

SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL VIOLENCE, RELATIONSHIP AND INTERPERSONAL VIOLENCE AND STALKING POLICY*

TABLE OF CONTENTS

- I. Statement of Purpose**
 - a. Amnesty
 - b. False Reports
 - c. Privacy
 - d. Confidentiality
 - i. Resource and Referral Options Sheet
- II. Employee Responsibility to Report Allegations**
 - a. Confidential and Anonymous Resources
 - b. Responsible Employees and Responsible Student Employees
 - c. Title IX Co-Coordinators
- III. Definitions and Examples of Relationship and Interpersonal Violence**
 - a. Dating Violence
 - b. Domestic Violence
- IV. Definitions and Examples of Sexual and Gender-Based Harassment, Sexual Violence**
 - a. Sexual Assault
 - b. Sexual Exploitation
 - c. Sexual Harassment
- V. Additional Applicable Definitions**
 - a. Consent
 - b. Coercion or Force
 - c. Incapacitation
 - d. Statutory Rape
 - e. Incest
- VI. Definitions and Examples of Stalking**
- VII. Information and Support for Victims/Survivors: What Do I Do If I Have Experience Gender-Based Violence**
- VIII. Information and Support for the Respondent: What Do I Do If I Have Been Accused**
- IX. Making a Report of Sexual Misconduct, Relationship and Interpersonal Violence, and/or Stalking**
 - a. How to report if I'm a student, visitor, witness or 3rd party vendor (reporting party)
 - b. How to report if I'm a "Responsible Employee"
- X. Non-Retaliation & Non-Intimidation**
- XI. Procedures for Dealing with Sexual Misconduct Offenses On/Off Campus**
 - a. Disciplinary Process
 - b. Sanctions
 - c. Appeal Process
- XII. Resources**
- XIII. Missouri Revised Statutes**

I. STATEMENT OF PURPOSE

Avila University, a Catholic University sponsored by the Sisters of Saint Joseph of Carondelet, is committed to creating and maintaining a community in which all persons who participate in Avila University's programs and activities can work together in an atmosphere free from all forms of harassment, abuse, assault, exploitation, or intimidation. Sexual misconduct or harassment are unacceptable and will not be tolerated at Avila University. Accordingly, Avila University urges an individual to make a formal report if that individual is the victim of sexual misconduct or harassment, has knowledge of another person being the victim of sexual misconduct or harassment, or believes in good faith that he/she has witnessed a possible warning sign of sexual misconduct or harassment. A report of sexual misconduct or harassment will be dealt with promptly. Confidentiality will be maintained to the greatest extent possible.

Further, Avila University is committed to non-discrimination and equal opportunity to its students including, but not limited to, recruitment, admissions, financial aid, educational policies, placement services, housing, athletics, sponsorship, conduct of co-curricular activities, and other University administered programs and services.

These policies for students, faculty, and staff are to be administered without regard to sex, race, religion, age, color, sexual orientation, gender identity, disability, or national origin.

The University operates from a value system in which caring, sharing and respect are paramount. While we value diversity and seek to serve all segments of society, we do not aspire to be only a reflection of society. We seek higher goals, with higher values, and higher standards. This is the community that you have chosen; one that expects more from itself, more from one another, and more from you.

It is the intent of this policy to set forth in a clear, concise and uniform manner the expectations of students, faculty & staff who are a part of the University community and to set forth administrative and judicial procedures whereby those involved in gender-based misconduct may be treated fairly.

a. Amnesty

At times, an individual(s) may be hesitant to report the occurrence of misconduct to Avila officials because they are concerned that they themselves, or a witness to misconduct, may be found responsible for other policy violations, such as alcohol or drug violations. Although violations of University policy are not condoned, the importance of addressing the alleged misconduct takes priority. Therefore, Avila will not refer an individual or a witness who makes a report of misconduct to the

student conduct system as a responsible party for any other violations that may have occurred in connection with the reported allegations of misconduct.

b. False Reports

Avila prohibits students from knowingly making false reports of sexual misconduct (including sexual assault and sexual harassment). Knowingly making false reports of sexual assault, dating/domestic violence and/or stalking constitutes a violation of the Student Code of Conduct and will result in disciplinary action. However, a report made in good faith is not considered false merely because the evidence does not ultimately support the allegation.

