

William Woods University

DISCRIMINATION,
HARASSMENT, AND
SEXUAL VIOLENCE
POLICY, PROCEDURES, AND RESOURCES



WILLIAM WOODS
UNIVERSITY

IMPORTANT PHONE NUMBERS:

ON-CAMPUS RESOURCES

Counseling and Health Services

573-592-4222 | health.services@williamwoods.edu
Stone-Campbell Hall (at the corner of Ewing and 12th streets)
Open Monday - Friday 8 a.m. - Noon and 1 - 4:30 p.m.
(when classes are in session)

Campus Safety

573-592-4357 (HELP) | safety@williamwoods.edu
Campus Safety is available to escort students across campus after hours.

OFF-CAMPUS RESOURCES

When you need the police, fire or other emergency response, dial 9-911 from any university phone, or 911 from an off-campus phone.

Medical Services - Off-Campus:

Fulton Medical Center
10 Hospital Drive
Fulton, Mo.

Women's and Children's
Hospital
404 Keene Street
Columbia, Mo.

St. Mary's Health Center
2505 Mission Drive
Jefferson City, Mo.

University Hospital & Clinics
One Hospital Drive
Columbia, Mo.

Boone Hospital Center
1600 E. Broadway
Columbia, Mo.

Audrain Medical Center
620 E. Monroe
Mexico, Mo.

Counseling Services - Off-Campus:

The local sexual assault advocacy organization is Coalition Against Rape and Domestic Violence (CARDV). The organization's trained staff provides private and confidential information and referral for medical, legal and recovery issues 24 hours a day, 7 days a week. Contact CARDV toll free at 1-866-642-4422. CARDV also provides ongoing counseling services.

CAMPUS STAFF TO CONTACT

Margie Bramon, Title IX Coordinator and Director of Human Resources
573-592-1111

Venita Mitchell, Vice President and Dean of Student Life
573-592-4235 | Venita.Mitchell@williamwoods.edu

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WILLIAM WOODS UNIVERSITY

DISCRIMINATION, HARASSMENT, AND SEXUAL VIOLENCE

POLICY, PROCEDURES, AND RESOURCES

It is the policy of William Woods University that discrimination, harassment, sexual assault, domestic violence, dating violence, and stalking are not acceptable conduct at the University. The University is committed to maintaining a learning and working environment for its students, faculty, and staff that is free from discrimination, harassment, and sexual violence. In compliance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other federal and state laws and regulations, the University does not discriminate or permit discrimination on the basis of any status or condition protected by applicable federal or state law, including race, religion, gender, nationality, ethnicity, age, sexual orientation, marital status, veteran status, or disability, in the administration of its educational policies, admission, financial assistance, employment, educational programs, or activities. The University also strictly prohibits harassment that is based on any of these characteristics, including sexual harassment and sexual violence as defined in this policy. The University will take reasonable steps to prevent and respond to reported violations of this policy as described herein, where the conduct reported may impact the educational, residential, or employment environment of members of the William Woods University community.

This policy applies to all students, faculty, and staff of the University. The procedures for addressing complaints and reports of discrimination, harassment, and sexual violence are included in this policy and are designed to consider the rights of both the complainant and respondent, the safety and well-being of all members of the William Woods University community, and applicable state and federal mandates. This policy covers conduct that occurs on or near property owned or operated by the University, at or in connection with a University-related event, or off-campus, if such conduct adversely affects the campus environment.

DEFINITIONS

Sexual Harassment: Sexual harassment is defined as unwelcome conduct of a sexual nature, which may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexual violence, and other unwelcome verbal or physical conduct of a sexual nature. Whether conduct is “unwelcome” is determined on a case-by-case basis. Examples of Sexual Harassment may include, but are not limited to, the following: Attempting to coerce an unwilling person into a sexual relationship;

- > Attempting to coerce an unwilling person into a sexual relationship;
- > Repeatedly subjecting a person to egregious, unwelcome sexual attention;
- > Punishing a refusal to comply with a sexually-based request;
- > Conditioning a benefit on submitting to sexual advances;
- > Gender-based bullying;
- > Unwelcome sexual advances, including an invitation (even subtle) intended to result in a sexual liaison; invitations to dinner or social events when refusal results in the loss of a promotion or other adverse employment or educational action; and propositioning an employee or student;
- > Unwelcome verbal conduct of a sexual nature, including sexually provocative or explicit speech, publicly expressed sexual fantasies, jokes of a sexual or crude nature, derogatory comments directed to males or females as a group, demeaning comments, threats for not agreeing to submit to sexual advances, and writing sexually explicit memos;
- > Unwelcome physical conduct of a sexual nature, including grabbing or twisting an individual's arm; any unwarranted touching; sexually offensive pranks; drawing sexually explicit cartoons, other drawings or graffiti; gestures indicating sexual behavior, suggestive winks, and kissing; and
- > Sexually exploitative behavior, which may include capturing or viewing, through any means, images of sexual activity, sexually explicit images, or another person's nudity without that person's consent.

Sexual harassment is not limited to conduct by males toward females or faculty members toward students. For purposes of this policy, sexual harassment may occur between any or all of the following:

- > Student and faculty member;
- > Student and staff member;
- > Faculty member and staff member;
- > Male and male;
- > Female and female; and
- > Male and female.

Sexual Assault: Sexual assault is defined as actual or attempted sexual contact (or threats of) with another person without that person's consent. Examples include, but are not limited to, the following:

- > Intentional touching of another person's intimate parts without that person's consent, including, but not limited to, fondling, kissing, groping, or other deliberate physical sexual contact with an individual's intimate parts without that person's consent;
- > Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent;
- > Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent;
- > Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and
- > Non-forcible sexual intercourse with a person who is under the statutory age of consent.

The definition of sexual assault is not intended to prohibit the use of sexually explicit materials in or outside of the classroom, when, in the judgment of a reasonable person, the materials are related to the academic mission and appropriate to learning.

Consent: Consent is defined as words or actions that show a knowing and voluntary agreement to willingly engage in agreed-upon sexual activity. Consent cannot be gained by force, requires communication between all involved individuals, and must be obtained one step at a time, e.g., consent for oral sex does not constitute consent for intercourse. Silence, non-communication, passivity, or lack of resistance should not be interpreted as an indication of consent. Previous consent does not imply consent to any future form of sexual activity. Consent can be rescinded at any time.

Consent is not valid if: (a) it is given by a person who lacks the mental capacity to authorize the conduct 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; or (c) it is induced by force, duress, or deception.

Note: Use of alcohol and/or drugs by either party is not an excuse for violation of this policy. An intoxicated or incapacitated person cannot provide informed consent to sexual activity. Evidence of incapacitation may include, but is not limited to, unconsciousness, slurred speech, blacking out, and unusual behavior.

Domestic Violence: Domestic Violence is defined as a felony or misdemeanor crime of violence committed by:

- > A current or former spouse or intimate partner of the victim;
- > A person with whom the victim shares a child in common;
- > A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- > A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

- > Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement, with consideration of length of relationship, type of relationship, frequency of interaction and, if applicable, the length of time since the relationship ended. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Stalking: Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for her or his safety or the safety of others, or suffer substantial emotional distress.

