 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 Chief of the Department of Safety and Security at 816-501-4659. State registry of sex offender information may be accessed at the following link:<http://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 Dean of Students/Vice President, University’s Title IX Coordinator, and the Chief of Department of Safety and Security 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:

* The Chief of Department of Safety and Security, 816-501-4010
* Dispatch Communication Center, 816-501-4010
* Director of Residence Life/Assistant Dean of Students, 816-501-4843
* University’s Title IX Coordinator, 816- 501-4036
* Dean of Students/Vice President, 816-501-4030

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

*Emergency Response*

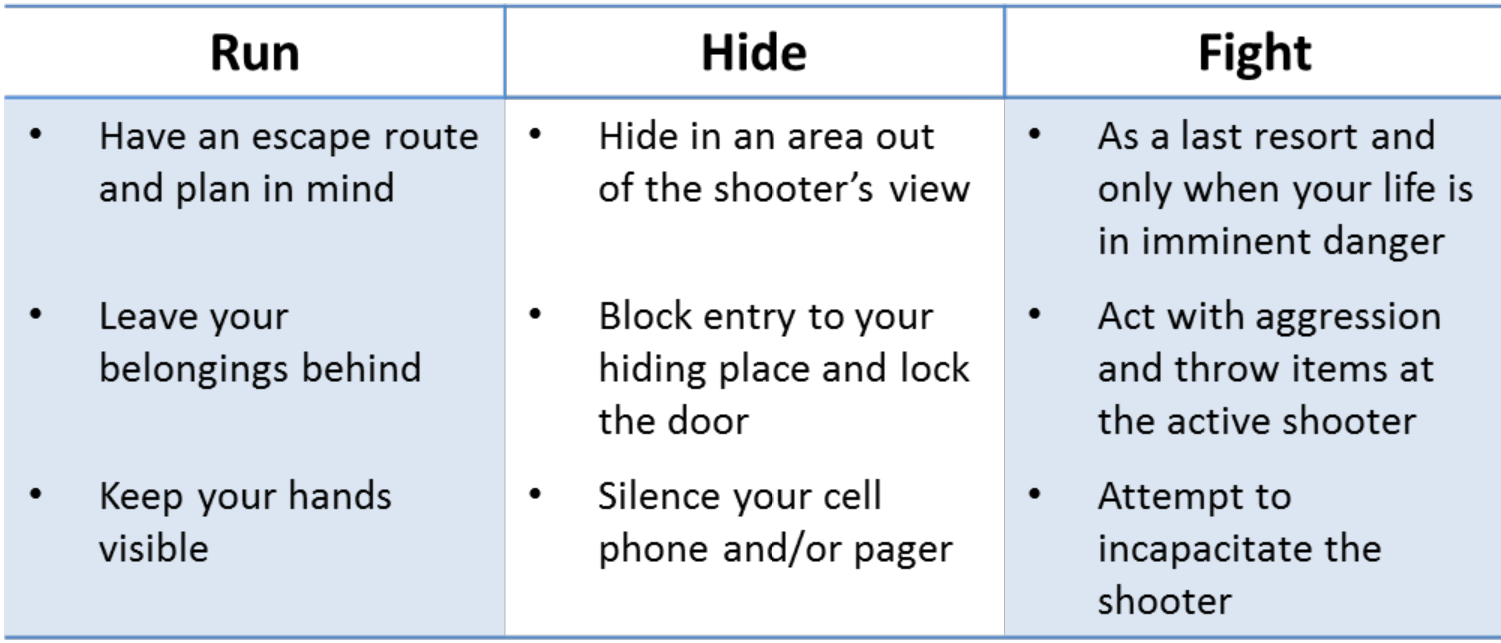
The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, 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 Chief of Department of Safety and Security at 816-501-4010 of any emergency or potentially dangerous situation.

If the emergency report does not come from an authoritative source (such as law enforcement, weather station, or health agency), the University Department of Safety and Security will respond immediately to determine the type and extent of the emergency.  That information will be directed to the Department of Safety and Security Dispatch Center, where it will then be forwarded to the Chief of Safety and Security and other designated University officials in the Emergency Operations Plan.  According to the Rockhurst University Emergency Operations Plan, they will convene, initially by phone and ultimately in the Incident Command Post, which conforms to the requirements contained in FEMA’s National Incident Management System (NIMS).

When an emergency happens, a response is guided by the Emergency Operations Plan of the University.