All members of Avila University's community, including but not limited to students, faculty (including adjunct faculty), staff, volunteers and independent contractors are subject to this policy.

Avila University is committed to making reasonable efforts to protect the privacy interests of a reporting party, a respondent and/or other individuals involved in a report under this policy.

This policy is in compliance with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and Missouri state laws.

c. Privacy

For the purposes of this policy, privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who "need to know" in order to assist in the review, investigation, and findings, and related issues. All employees who are routinely involved in Avila University's Title IX response receive specific training and guidance about safeguarding private information in accordance with applicable laws.

d. Confidentiality

Students who would like to discuss their situations in a confidential environment, and share or seek information about a sexual misconduct, dating/domestic violence, or stalking issue without making a report, have a number of options. At various offices on campus and off campus, students can speak to individuals who have a professional or legal obligations to keep communications with the student confidential. To view options of confidential resources on and off campus please view Avila's Resource and Referral Options worksheet below.

Resource and Referral Options Sexual Assault, Dating/Domestic Violence, and Stalking

Seek an Advocate	Seek Medical Assistance	Contact Law Enforcement	Make a Complaint or Consult about Avila Policies/Procedures	Ask For Accommodation to Address Safety Concerns or the Impact of Trauma	Avila Confidential Resources
<p><u>24 Hour Assistance</u>.....</p> <p>Metropolitan Organization to Counter Sexual Assault (MOCSA) 816-531-0233</p> <p>Hope House Domestic Violence Agency 816-461-4673</p> <p>Kansas City Anti-Violence Project (KCAVP) 816-561-2755</p>	<p><u>On Campus</u>.....</p> <p>Avila Health Services Hodes Center 816-501-3668</p> <p><u>Off Campus</u>.....</p> <p>St. Joseph 1000 Carondelete Dr. KCMO 816-942-4400</p> <p>St. Luke's 4401 Wornall Road, KCMO 816-932-2000</p> <p>Truman 2301 Holmes, KCMO 816-404-1000</p> <p>Research Medical 2316 E. Meyer Blvd, KCMO 816-276-4000</p>	<p>Emergency 911</p> <p><u>On Campus</u>.....</p> <p>Avila Campus Safety 816-985-6079</p> <p><u>Off Campus</u>.....</p> <p>Kansas City Police Department- Victim Resources Emergency- 911 Non-Emergency 816-234-5111</p>	<p>Campus Conduct Hotline- Anonymous Reporting 866-943-5787</p> <p>Avila Campus Safety 816-985-6079</p> <p>Title IX Co-Coordinator Assistant Vice President of Student Development and Success 816-501-3748</p> <p>Title IX Co-Coordinator Director of HR 816-501-3618</p> <p>Eagles Aware 816-501-2909</p> <p>Director of Residence Life 816-501-2485</p> <p>Residence Life 816-256-6198</p> <p>RA 816-256-6197</p>	<p>Avila Campus Safety 816-985-6079</p> <p>Assistant Vice President of Student Development and Success 816-501-3748</p> <p>Director of Financial Aid 816-501-3782</p> <p>Manager of International Student Services 816-501-3772</p>	<p><u>On Campus</u>.....</p> <p>Counseling Services 816-501-3767</p> <p>Eagles Aware 816-501-2909</p> <p>Campus Ministry 816-501-2423 816-501-0427</p> <p>Faculty & Staff EAP New Directions 1-800-624-5544</p> <p>Campus Conduct Hotline- Anonymous Reporting 866-943-5787</p> <p><u>Off Campus</u>.....</p> <p>MOCSA 816-531-0233</p> <p>Hope House DV Agency 816-461-4673</p> <p>KCAVP 816-561-2755</p>

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II. EMPLOYEE RESPONSIBILITY TO REPORT ALLEGATIONS

There are 2 general classifications of individuals on campus and the respective ability of these categories of individuals to maintain a reporting party's confidentiality differs:

a. Confidential and Anonymous Resources

Confidential and Anonymous Resources can maintain the confidentiality of a reporting party's disclosures and will not share any information with Avila University. If the victim does not want to pursue action within the University system or the criminal justice system at this time, she/he may still want to consider having a confidential or anonymous report made. The purpose of a confidential or anonymous report is to comply with the victim's wish to keep the matter private while taking steps to ensure future safety for the victim and others. The reporting party will be asked to sign a Complaint Acknowledgement Form from the University, which protects their right to pursue action at a later time, if they so choose.