For purposes of this definition –

- > "Course of conduct" means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property;
- > "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and
- > "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Examples of Stalking may include, but are not limited to, the following:

- > Repeated, unwanted, intrusive, and/or frightening communications from the perpetrator by phone, Internet, mail, text messages, social media, or email;
- > Repeatedly leaving or sending the person unwanted items or gifts;
- > Following or waiting for the person at places such as his/her home, school, work, or recreation locations;
- > Making direct or indirect threats to harm the person or that person's children, relatives, friends, or pets;
- > Damaging or threatening to damage the person's property;
- > Posting information or spreading rumors about the person on the Internet, in a public place, or by word of mouth; and
- > Obtaining personal information about the person by accessing public records; using on-line search services; hiring private investigators; going through the person's garbage; following the person; or contacting the person's friends, family, work, neighbors, etc.

For links to definitions of Missouri State Laws see Appendix A.

Sexual Violence: For purposes of this policy, sexual violence collectively refers to the terms "sexual assault," "domestic violence," "dating violence," and "stalking," as defined in this policy.

Complainant: A complainant is an individual filing a complaint or report pursuant to this policy. Complainants are typically members of the William Woods University students, faculty, or staff population; however, there may be other third parties eligible to file violations within this policy. Examples include, but are not limited to, Westminster College students, guests, and visitors. There may be some cases where a person who is reporting a violation of this policy and/or who is the victim of conduct alleged to violate this policy does not want to participate as a complainant. In that case, the University may continue the investigation and adjudication process under the policy without a complainant.

Respondent: A respondent is an individual whose alleged conduct is the subject of a complaint or report filed and/or being investigated pursuant to this policy.

REPORTING DISCRIMINATION, HARASSMENT, AND SEXUAL VIOLENCE TO UNIVERSITY OFFICIALS

Members of the University community may report violations of this policy, including any alleged discrimination, harassment, or sexual violence, to the Title IX Coordinator/Director of Human Resources (DIR HR). The Title IX Coordinator is the administrator designated to oversee this policy and the University's compliance with responsibilities relevant to Title IX and can be contacted as follows:

Margie Bramon

Title IX Coordinator

Director of Human Resources (DIR HR)

William Woods University

Academic Building, Room 108

Fulton, MO 65251

margie.bramon@williamwoods.edu

573-592-1111

In addition to the Title IX Coordinator, reports also may be made to the following Designated Officials:

- > For complaints against students - the Vice President and Dean of Student Life (VPSL) and/or the Director of Intercollegiate Athletics, both of whom serve as Deputy Title IX Coordinators for complaints against students

Venita M. Mitchell, Ph.D.

Deputy Title IX Coordinator for Students

Vice President and Dean of Student Life (VPSL)

William Woods University

McNutt Campus Center, Room 121

Fulton, MO 65251

venita.mitchell@williamwoods.edu

573-592-4239

Jason Vittone

Deputy Title IX Coordinator for Students

Director of Intercollegiate Athletics

William Woods University

Helen Stephens Sports Complex

Fulton, MO 65251

jason.vittone@williamwoods.edu

573-592-4387

- > For complaints against employees - the Assistant Director of Human Resources, who serves as the Deputy Title IX Coordinator for complaints against employees

Diane Abbott

Human Resources Specialist

William Woods University

Academic Building, Room 108

Fulton, MO 65251

diane.abbott@williamwoods.edu

573-592-4347

- > For complaints against faculty - the Vice President and Dean of Academic Affairs

Aimee Sapp, Ph.D.

Vice President and Dean of

Academic Affairs

William Woods University

Academic Building, Room 106

Fulton, MO 65251

aimee.sapp@williamwoods.edu

573-592-4391

- > For complaints against vendors - the Chief Financial Officer

Julie Houseworth

Chief Financial Officer

William Woods University

Academic Building, Room 101

Fulton, MO 65251

julie.houseworth@williamwoods.edu

573-592-4260

- > For complaints against any Executive Cabinet Member - the President

Jahnae H. Barnett, Ph.D.

President

William Woods University

Academic Building, Room 215

Fulton, MO 65251

jahnae.barnett@williamwoods.edu

573-592-4216

Faculty and staff may also file complaints with the President relating to the conduct of the Title IX Coordinator or the Designated Officials. In that case, the President may appoint an alternate individual to serve, as appropriate.

Though the University encourages students and employees to bring reports of discrimination, harassment, and sexual violence to the attention of the University for further investigation pursuant to this policy, individuals who wish to maintain confidentiality may contact the following resources:

> Traditional on-campus students can make confidential reports to:

> **The Counseling and Health Services Office**

(including the office manager, counselor, and nurse practitioner)

Jenn Burton, Office Manager

William Woods University

Stone-Campbell Apartments (Apt. A)

Fulton, MO 65251

health.services@williamwoods.edu

573-592-4222

> **The University Chaplain**

Office of Faith Services

William Woods University

Stone-Campbell Apartments (Apt. A)

Fulton, MO 65251

573-592-4222

Unlike reports of discrimination, harassment, and sexual violence made to other University officials (which must be reported to the Title IX Coordinator), absent the student's consent and/or situations where they perceive a serious risk or threat of injury to any person or property, reports to or conversations with the above confidential resources will not be reported to the Title IX Coordinator or other University officials for further investigation pursuant to this policy.

Students and employees can also report crimes confidentially at williamwoods.edu/SilentWitness and/or may speak confidentially with the following:

- > Off-campus rape crisis counselors
- > Off-campus members of the clergy and chaplains

See the Confidentiality and Support and Services sections of this policy for more information.

With the exception of staff at the Counseling and Health Services office and the University Chaplain, all faculty and staff, including residential life employees (i.e., community advisors and chapter advisors) and graduate assistants who have reasonable cause to believe an incident of discrimination, harassment, sexual violence, or other potential violation of this policy occurred are required to report this information to the Title IX Coordinator, Deputy Title IX Coordinators, or other Designated Official.

When reporting alleged violations of this policy, the reporting party should include relevant details about the incident, including names of the involved parties (if known), any witnesses, and any other relevant facts including the date, time, and specific location of the alleged incident.

The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time an incident of sexual violence occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a victim reporting sexual violence to University officials or law enforcement will not be subject to disciplinary procedures for violations of the University's Alcohol and Drug Policies occurring at or near the time of the sexual violence.

DISCRIMINATION, HARASSMENT, AND SEXUAL VIOLENCE INVESTIGATION AND ADJUDICATION PROCESS

Complaints or reports of conduct that may constitute a violation of this policy will be documented with the Title IX Coordinator. Complaints or reports may be made verbally or in writing and will ultimately need to be recorded in writing by the complainant or a staff member involved with the investigation and adjudication process. Making a report as soon as possible following the alleged misconduct or policy violation is encouraged but not required.