* Response to campus emergencies is carried out by a **First Responder Department Member.** In most cases, the first responder will be the University’s Department of Safety and Security. They will evaluate the incident and determine that an emergency exists by evaluating the casualties and possible danger to others (damaged buildings, active shooter, power failure, flood, etc.). The first responders will then facilitate the contact of outside responders, carry out first aid and other immediate emergency response procedures, including the activation of the University’s Emergency Operations Plan.
* A message to the campus will be disseminated as rapidly as needed. Either an emergency alert (action information) or an emergency notification (non-action communication for information only) will be created. After choosing which message to send, a decision will be made by a member of the Crisis Management Work Group as to the audience that it will be sent to (in some situations only a segment of the campus community may need to receive notification, as determined by the appropriate University officials).
* An alert officer (four are available) is then contacted and directed to send the message to the audience. After the first fifteen minutes of a critical incident, the Emergency Operations Staff will convene and begin working the situation. Additional updates will flow from the Incident Command Post under the guidance of the Incident Commander, Liaison Officer, Public Information Team Leader, and the Safety Officer. Information will continue to be presented by the Alert Officers as directed by the Public Information Officer.
* The University will, without delay, and taking into account the safety of the community, determine the content of the notification (with input from local authorities as appropriate) and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist the victim or to contain, respond to or to otherwise mitigate the emergency.
* Formulating the content of the notification to be disseminated to the campus community on an ongoing basis will be based on the following criteria:
  + Description of events that have occurred: tornado, fire, explosion with a damage estimate including the extent of the crisis. Active shooter or hostage situation with instructions to Run, Hide, Fight. Including casualty reports and damage estimates. It should also include other problems, such as gas main, water main, or electrical problems that impact the situation. Information on damage to or casualties in the city or immediate area should be included.
  + Details of how campus community members should respond to the situation; for example, in the event of a tornado warning, the campus will be notified via city-wide siren activation, bell tower alert tone, Textcaster messaging, and campus email. Fire alarms will sound in the event of a fire. The College is equipped with fire, tornado evacuation procedures, and Run, Hide, and Fight Instructions in the event of an armed intruder.
  + Run, Hide, Fight – This is the recommended method of the Rockhurst Department of Safety and Security for informing the campus on what measures to take in the event of an armed intruder.

 **Run, Hide, Fight means:**

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

If determined necessary based on the circumstances, the University’s Department of Safety and Security will notify local law enforcement of the emergency if they are not already aware of it and local media outlets so that the larger community outside the campus will be aware of the emergency.

The President’s Office, the Office of Public Relations and Marketing, the Academic Dean’s Office, and the Dean of Students’ Office will notify other campus constituents of the emergency and its ongoing requirements.  These include but are not limited to: Board of Trustees, Regents, Parents, other relevant organizations and institutions in the surrounding area.

# 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** |
| --- | --- |
| Security Notices via email | N/A |
| RockAlerts Notification System | This is a free service. Sign up at: <https://my.textcaster.com/asa/Default.aspx?ID=5cf7b002-2ca8-44c7-8f98-4719cd463412> |
|  |  |

*Testing & Documentation*

# Testing Emergency Procedures, Training & Documentation

* Emergency Operations Plan (EOP) is reviewed annually and updated as needed.
* Delivery of emergency information to campus is tested at least once per semester; includes text messaging, bell tower, selected code blue towers, other P.A. Announcements, and campus email. These are announced tests and a record describing how the test was conducted, along with the date and time of the test are on file in the Department of Safety and Security.
* Tabletop exercise of a selected emergency - This is an announced exercise with an invited participant list. A record of the exercise, including what was involved and an evaluation of its effectiveness, along with the date and time of the exercise, are kept on file in the Department of Safety and Security.
* Fire Drills in all campus buildings once each fall - Tornado drills in all campus buildings once each Spring. Residence hall fire drills once per semester. Drill records are on file in the Department of Safety and Security. Fire drills are announced by date and day. The time of the drill is never announced. The location, date, day, and time of the drill are recorded as well as information on the drill itself (how long did the evacuation take). It is then kept on file in the security office.
* Members of the Emergency Response Teams, including all members of the Incident Command System as outlined in the EOP (Emergency Operations Plan), receive annual training on the EOP.

The Chief of the Department of Safety and Security 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 College over the past three calendar years follows:

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **St. Luke’s College on Nursing** | **On-Campus** | | | **Non-Campus** | | | **Public Property** | | |
| **Crime** | **2021** | **2020** | **2019** | **2021** | **2020** | **2019** | **2021** | **2020** | **2019** |
| **Murder/Non-Negligent** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |
| **Manslaughter** |
| **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** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |
| **Burglary** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |
| **Robbery** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |
| **Motor Vehicle Theft** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |
| **Arson** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |
| **Arrest - Liquor Law Violation** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |
| **Arrest - Drug Abuse Violation** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **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** | **1** | **0** | **0** | **0** | **0** | **0** | **0** |

**Hate crimes:**

2021: No hate crimes reported.

2020: No hate crimes reported.  
2019: No hate crimes reported.

**Crimes unfounded by the University:**

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.  
2019: 0 unfounded crimes.

**Statistics for unfounded crimes provided by law enforcement agencies:**  
2021: 0 unfounded crimes.

2020: 0 unfounded crimes.  
2019: 0 unfounded crimes.

**Data from law enforcement agencies:**

* The College was provided with some crime data from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the College’s Clery Geography.
* Certain law enforcement agencies did not comply with the College’s request for crime statistics.