- University Counselor:
Elizabeth McKinley- (816) 501-3767

- Office of Ministry, Service and Action
Dave Armstrong (816) 501-2423
Julie Cowley (816) 501-0427
Fr. Keith Branson padrekb_CPPS@yahoo.com

- Anonymous Reporting
Campus Conduct Hotline: (866) 943-5787

b. Responsible Employees

While able to maintain an individual's privacy, Responsible Employees are required to immediately share all known details of incidents of misconduct with the Title IX Co-Coordinators.

- "Responsible Employee" means those designated employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees. Responsible Employees include all full-time, regular part-time, faculty, adjunct faculty and staff employees.

- "Responsible Student Employee" means students serving in certain positions of leadership or authority, such as Resident Assistants, student supervisors and managers, Graduate Assistants

and First Year Mentors, are also considered Responsible Employees.

This list is not exhaustive; any questions about the status of an employee as a 'Responsible Employee' should be addressed to the Title IX Co-Coordinators.

c. Title IX Co-Coordinators

- Janet McManus (816-501-3618 or janet.mcmanus@avila.edu)
- Darby Gough (816-501-3748 or darby.gough@avila.edu).

III. RELATIONSHIP & INTERPERSONAL VIOLENCE

a. Dating Violence

Dating Violence is defined by Violence Against Women Reauthorization Act (VAWA) 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 would be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.” Examples of this type of behavior include, but are not limited to:

- **Verbal**—name-calling, putdowns, yelling or shouting, threatening the partner or one of the partner’s family members
- **Emotional**—excessive jealousy, trying to control the partner’s activities, calling or paging frequently to “keep tabs” on the partner, telling the partner how to dress, stalking,
- **Physical**—hitting, slapping, punching, shoving, pinching, kicking, hair pulling
- **Sexual**—unwanted touching or kissing, forcing the partner to have sex or engage in any unwanted sexual activity, not allowing the partner to use birth control

b. Domestic Violence

Domestic Violence is defined by VAWA as “...violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse...” Examples of domestic violence include:

- Causing or attempting to cause physical or mental harm to a family or household member
- Placing a family or household member in fear of physical or mental harm
- Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, or duress
- An act taken toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested.

Domestic violence also is viewed as a learned pattern of physical, verbal, sexual and/or emotional behaviors in which one person in a relationship uses force and intimidation to dominate or control the other person.

IV. SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL VIOLENCE

All forms of sexual and gender-based harassment and sexual violence, including rape and other unwanted sexual contact, will not be tolerated by Avila University. The University is committed to fostering and maintaining a safe environment for all of its students and employees.

Offenses include, but are not limited to the following:

a. Sexual Assault

VAWA defines sexual assault as “an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.” Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Examples of sexual assault and rape under this policy include, but are not limited to, the following behaviors, however slight, when consent is not present:

- Sexual intercourse (anal, oral, or vaginal). Intercourse, however slight, meaning vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; or oral (mouth to genital contact or genital to mouth contact)

- Intentional contact or fondling with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.

b. Sexual Exploitation

Sexual Exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

- Voyeurism (such as watching or taking pictures, videos, or audio recording of another person in a state of undress or of another person engaging in a sexual act without the consent of all parties).
- Exposing portions of one's body in such a manner that it may be seen by someone who reasonably could be offended.
- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's consent.
- Prostituting or trafficking another person.

c. Sexual Harassment

Sexual harassment is a form of prohibited harassment. Sexual harassment is defined as unwelcome sexual conduct of any nature that creates an offensive or hostile work environment or unwelcome sexual conduct that is made a condition of working at the University. Sexual harassment, like other forms of prohibited harassment, will not be tolerated. Examples of prohibited sexual harassment include unwelcome sexual conduct such as:

- Verbal harassment (e.g., sexual requests, comments, jokes, slurs);
- Physical harassment (e.g., touching, kissing) and;
- Visual harassment (e.g., posters, posts on social media, electronic communication, cartoons or drawings of a sexual nature.)