Upon receipt of a complaint or report of conduct that may constitute a violation of this policy, the University will initiate the following process:

Initial Steps:

1. Following a complaint or report of sexual violence, the Title IX Coordinator, Deputy Title IX Coordinators, or designee will:
 - > Assess the immediate safety needs of the complainant;
 - > Provide the complainant with access to medical care if appropriate;
 - > Provide the complainant with contact information for the local police department and assist the complainant with contacting local police if the complainant requests;
 - > Inform the complainant of the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus;
 - > Provide the complainant with written instructions on how to apply for a protective order; and
 - > Provide the complainant with a copy of this policy and inform the complainant regarding timeframes for inquiry, investigation, and resolution.
2. Individuals reporting violations of this policy may request interim measures or accommodations, which may include, but are not limited to, no-contact orders; no-trespass notices; academic accommodations, such as course changes or other appropriate arrangements; residential accommodations (i.e., new housing or temporary housing); changes in transportation and employment arrangements as appropriate; assistance with accessing counseling, disability services, safety escorts, etc.; and information and assistance with filing a report with appropriate law enforcement and/or seeking restraining orders. A no-contact order would restrict contact and communication between the complainant and the respondent. A no-trespass notice would prohibit the presence of the individual who is issued the notice on any University property or properties where University programs are occurring. The Title IX Coordinator or designee will assess the need to implement any such accommodations and/or interim protective measures and will provide these accommodations and/or interim protective measures if they are reasonably available and requested by the complainant. The University will work with local law enforcement to implement these accommodations and/or interim protective measures to the extent appropriate. Refusal to follow and adhere to any interim protective measures may result in disciplinary action. Accommodations and protective measures may be taken even if a complainant declines to pursue a complaint under this policy.
3. Prior to proceeding with the investigation and adjudication process, the Title IX Coordinator or designee will determine whether the report or complaint alleges conduct that may be prohibited by this policy. If the Title IX Coordinator or designee believes that the allegations, if proven, would not constitute a violation of this policy, the complainant will be advised of other available judicial and support options as appropriate, and no further investigation will be pursued under this policy. If new information is later provided to the Title IX Coordinator or designee, this decision may be reevaluated. If the Title IX Coordinator or designee believes that the allegations, if proven, would constitute a violation of this policy, the investigation and adjudication process described herein will be followed.
4. Prior to proceeding with the investigation and adjudication process, the University will notify the complainant that the investigation and adjudication process is being pursued. If the complainant does not wish to proceed with the investigation and adjudication process or does not consent to the disclosure of his/her name or other identifiable information to the

respondent, the University's ability to respond to the complaint may be limited. The University will take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request for confidentiality, but the University may not be able to comply with this request. The University will inform the complainant if it cannot ensure confidentiality. See the Confidentiality section of this policy for more information.

Investigation:

1. If the Title IX Coordinator or designee determines that the University should proceed with the investigation and adjudication process provided in this policy, the Title IX Coordinator or designee will notify the respondent of the complaint and will designate an individual to conduct an investigation that is appropriate under the circumstances, prompt, thorough, fair, equitable, objective, and impartial. The Title IX Coordinator or designee has discretion to designate either an internal investigator or an investigator from outside the University. When an external investigator is used, the Title IX Coordinator may appoint a Designated Facilitator (DF) to serve as the University liaison with the external investigator and to coordinate the investigation. For complaints against students, the Title IX Coordinator will typically designate the Director of Residential Life and Campus Safety (DRL/CS) as the investigator. For complaints against employees, the Title IX Coordinator/Director of Human Resources (DIR HR) will typically serve as the investigator.
2. The investigator is authorized to contact any and all individuals with potentially relevant information and access and/or request records or any additional evidence, outside of those legally protected as confidential or privileged, relevant to the complaint. The nature and scope of the investigation is within the discretion of the investigator and/or the DF.
3. To the extent permitted by law, the complainant and respondent will be afforded the same rights and opportunities throughout the investigation, including the right to receive timely notice of meetings in which they are a participant; the right to receive timely and equal access to information relied on as part of the investigation; and the opportunity to recommend witnesses and submit evidence. The complainant and respondent will be asked to identify all relevant evidence they would like the investigator to consider, as well as witnesses they would like the investigator to interview. Both the complainant and the respondent may provide, if they wish, a list of questions they would like the investigator to ask of particular witnesses or of each other. The complainant and respondent will not be permitted to question or cross-examine each other during the course of the investigation. The investigator will consider all evidence he/she deems necessary to complete a prompt, thorough, and impartial investigation, but may not interview all witnesses identified by the complainant or respondent or ask the questions provided by the complainant or respondent. However, in determining whether to interview witnesses or ask particular questions, the investigator should consider such factors as equity, fairness, and impartial treatment of both parties.
4. Complainants and respondents are entitled to the same opportunities to have an advisor of their choice present at any interviews or meetings related to the investigation and adjudication process provided under this policy. The role of the advisor is solely to support the individual. The advisor is not permitted to ask or answer questions, serve as a witness, or make a statement on behalf of the complainant or respondent. The University is not responsible for providing the complainant or the respondent with an advisor. The investigator, the DF, or other University official may terminate meetings and proceed with the investigation based on information otherwise available if advisors refuse to comply with these requirements.
5. If at any point during the investigation, the respondent acknowledges that he/she engaged in the conduct at issue in the complaint and accepts responsibility for violating this policy, the investigator may refer the matter to the University Judicial Council or the DIR HR for a determination regarding sanction(s), discipline, and/or other action(s) in accordance with this policy.
6. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. This policy prohibits intentionally making a false report or providing false or misleading information in any investigation under this policy. Complainants

will not be deemed to have provided false or misleading information under this policy if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute a policy violation. Participants in the investigation will be expected to keep the content of the interview and investigation confidential. Should a complainant or respondent fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and sanction(s) and/or disciplinary action(s) may be imposed based on the information available.

7. In cases where an evidentiary or procedural question arises in connection with the investigation, the investigator or DF may make a determination or refer the matter to the Title IX Coordinator or designee for a decision.
8. The investigation ordinarily will be completed within forty-five (45) days from the time a report or complaint is made to the Title IX Coordinator. This time period may be shorter or longer, depending on the circumstances, including, but not limited to, the complexity of the case, the academic calendar, and the availability of witnesses and other relevant individuals. If either the complainant or respondent would like to request an extension of this time frame, a request with a description of the reasons for the request should be directed to the investigator and/or DF. The investigator and/or DF will notify the other party, make a decision, and inform the parties and any other individual who needs to know of that decision. If extenuating circumstances are present, the DF may also decide independently to extend this forty-five (45) day time frame, and will inform the complainant and respondent, and any other individual who needs to know, of any such decision.
9. At the conclusion of the investigation, the complainant and respondent may review the witness statements and other relevant materials. This includes the statements of both the respondent and complainant. Both will have an opportunity to respond to this information in writing within seven (7) calendar days. If at any stage following the submission of these responses new relevant evidence is gathered, it will be shared with both parties, who will have an opportunity to submit a written response within a time frame determined by the investigator or DF.
10. The complainant may request that an investigation be discontinued at any time. The University will attempt to honor the wishes of the complainant. However, to accommodate cases where compelling evidence suggests significant individual or community safety concerns, the decision to discontinue an investigation is the sole decision of the University. For more information, see the Confidentiality section of this policy.
11. If a complainant or respondent is concerned that the investigator, DF, or other University official involved in the investigation and/or adjudication process may be biased or have a conflict of interest, the person should inform the Title IX Coordinator or Deputy Title IX Coordinators of that concern immediately. The Title IX Coordinator or designee will consider this concern and determine whether any bias or conflict of interest exists. If a complainant or respondent is concerned that the Title IX Coordinator may be biased or have a conflict of interest, the person should notify the Vice President of Enrollment Services and Marketing at McNutt Campus Center, 573-592-1106, who will then consider this concern and determine whether any bias or conflict of interest exists or appoint an alternate individual to do so.

Determination:

For cases involving complaints or reports against students, the following process will be followed after the investigation is complete:

1. The investigator and/or DF will submit a final report to the University Judicial Council (UJC). The final report will include a summary of the evidence considered and the investigator's recommended finding on whether a violation of this policy occurred. This recommended finding will be based on the preponderance of evidence standard (i.e., whether it is more likely than not that the policy was violated).
2. After review of the investigator's report and recommended finding, the UJC shall issue a determination as to whether a violation of this policy occurred. The UJC's determination will be based on a preponderance of the evidence standard (i.e., whether it is more likely than not that the policy was violated). The UJC is not bound by the investigator's report. The UJC

may accept or reject the investigator's recommended finding in whole or in part. Before making a determination, the UJC may request additional relevant information and may consult with other individuals as appropriate. In addition, prior to the UJC's determination, the complainant or respondent may choose to meet individually with the UJC. If either the complainant or respondent requests to meet with the UJC, the other party will be notified of this request and will also be given the opportunity to meet separately with the UJC. The UJC may also request individual meetings with both the complainant and the respondent. If the UJC finds that a student has engaged in conduct that violates this policy, the UJC will determine the appropriate sanction(s) and/or other action(s). Prior conduct may be taken into account in this determination. Sanction(s) and/or disciplinary action(s) could include warnings, written reprimands, probationary status, official suspension, or expulsion from any or all University program(s) in which the student is enrolled or participating. It may also include other action as deemed appropriate under the circumstances (e.g., long-term protective measures to address the needs of the complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no-contact orders, and other actions deemed necessary to maintain a safe environment for the complainant and/or other members of the University community). Failure to comply with any sanction or other action issued by the UJC may be grounds for further discipline.

3. If the UJC finds that a student has engaged in conduct that violates this policy, the UJC will determine the appropriate sanction(s) and/or other action(s). Prior conduct may be taken into account in this determination. Sanction(s) and/or disciplinary action(s) could include warnings, written reprimands, probationary status, official suspension, or expulsion from any or all University program(s) in which the student is enrolled or participating. It may also include other action as deemed appropriate under the circumstances (e.g., long-term protective measures to address the needs of the complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no-contact orders, and other actions deemed necessary to maintain a safe environment for the complainant and/or other members of the University community). Failure to comply with any sanction or other action issued by the UJC may be grounds for further discipline.
4. The UJC's determination regarding whether a violation of this policy occurred and the appropriate sanction(s) and/or other action(s) (if any) will ordinarily be issued within ten (10) days after receipt of the investigator's report. The ten-day (10) period may be extended if the UJC determines that further information or investigation is needed.
5. For investigations following complaints or reports of sexual violence against students, the complainant and the respondent will be simultaneously notified in writing of the determination of the investigation and adjudication process, any sanction(s) or other action(s) imposed, the right to appeal, any changes to the result of investigation and adjudication process, and when such results become final. For investigations following complaints or reports of a crime of violence or non-forcible sex offense (as defined in 34 C.F.R. § 99.39) against students, the complainant will be notified of the name of the respondent (if not already known), the determination of the investigation and adjudication process, and any sanction(s) or other action(s) imposed. For investigations following all other complaints or reports of discrimination or harassment against students, the complainant and the respondent will be notified in writing of the determination of the investigation and adjudication process, any sanction(s) or other action(s) imposed (the complainant will only be notified of those that directly relate to the complainant, like an order that the accused stay away from the complainant), and the right to appeal.

For cases involving complaints or reports against employees, the following process will be followed after the investigation is complete:

1. If the investigator is someone other than the DIR HR, the investigator and/or DF will submit a final report to the DIR HR. The final report will include a summary of the evidence considered and the investigator's recommended finding on whether a violation of the policy occurred. This recommended finding will be based on the preponderance of evidence standard (i.e., whether it is more likely than not that the policy was violated).

2. After review of the investigator's report and recommended finding, the DIR HR shall issue a determination as to whether a violation of the policy occurred. The DIR HR's determination will be based on a preponderance of the evidence standard (i.e., whether it is more likely than not that the policy was violated). The DIR HR is not bound by the investigator's report. The DIR HR may accept or reject the investigator's recommended finding in whole or in part. Before making a determination, the DIR HR may request additional relevant information and may consult with other individuals as appropriate. In addition, prior to the DIR HR's determination, the complainant or respondent may choose to meet individually with the DIR HR. If either the complainant or respondent requests to meet with the DIR HR, the other party will be notified of this request and will also be given the opportunity to meet separately with the DIR HR. The DIR HR also may request individual meetings with both the complainant and respondent.
3. If the DIR HR is the investigator, he/she shall prepare a final report that includes a summary of the evidence considered and his/her finding on whether a violation of the policy occurred. This determination will be based on a preponderance of the evidence standard (i.e., whether it is more likely than not that the policy was violated).
4. If the DIR HR finds that a staff or faculty member has engaged in conduct that violates this policy, the DIR HR will make a recommendation regarding discipline or other appropriate action to the appropriate cabinet-level supervisory authority for the area. After review of the DIR HR's recommendation, the supervisory authority may impose disciplinary action, including verbal warnings, written warnings, written reprimands, suspension, termination of employment, or other action as deemed appropriate under the circumstances. If the supervisory authority decides to terminate the employment of a tenured faculty member or a faculty member with a three-year contract, the termination and appeal procedures in Chapter 9 of the Faculty Handbook will be followed (See Appendix D). Failure to comply with any discipline or other action issued by the appropriate supervisory authority may be grounds for further discipline.
5. The DIR HR's determination regarding whether a violation of this policy occurred and his/her recommendation regarding discipline or other appropriate action ordinarily will be issued within ten (10) days after receipt and/or completion of the investigator's or DIR HR's report. The ten-day (10) period may be extended if the DIR HR determines that further information or investigation is needed.
6. For investigations following complaints or reports of sexual violence against employees, the complainant and the respondent will be simultaneously notified in writing of the determination of the investigation and adjudication process, any disciplinary or other action(s) imposed, the right to appeal, any changes to the result of investigation and adjudication process, and when such results become final. For investigations following all other complaints or reports of discrimination or harassment against employees, the complainant and the respondent will be notified in writing of the determination of the investigation and adjudication process, any disciplinary or other action(s) imposed (the complainant will only be notified of those that directly relate to the complainant, like an order that the accused stay away from the complainant), and the right to appeal.