Sexual harassment is not about sexual attraction or desire, it's about power and control. It may occur between members of the opposite sex or members of the same sex, regardless of their sexual orientation. It also may be in the form of non-sexual, offensive conduct that is directed at an employee or student because of his or her gender (including gender identity and gender expression).

Verbal Assault, without accompanying physical contact, is not sexual assault, but may fit the criteria for sexual harassment.

The legal standards and consequences of unlawful sexual harassment are still evolving. The University's policy is more all-encompassing than what the law prohibits. This is because the University's policy rests on the fundamental precept that each employee and student must treat all others with respect, dignity and professionalism. Deviation from that standard will not be tolerated.

V. ADDITIONAL APPLICABLE DEFINITIONS

a. Consent

Consent is a verbal agreement or action that must be active, voluntary, informed, and mutual. Consent or lack of consent may be expressed or implied.

- Each participant in a sexual encounter must obtain consent for all sexual activities. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent to engage in a sexual encounter with one person does not imply consent to engage in a sexual encounter with another.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance or lack of response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- Consent may be withdrawn by either party at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Consent cannot be given by a person who lacks the mental capacity to authorize the sexual encounter/activities and such mental incapacity is manifest or known to the individual initiating the act

- Consent cannot be given by a person who by reason of youth, mental disease or defect, or incapacitated, is clearly unable or known by the individual initiating the act to be unable to make a reasonable judgment as to the nature or harmfulness of the sexual encounter/activities; or
- Consent cannot be induced by force, duress, or deception.

b. Coercion or Force

Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual contact. Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

c. Incapacitation

An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act. Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a reasonable person.

d. Statutory Rape

In Missouri, a person commits the crime of second degree statutory rape or sodomy by engaging in sexual intercourse with a person under the age of 17 when the defendant is over the age of 21. No matter what the defendant's age, it is a crime (first degree statutory rape or sodomy) to engage in sexual intercourse or sodomy with a child under the age of 14.

e. Incest

A person commits the offense of incest if he or she marries or purports to marry or engage in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her:

- Ancestor or descendant by blood or adoption; or
- Stepchild, while the marriage creating that relationship exists; or
- Brother or sister of the whole or half-blood; or
- Uncle, aunt, nephew, or niece of the whole blood.

VI. STALKING

It is unlawful for a person to stalk another person. The term stalking is defined as "purposely and repeatedly harass or follow with the intent of harassing another person."

As used in this policy "harass" means "engaging in a knowing course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to (1) fear for his or her safety; or (2) suffer substantial emotional distress, and that actually causes substantial emotional distress to that person."

For purposes of this policy there must be a "course of conduct" meaning "two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property."

Examples of stalking under this policy include, but are not limited to:

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim
- Surveillance and other types of observation, whether by physical proximity or electronic means
- Trespassing

- Vandalism
- Non-consensual touching
- Direct physical and/or verbal threats against a victim or a victim's loved ones
- Gathering of information about a victim from family, friends, co-workers, and/or classmates
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the victim
- Defamation or slander against the victim

VII. INFORMATION AND SUPPORT FOR VICTIMS/SURVIVORS: WHAT DO I DO IF I HAVE EXPERIENCE GENDER-BASED VIOLENCE

1. Go with your instincts. Whatever you decide to do is a decision you must feel comfortable with. You will react to the crime in the way that makes the most sense to you at the time.
2. Get to a safe place—a friend's house or any place where people can give you emotional support.
3. For survivors of Sexual Assault:
 - Metropolitan Organization to Counter Sexual Assault (MOCSA): 24-hour Crisis Line: 816-531-0233 or 913-642-0233 or Rape, Abuse & Incest National Network (RAINN): 24-hour Phone Hotline: 1-800-656-HOPE (4673) or 24-hour Online Hotline: <https://ohl.rainn.org/online.rainn.org/> for confidential counseling, assistance and referral.
4. For survivors of Dating/Domestic Violence:
 - Hope House: 24-hour Crisis Line: 816-461-4673 or The National Domestic Violence Hotline: 1-800-799-7233 or www.thehotline.org for confidential counseling, assistance and referral.
5. Seek medical help immediately for the treatment of any injuries.