Appeal:

For cases involving complaints or reports against students, the complainant and/or respondent may appeal the outcome of the investigation and adjudication process discussed above as follows:

1. An appeal must be filed within five (5) days of receipt of the UJC's determination. The appeal should be filed in writing with the VPSL who is responsible for handling the appeal, unless the sanction was a suspension or expulsion, in which case the appeal should be filed with and handled by the President. The President will follow the same process described below.
2. The appeal must describe the grounds for appeal and outline of any evidence supporting the appeal. Appeals are accepted on the basis of one or more of the following:
 - > Previously unavailable, relevant evidence that could significantly impact the outcome of the investigation and adjudication process has since become available (Note: Prior omission of factual information by the appealing party is not grounds for an appeal, unless the Title IX

- Coordinator or designee determines that good cause exists to consider such information);
- > The investigation and adjudication process was not conducted in conformity with the prescribed procedures and the error was prejudicial to the appealing party; or
 - > The sanction(s), discipline, or other action(s) imposed were not appropriate for the violation.
3. Except in cases involving complaints or reports of sexual violence, the right of appeal is available only to a respondent or complainant who participated in the investigation and adjudication process.
 4. Prior to the deadline for submission of the appeal, the complainant and/or respondent may request the investigator's report.
 5. Upon receipt of a properly filed appeal, the University official responsible for handling the appeal (the Appeal Official) will review the written appeal, as well as the records from the investigation and adjudication process. The Appeal Official may contact the UJC for an informational response to the appeal. The non-appealing party will also be notified of the appeal and will be given the opportunity to respond to the appeal. The Appeal Official may also contact the original investigator, or a new investigator, or any other relevant individual, as necessary.
 6. If one or more of the appeal grounds have been met, the Appeal Official may uphold the UJC's decision, reduce or increase the sanction(s) or other action(s) imposed, or remand the matter back to the UJC for further review. Should this occur, the Appeal Official would determine which aspects of the case merit a new review.
 7. Absent extenuating circumstances, the decision of the Appeal Official ordinarily will be issued within fifteen (15) days after receipt of the appeal. The decision of the Appeal Official is final.
 8. For appeals involving complaints or reports of sexual violence or a crime of violence or non-forcible sex offense (as defined in 34 C.F.R. § 99.39) against students, the complainant and the respondent will be simultaneously notified in writing of the result of the appeal and any changes in the sanction(s) or other action(s) imposed. For appeals involving all other complaints or reports of discrimination or harassment against students, the complainant and the respondent will be notified in writing of the result of the appeal and any changes in the sanction(s) or other action(s) imposed (the complainant will only be notified of changes that directly relate to the complainant, like an order that the accused stay away from the complainant).

For cases involving complaints or reports against a tenured faculty member or a faculty member with a three-year contract, the complainant and/or respondent may appeal a decision to terminate the respondent's employment pursuant to the appeal procedures in Chapter 9 of the Faculty Handbook (See Appendix D).

For cases involving complaints or reports against any employee who is not a tenured faculty member or a faculty member with a three-year contract, the complainant and/or respondent may appeal a decision to terminate the respondent's employment as follows:

1. An appeal must be filed within five (5) days of receipt of the outcome of the investigation and adjudication process discussed above. The appeal should be filed in writing with the President, who is responsible for handling the appeal.
2. The appeal must describe the grounds for appeal and outline of any evidence supporting the appeal. Appeals are accepted on the basis of one or more of the following:
 - > Previously unavailable, relevant evidence that could significantly impact the outcome of the investigation and adjudication process has since become available (Note: Prior omission of factual information by the appealing party is not grounds for an appeal, unless the Title IX Coordinator or designee determines that good cause exists to consider such information);
 - > The investigation and adjudication process was not conducted in conformity with the prescribed procedures and the error was prejudicial to the appealing party; or
 - > Termination of employment is not the appropriate disciplinary action for the violation.
3. Except in cases involving complaints or reports of sexual violence, the right of appeal is

available only to a respondent or complainant who participated in the investigation and adjudication process.

4. Prior to the deadline for submission of the appeal, the complainant and/or respondent may request the investigator's report.
5. Upon receipt of a properly filed appeal, the President will review the written appeal as well as the records from the investigation and adjudication process. The President may contact the supervisory authority and/or the DIR HR for an informational response to the appeal. The non-appealing party will also be notified of the appeal and will be given the opportunity to respond to the appeal. The President may also contact the original investigator, or a new investigator, or any other relevant individual, as necessary.
6. If one or more of the appeal grounds have been met, the President may uphold the decision to terminate the employee, reduce the discipline or other action(s) imposed, or remand the matter back to the DIR HR for further review. Should this occur, the President would determine which aspects of the case merit a new review.
7. Absent extenuating circumstances, the decision of the President ordinarily will be issued within fifteen (15) days after receipt of the appeal. The decision of the President is final.
8. For appeals involving complaints or reports of sexual violence against employees, the complainant and the respondent will be simultaneously notified in writing of the result of the appeal and any changes in the sanction(s) or other action(s) imposed. For appeals involving all other complaints or reports of discrimination or harassment against employees, the complainant and the respondent will be notified in writing of the result of the appeal and any changes in the sanction(s) or other action(s) imposed (the complainant will only be notified of changes that directly relate to the complainant, like an order that the accused stay away from the complainant).

Withdrawal During Pendency of Investigation and Adjudication Process and Any Subsequent Appeals (Students):

If a student withdraws while the investigation and adjudication process or any subsequent appeal is pending, the student will give up any opportunity to return to William Woods University. Notation will be made in the student's permanent file that the student has withdrawn with a disciplinary matter pending, or with an appeal of a disciplinary outcome pending, as appropriate. The VPSL may, after appropriate consultation, a review of the case, and consideration of the University's best interests, grant permission for a student to withdraw from University when a disciplinary matter is pending without giving up the opportunity to return to William Woods University. Should the student be readmitted, the disciplinary matter must be resolved either before or immediately upon the student's return.

Emergency Withdrawal, Suspension, or Expulsion (Students):

The University reserves the right, notwithstanding and apart from the procedures described above, on an emergency basis, to temporarily or permanently suspend, expel, or require to withdraw any student whose presence is determined by University authorities (e.g., VPSL, DRL/CS, President) to pose a danger to the community or its members or to be unduly disruptive of University life, or who appears to be unwilling or incapable of effectively and/or safely participating in academic or other programs and/or the residential life of the University. In cases of emergency suspension or required withdrawal, the conditions and procedures for readmission will be determined and communicated in writing to the student once the circumstances surrounding the student's departure have been clarified.

Training University Officials:

Individuals conducting investigations, making determinations, and/or handling appeals under this policy will receive training annually on the issues related to sexual assault, domestic violence, dating violence, and stalking, and on how to conduct a fair, impartial and equitable investigation and adjudication process that protects the safety of complainants and promotes accountability. These individuals also receive training on handling complaints of sexual harassment, these policies and procedures, and the confidentiality requirements.

RETALIATION

There will be no retaliation against or adverse treatment of any individual who in good faith reports an incident under any part of this policy or against any individual who participated in the investigation or adjudication process related to this policy. Retaliation includes, but is not limited to, pressuring the person to drop or not support the complaint or to provide false information; engaging in conduct that may reasonably be perceived to adversely affect an individual's educational, living, or work environment; and/or threatening, intimidating, or coercing the individual or otherwise discriminating against any individual using their rights or responsibilities under this policy. Reports of retaliation should be reported immediately to the Title IX Coordinator or Deputy Title IX Coordinators. Any reports or complaints of retaliation will be investigated and appropriate action will be taken.

CONFIDENTIALITY

Confidential Reporting:

The decision to come forward and report incidents covered in this policy can be difficult, and individuals may want to seek assistance from someone who can provide support and assure that what is disclosed will not be acted upon. Certain individuals can serve as confidential resources and are ethically and legally obligated to keep all information shared with them confidential, except in certain circumstances noted below.