6. Sexual Assault: If you do plan to report the incident to authorities, there is an additional reason to seek medical attention. Medical evidence can be collected. For preservation of evidence, it is recommended to not douche, bathe, shower or change your clothes before seeking medical attention.
7. Avila encourages the preservation of evidence and information immediately following an incident. It is extremely important, and what is done with the evidence and information can be determined by the reporting party of the crime, but it is recommended to be preserved at that time.
8. If you feel comfortable, report the incident to Campus Safety (816-985-6079) and/or Kansas City Police (816-234-5550). This is your decision. While the University recommends that the Campus Safety department and local law enforcement are both notified, you have the choice to decline notifying either or both. If you don't feel comfortable reporting, that's okay, there is no time limit on when a report of sexual assault, dating/domestic violence and/or stalking have to be made.
9. Whether or not you decide to report the crime or participate in legal action you may seek counseling. Counseling can be beneficial to process what has occurred and seek professional assistance in coping with the effects of an assault, violence and/or stalking.
 - On-Campus: Professional counseling is available on-campus through the Counseling and Career Services Center (816-501-3767)
 - Local Sexual Assault Agency: MOCSA (816-531-0233)
 - Local Domestic Violence Agency: Hope House (816-461-4673)
 - Local LGBTQ Agency: KCAVP (816-561-2755)
 - National Resource: RAINN (1-800-656-HOPE)
10. File a report following the judicial process if the perpetrator is part of the Avila community. An investigation for appropriate disciplinary action under the University's conduct system will occur. A reporting party may request accommodations for changing academic, living, working and transportation arrangements through the Assistant Vice President to Student Development and Success. The University will honor such a request as long as such other arrangements are reasonably available.

11. Tell your story soon to avoid forgetting details. Alternatively, write out the details for yourself or use a tape recorder.
12. Take whatever steps are necessary to work through the assault. This might include talking to your partner, friend or counselor about your feelings. Resume your normal routine as much as possible.

VIII. INFORMATION AND SUPPORT FOR THE RESPONDENT: WHAT TO DO IF I AM ACCUSED

Assistance for students accused of sexual misconduct or other unwelcome sexual behavior, dating/domestic violence, and/or stalking,

1. Due process. The University will treat accused students with fairness and respect in accordance with the principles of due process. A student who is accused of sexual misconduct may be assisted by an attorney or other advocate of his or her choosing.
2. The Title IX Co-Coordinator 816-501-3748 or 816-501-3618 can assist with understanding the University policies and the Student Judicial Procedure, listen to concerns, help identify options, and refer to other resources as needed.
3. The Counseling and Career Services 816-501-3767 can confidentially assist in dealing with stress related to the report and work to develop strategies for healthy coping.
4. Eagles Aware Project Coordinator 816-501-2909 can assist you with the understanding the University policies and the Student Judicial Procedure.

IX. MAKING A REPORT OF SEXUAL MISCONDUCT, DATING/DOMESTIC VIOLENCE, AND/OR STALKING

a. How to Report If I'm A Student, Visitor, Witness or 3rd Party Vendor (Reporting Party)

1. Avila takes all incidents of sexual misconduct, dating/domestic violence, and/or stalking very seriously. There are several options for the reporting party to make a report of sexual misconduct. The reporting party may pursue one or all options.

2. The reporting party can make a report about sexual misconduct, dating/domestic violence, and/or stalking by contacting the;

On-Campus Resources:

Title IX Co-Coordinator at 816-501-3748 or 816-501-3618

Campus Safety at 816-985-6079

Career and Counseling Services 816-501-3767

Campus Ministry 816-501-2423

Eagles Aware 816-501-2909

Health Services 816-501-3668

3. A student can make a report with local law enforcement. For emergencies please call 911 from wherever you are, and a law enforcement officer will respond to assist you or call KCPD-Victim Service Unit at 816-234-5111.
4. If the reporting party does not want to pursue action within the University system or the criminal justice system at this time, she/he may still want to consider having an anonymous report made. A member of the Counseling and Career Services staff or Campus Ministry can report the details of the incident to the Campus Safety without revealing the identity of the reporting party. The reporting party will be asked to sign a Complaint Acknowledgement Form from the University, which protects their right to pursue action at a later time, if they so choose.