Though the University encourages students and employees to bring reports of discrimination, harassment, and sexual violence to the attention of the University for further investigation pursuant to this policy, individuals who wish to maintain confidentiality may contact the following resources:

> Traditional on-campus students can make confidential reports to:

> **Counseling and Health Services Office**

(including the office manager, counselor, and nurse practitioner)

Jenn Burton, Office Manager

William Woods University

Stone-Campbell Apartments (Apt. A)

Fulton, MO 65251

health.services@williamwoods.edu

573-592-4222

> **The University Chaplain
Office of Faith Services**

William Woods University

Stone-Campbell Apartments (Apt. A)

Fulton, MO 65251

573-592-4222

Unlike reports of discrimination, harassment, and sexual violence made to other University officials (which must be reported to the Title IX Coordinator), absent the student's consent and/or situations where they perceive a serious risk or threat of injury to any person or property, reports to or conversations with the above confidential resources will not be reported to the Title IX Coordinator or other University officials for further investigation pursuant to this policy.

Students and employees can also report crimes confidentially at williamwoods.edu/SilentWitness and/or may speak confidentially with the following:

- > Off-campus rape crisis counselors
- > Off-campus members of the clergy and chaplains

Please note that, in some cases, medical and mental health professionals may be required by state law to report certain crimes to law enforcement (e.g., allegations of abuse of a person under 18).

Confidentiality in the Investigation and Adjudication Process:

The University will handle information related to alleged violations of this policy and any subsequent investigation and adjudication process with sensitivity and discretion. However, to conduct an extensive, fair, and impartial investigation and adjudication process, the University may need to disclose information relating to an incident, including the identity of the individuals involved, witnesses and others, and will do so in accordance with this policy and applicable law.

Information related to alleged violations of this policy and any subsequent investigation and adjudication process will be treated as confidential and will be shared with others on a need-to-know basis to the extent they are involved in the investigation and adjudication process and/or directly responsible for the University's response to the incident. Participants in the investigation and adjudication process must keep the content of the interview, investigation, and/or adjudication confidential.

When individuals report a violation of this policy but ask that it remain confidential or request that no investigation into the incident be conducted and that no disciplinary action be taken, the University will evaluate the request against its responsibility to provide a safe environment, not only for the complainant, but for all students, faculty, and staff. Individuals should keep in mind that requests for confidentiality limit the ability of the University to investigate the incident and/or pursue disciplinary action against the respondent if appropriate.

The Title IX Coordinator and Deputy Title IX Coordinators are responsible for evaluating requests for confidentiality and/or requests that an incident not be investigated. In considering these requests, these individuals may consult with other University employees as appropriate. Factors considered in determining whether confidentiality may be maintained include:

- > Seriousness of the reported conduct;
- > Risk of repeated conduct, including knowledge of other complaints against the respondent, history of arrests or reports indicating prior violence of the respondent, and threats of further sexual violence or other violence against the complainant or others;
- > Whether the alleged incident was committed by multiple individuals;
- > Whether the alleged incident involved the use of a weapon; and/or
- > Whether the complainant was a minor.

There may be times when a request for confidentiality and/or a request that an incident not be investigated cannot be accommodated. When this occurs, the University will, extenuating circumstances aside, inform the complainant prior to the investigation, and will, to the extent possible, only share information on a need-to-know basis with those involved in the investigation and adjudication process and/or directly responsible for the University's response to the incident. Complainants will not be required to participate in the investigation or adjudication process.

Whether the University can accommodate a request for confidentiality and/or a request that an incident not be investigated pursuant to this policy, the University may still provide accommodations and/or protective measures if they are reasonably available and requested by the complainant. The University will maintain as confidential any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations or protective measures.

When complying with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the University will not include names or other identifying information in publicly available reports.

LAW ENFORCEMENT AND CRIMINAL CHARGES

There are times when the University may need to report an incident reported pursuant to this policy to local law enforcement. These circumstances may include, but are not limited to, incidents that potentially impact the health and safety of the complainant and/or the University community. Complainants also may decide to notify local, state, or federal law enforcement directly themselves or may request that the University assist with off-campus reporting. The University will not wait for conclusion of a criminal investigation or proceeding to resolve complaints or begin the investigation and adjudication process described in this policy. The University will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. This may result in temporary delays of the University's investigation and adjudication process while law enforcement evidence is gathered, but the University will resume the investigation and adjudication process described in this policy when law enforcement has finished its evidence gathering. Any delays in the investigation and adjudication process described in this policy will not impact any accommodations and/or interim measures the University has provided to promote the safety and well-being of the complainant or the community.

RIGHTS OF COMPLAINANTS AND RESPONDENTS

Rights of Complainants:

1. They will be treated with sensitivity and respect and in an unbiased manner by University officials and investigators involved in the investigation and adjudication process.
2. They will be informed that their complaint is being investigated in accordance with this policy.
3. They will be provided a copy of this policy, which includes definitions of prohibited conduct; expectations of confidentiality; information about counseling and health services, both on and off campus; and options for assistance with changing academic, living, transportation, and work environments if requested by the complainant and reasonably available.
4. They will have the same rights and opportunities as the respondent throughout the investigation and adjudication process, including any subsequent appeal.
5. They will be given periodic status updates throughout the investigation and adjudication process.
6. They will have access to available University and/or off-campus resources for counseling and health services.
7. They may choose to pursue a formal complaint with appropriate law enforcement at any time.
8. They may invite an advisor of their choice to accompany them at all meetings regarding the investigation and adjudication process, or any subsequent appeal.
9. They will be informed in writing of the outcome of the investigation and adjudication process, as well as the outcome of any appeal, to the extent permitted by this policy and applicable law.
10. They will have the right to appeal the outcome of the investigation and adjudication process, to the extent permitted by this policy.

Rights of Respondents:

1. They will be treated with sensitivity and respect and in an unbiased manner by University officials and investigators involved in the investigation and adjudication process.
2. They will be informed that a complaint of discrimination, harassment, and/or sexual violence has been filed and that this complaint is being investigated in accordance with this policy.
3. They will be provided a copy of this policy.
4. They will have the same rights and opportunities as the complainant throughout the investigation and adjudication process, including any subsequent appeal.
5. They will be given periodic status updates throughout the investigation and adjudication process.
6. They will have access to available University and/or off-campus resources for counseling and health services.

7. They may invite an advisor of their choice to accompany them at all meetings regarding the investigation and adjudication process, including any subsequent appeal.
8. They will be informed in writing of the outcome of the investigation and adjudication process, as well as the outcome of any appeal, to the extent permitted by this policy and applicable law.
9. They will have the right to appeal the outcome of the investigation and adjudication process, to the extent permitted by this policy. They will have the right to appeal the outcome of the investigation and adjudication process, to the extent permitted by this policy.

SUPPORT AND SERVICES FOR VICTIMS OF DISCRIMINATION, HARASSMENT, AND SEXUAL VIOLENCE

The University offers support for victims of discrimination, harassment, and sexual violence separate from the investigation and adjudication process discussed above.

The University will assist a victim of sexual violence or other alleged criminal behavior in contacting the local police department to report the alleged behavior if requested by the victim. Regardless of whether a victim elects to pursue a criminal complaint or contact local law enforcement, the University will assist victims of sexual violence and will provide each victim with a written explanation of his/her rights and options under this policy.

Seeking medical attention and discussing the situation with trained professionals can often help victims gain closure more rapidly and feel more effective in their reactions.

Medical Treatment:

Seeking medical treatment is essential to treat any physical injuries and to assess and treat any sexually transmitted disease or pregnancy. A medical examination is essential for gathering and preserving evidence for those individuals considering reporting to local law enforcement. This ideally should occur within twenty-four (24) hours of the incident. The Coalition Against Rape and Domestic Violence (CARDV), a local Fulton, Missouri resource, is available for support, transportation, or as an advocate. Even though the medical exam is key to any legal repercussions, it does NOT mean that charges will be filed. This can be discussed with appropriate law enforcement if applicable.

Medical Services - On-Campus (for traditional on-campus students):

A nurse practitioner is available in the health services clinic to help students. The nurse practitioner can provide medical attention, pregnancy tests, and testing and treatment for sexually transmitted diseases. The nurse practitioner can also provide information on medical exams, counseling, and off-campus referrals, if necessary. On-campus students may contact the nurse practitioner as follows:

> Counseling and Health Services (traditional on-campus students)

Jenn Burton, Office Manager
William Woods University
Stone-Campbell Apartments (Apt. A)
Fulton, MO 65251
health.services@williamwoods.edu
573-592-4222

Note: On-campus medical exams do not include gathering and preserving evidence.

Medical Services - Off-Campus:

Some students, faculty, and staff prefer or need to seek medical services off campus or after clinic hours. For a list of local health care facilities off campus see Appendix C.

Counseling Services - On-Campus (for traditional on-campus students)

A counselor is available on campus. Professional support can help with anxiety and grief related to the crisis situation. In addition, the counselor can provide information on options involving safety, medical exams, University disciplinary action, and legal options. On-campus students may contact the counselor as follows:

> **Counseling and Health Services (traditional on-campus students)**

Jenn Burton, Office Manager
William Woods University
Stone-Campbell Apartments (Apt. A)
Fulton, MO 65251
health.services@williamwoods.edu
573-592-4222

On-campus students may also contact the University Chaplain as follows:

> **The University Chaplain
Office of Faith Services**

William Woods University
Stone-Campbell Apartments (Apt. A)
Fulton, MO 65251
573-592-4222

Counseling Services - Off-Campus

The local sexual violence advocacy organization is the Coalition Against Rape and Domestic Violence (CARDV). Their trained staff provides private and confidential information and referral for medical, legal (e.g., ex parte), and recovery issues twenty-four (24) hours a day, seven (7) days a week. CARDV also provides ongoing counseling services. Contact CARDV toll free at 866-642-4422.

EDUCATION

As part of its effort to prevent sexual violence, the University is dedicated to educating the University community about dating violence, domestic violence, sexual assault, and stalking. The University offers various programs and resources to students, faculty, and staff discussing these important issues. For information on the University's primary and on-going efforts at prevention and awareness, as well as information on risk reduction and options for bystander intervention, please see Appendices E, F, and G.

POLICY ACCESS

This policy is available online via the university's web page at williamwoods.edu/sexual_misconduct. Printed copies of the policy are also available upon request from the Office of Student Life, the Office of Human Resources and the Campus Safety Office. This policy may be amended when appropriate. The amended policy, as published on the University website, shall supersede wholly any prior versions of the policy. Reasonable accommodations will be provided for persons with disabilities who need assistance in reviewing this policy and/or filing or pursuing a complaint under the policy, upon request.

Students registered with the Director of Disability Services can request accommodations to ensure their full and equal participation in any investigation or adjudication process provided by this policy. Accommodation requests may also be made directly to the judicial officer of the UJC, and/or the Title IX Coordinator or Deputy Title IX Coordinators. Accommodations are determined on an individual basis in consultation with the Director of Disability Services. Employees with disabilities may contact Human Resources.

APPENDIX A

Missouri Revised Statutes

Definition of Consent

556.061. In this code, unless the context requires a different definition, the following terms shall mean:

- (5) "Consent": 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.

Definitions of Harassment, Sexual Assault, Domestic Violence, and Stalking For Purposes of Orders of Protection

455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

- (1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:
 - (a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;
 - (b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;
 - (c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;
 - (d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:
 - a. Following another about in a public place or places;
 - b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
 - (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;
 - (f) "Unlawful imprisonment", holding, confining, detaining, or abducting another person against that person's will;
- (2) "Adult", any person seventeen years of age or older or otherwise emancipated;
- (3) "Child", any person under seventeen years of age unless otherwise emancipated;
- (4) "Court", the circuit or associate circuit judge or a family court commissioner;
- (5) "Domestic violence", abuse or stalking committed by a family or household member, as such terms are defined in this section;
- (6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;
- (7) "Family" or "household member", 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;
- (8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
- (9) "Order of protection", either an ex parte order of protection or a full order of protection;
- (10) "Pending", exists or for which a hearing date has been set;
- (11) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;
- (12) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking, against whom a verified petition has been filed, or a person served on behalf of a child pursuant to section 455.503;

(13) "Stalking", is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

- (a) "Alarm", means to cause fear of danger of physical harm;
- (b) "Course of conduct" means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact; and
- (c) "Repeated", means two or more incidents evidencing a continuity of purpose.

566.031. Sexual Assault

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.
2. The offense of rape in the second degree is a class C felony.

565.225. Stalking

1. As used in this section, the following terms shall mean:
 - (1) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;
 - (2) "Credible threat", 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, or the safety of his or her family, or household members or domestic animals or livestock as defined in section **276.606** kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in section **276.606** kept at such person's residence or on such person's property;
 - (3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.
2. A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.
3. A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and;
 - (1) Makes a credible threat; 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 harassing the other person is twenty-one years of age or older; or
 - (5) He or she has previously pleaded guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.
4. The crime of stalking shall be a class A misdemeanor unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, in which case stalking shall be a class D felony.
5. The crime of aggravated stalking shall be a class D felony unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, aggravated stalking shall be a class C felony.
6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.
7. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law.

APPENDIX B

Contact Information for Filing Complaints

Margie Bramon

Title IX Coordinator
Director of Human Resources (DIR HR)
William Woods University
Academic Building, Room 108
margie.bramon@williamwoods.edu
573-592-1111

Venita M. Mitchell, Ph.D.

Deputy Title IX Coordinator for Students
Vice President and Dean of Student Life (VPSL)
William Woods University
McNutt Campus Center, Room 121
Fulton, MO 65251
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573-592-1191

Fulton Police Department

Fulton, MO 65251
573-592-3100

Steven Mitchell

Office for Civil Rights - Region 7
U.S. Department of Health and Human Services
601 East 12th Street - Room 353
Kansas City, MO 64106
Voice Phone 800-368-1019
FAX 816-426-3686
TDD 800-537-7697

APPENDIX C

University, Local, and Other Resources

Medical and Counseling Services

(for traditional on-campus students):

Counseling and Health Services (Traditional On-Campus Students)

Stone-Campbell Apartments (Apt. A)
573-592-4222
Jenn Burton, Office Manager
health.services@williamwoods.edu

The University Chaplain Office of Faith Services

William Woods University
Stone-Campbell Apartments (Apt. A)
Fulton, MO 65251
573-592-4222

Director of Disability Services

Academic Building, Room 109
573-592-1194

Audrain Medical Center

620 E. Monroe, Mexico

Medical Services - Off Campus

Local facilities include, but are not limited to:

Fulton Medical Center

10 Hospital Drive, Fulton

University Hospital

One Hospital Drive, Columbia

Women's and Children's Hospital

404 Keene Street, Columbia

Boone Hospital Center

1600 East Broadway, Columbia

St. Mary's Health Center

2505 Mission Drive, Jefferson City

Counseling Services - Off Campus**Coalition Against Rape and Domestic Violence (CARDV)**

- > Toll free at 866-642-4422.
- > Trained staff provides private and confidential information, counseling, and referral for medical, legal, and recovery issues 24 hours a day, seven (7) days a week.

National Sexual Assault Hotline

- > 800-656-HOPE(4673)

Legal Assistance**Mid-Mo Legal Services**

120 West Broadway
Columbia, MO 65203
573-442-0116
800-568-4931

APPENDIX D

Excerpt From Faculty Handbook

Chapter 9-Non Reappointment-Appeals

This appeal procedure is applicable only when recommendations for non-reappointment or termination of a three-year contract or tenured appointment are made.

- > **Recommendations regarding the action (meaning termination or non-reappointment) are made initially by the Academic Dean. The faculty member may request that the recommendation be in writing.**
- > Within three days after making the recommendation regarding the action, the Academic Dean must confer with the faculty member. During this conference, the Academic Dean must state specifically the reason(s) for this recommendation. The Academic Dean must also inform the faculty member of his or her right to appeal this recommendation regarding the action and ensure that the faculty member involved understands the procedure he or she must follow to appeal. To ensure that the faculty member understands his or her rights, the chair of the Personnel Committee must be available to meet with the person at his or her request to further explain the appeal process.
- > If the faculty member agrees that the recommendation regarding the action is justified and/or does not wish to appeal the decision, the matter shall end, the recommendation shall stand and the action shall be taken.
- > If the faculty member does not accept the Academic Dean's recommendation regarding the action, the faculty member must send a written request for appeal to the chair of the Faculty Personnel Committee with informational copies to the Academic Dean and the faculty member's division chair. The written request for appeal must be received by the chair of the Faculty Personnel Committee within ten days of the day of the Academic Dean's conference with the faculty member.
- > Once the request for an appeal has been received, the chair of the Faculty Personnel Committee shall send a memorandum to the Academic Dean, the faculty member and all members of the Faculty Personnel Committee that includes a copy of the appeal, establishes a date, time and place for the hearing, and sets forth any other matters deemed advisable by the chair. The date of the hearing must be scheduled no later than ten school days following the date of the request from the faculty member.

- > In cases of non-reappointment of three-year contracts, the jurisdiction of the committee is limited solely to a determination as to whether the proper procedure was followed. That is to say, the committee's sole function is to determine whether the requirement of timely notice to the faculty member has been followed as set forth in this handbook. The committee does not have jurisdiction to review any substantive matters such as whether the reason(s) given for the action are appropriate or are supportable.
- > The hearing shall be conducted in a manner determined by the committee chair in consultation with the members of the committee. The faculty member and the dean or his or her representative are entitled to be present. The faculty member and the Academic Dean may send a written notice to the chair no later than five business days prior to the hearing indicating that they expect to call certain persons to appear before the committee as witnesses. All persons to be directly involved in the hearing and persons who have been requested to appear as witnesses shall be notified in writing by the chair at least three business days prior to the hearing date. The hearing process will continue for the period determined by the committee until the committee in its opinion has accumulated information and supporting data sufficient to render a recommendation in the case. The sole jurisdiction of the faculty committee shall be either to endorse the dean's recommendation or to recommend that said decision be reversed.
- > The decision of the committee must be announced in writing within two school days after the hearing has been concluded in a written memorandum from the committee chair to the faculty member, the division chair, the Academic Dean, and the President. The President shall review the recommended decision of the committee and render a final decision endorsing the committee recommendation or overruling it. Except as described in the next sentence, the decision of the President is final and non-appealable. In the case of the termination of a tenured faculty member only, a faculty member who is aggrieved by the decision of the President shall have a right to a final appeal to the executive committee of the Board of Trustees.
- > In the event of an appeal to the Executive Committee of the Board as noted in the preceding section, the time, date and place of such a hearing shall be arranged by the President in consultation with the Chair of the Executive Committee. The hearing will be conducted in a manner to be determined by the Chair of the Executive Committee in consultation with the Committee members. The decision of the Executive Committee will be determined by majority vote and will be announced in a memorandum sent by the President no later than two business days after the decision of the Committee. The memorandum of the President shall be addressed to the faculty member, the Academic Dean, and to all members of the Personnel Committee. The decision of the Executive Committee is final and non-appealable.

APPENDIX E

Education

Campus safety and security are matters of significant importance on the William Woods University campus, and the University is dedicated to educating the University community about dating violence, domestic violence, sexual assault, and stalking.

Campus Safety personnel provide safety information to the campus and also work with the local police department to provide safety programs for the students and employees. The focus of this educational programming effort is to increase awareness of safety issues and to provide students and employees with information about campus security procedures. New students and employees receive security/safety information during orientation sessions and are encouraged to report safety concerns, emergencies, and/or crimes to the safety office.

The Student Life staff, other university staff, and student organizations also sponsor educational programs dealing with issues such as sexual assault, including rape and acquaintance rape, alcohol awareness, substance abuse, etc. Topics are addressed through a variety of measures including campus flyers and promotional materials, speakers, videos, curriculum, etc. In addition, hall meetings are held to address hall safety procedures and security issues identified by the Student Life staff.

For a list of specific programs offered, please see the University's Annual Security Report at williamwoods.edu/safetyreport.

APPENDIX F

Risk Reduction

Campus safety and security are matters of significant importance on the William Woods University campus. Campus Safety officers are available to escort employees and students across campus after hours. For Campus Safety, dial 4357 (HELP) from a University phone or (573) 592-4357 from a cell phone. When you need the police, fire, or an emergency response, dial 911 from any University phone, a cell, or off-campus phone. Also, emergency phones have been installed in six strategic locations around campus. Also referred to as “blue phones,” they have an attention-getting blue strobe mounted atop the units. The blue light is continually lit, and the strobe is activated when the emergency button is pressed. The phones contain two buttons:

- > A red emergency button, which calls 911, used for emergencies ONLY
- > A black button, which calls the WWU switchboard to summon assistance for non-emergency situations such as lock-outs and dead batteries.

All students, faculty, and staff also are encouraged to sign up for Woods Alert, an emergency notification system that uses text messaging and email (<https://williamwoods.regroup.com/signup>). Information can be sent to your cell phone, wireless PDA or computer. Information includes the following categories:

- > Emergency Information
- > Campus Closings/Cancellations
- > Important Announcements

Members of the campus community are encouraged to make safety a priority for themselves and the University. The following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend have been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

15. If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 - a. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. Lie. If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

APPENDIX G

Bystander Intervention

Bystanders play a critical role in the prevention of sexual violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask whether they are ok.
2. Confront people who seclude, hit on, and 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. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

If you or someone else is in immediate danger, call 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.



WILLIAM WOODS
UNIVERSITY

**Offices of Student Life
and Human Resources**

One University Avenue
Fulton, MO 65251

Student Life: 573-592-4239

Human Resources: 573-592-1111

Safety: 573-592-4357

Confidential reports can be made at
williamwoods.edu/SilentWitness