University Counselor

Elizabeth McKinley- (816) 501-3767

Office of Ministry, Service and Action

Dave Armstrong (816) 501-2423

Julie Cowley (816) 501-0427

Fr. Keith Branson padrekb_CPPS@yahoo.com

Anonymous Reporting

Campus Conduct Hotline: (866) 943-5787

5. There is no time limit on making a report to the University. However, individuals are strongly encouraged to report incidents of, or share information about, sexual misconduct, dating/domestic violence or stalking as soon as possible after the incident occurred. Factors that could negatively

affect the University's ability to investigate include loss of physical evidence, the potential departure of witnesses, or loss of memory.

b. How To Report If I'm A "Responsible Employee"

1. As a responsible employee, you are required to contact Avila University's Title IX Co-Coordinators (Janet McManus 816-501-3618 or Darby Gough 816-501-3748). If you believe there is a risk of imminent harm to someone, you should also contact Campus Safety at 816-985-6079 or the Kansas City Police Department at 816-234-5550
2. If you feel as though someone is about to disclose information of sexual misconduct or violence, compassionately interrupt the conversation and explain that you are obligated to report any incidents and that you cannot maintain complete confidentiality.
3. If the individual wants to talk with someone who can maintain confidentiality, direct them to on-campus resources:

University Counselor

Elizabeth McKinley- (816) 501-3767

Office of Ministry, Service and Action

Dave Armstrong (816) 501-2423

Julie Cowley (816) 501-0427

Fr. Keith Branson padrekb_CPPS@yahoo.com

4. If the individual wants to tell you what happened, but also wants to maintain confidentiality, you should tell them that the University will consider the request, but that you must report the incident to one of the Title IX Co-Coordinators and cannot guarantee that the University will be able to honor the request for confidentiality.
5. If the individual proceeds to share their experience it's crucial that you:
 - Don't judge
 - Don't probe for details
 - Let the individual take the lead
 - Encourage the individual to seek help

6. Encourage (but do not pressure) the individual to report the incident so that the situation can be addressed and potential future threats can be prevented.
7. Ask the individual about any immediate needs they may have
8. Share the Resource and Referral Options sheet
9. After the individual leaves, call one of the Title IX Co-Coordinators at 816-501-3618 or 816-501-3748. The Title IX Co-Coordinators will ask you for all relevant information regarding the incident. Relevant information includes: name of student, name of the alleged perpetrator, the incident that occurred, dates, times and locations.
10. **Do not** try to **mediate or resolve** the issue yourself

After meeting with the individual and reporting the matter to the Title IX Co-Coordinators, you have fulfilled your primary responsibility. While the University is responding to the incident, you may need to play a limited role by serving as a witness in the investigation process. As a University employee it's important that you keep the allegations as confidential as possible to respect the privacy of all individuals, to treat the people involved fairly and respectfully, to be mindful of the rights of all parties and to not take sides.

X. NON-RETALIATION & NON-INTIMIDATION

Retaliation against individuals for filing a report, reporting an incident of sexual assault, dating/domestic violence, stalking, or for participation in an investigation under this policy will be cause for independent disciplinary action. Intimidation of any kind is prohibited.

XI. PROCEDURES FOR DEALING WITH SEXUAL MISCONDUCT, DATING/DOMESTIC VIOLENCE, AND STALKING OFFENSES

1. A report that a University policy has been violated may be brought by any person, or by the University itself. Reports will be forward to the Title IX Co- Coordinators.
2. If a sexual misconduct, dating/domestic violence, or stalking was filed by a person other than the victim, the Title IX Co- Coordinators will notify the victim of the report and will determine whether the victim wants the University to investigate the report. In some cases, the University may need to move forward with an investigation contrary to a victim's wishes when a risk of imminent harm to an individual or others or a threat to the health and safety of the campus is determined to exist. In those cases, a victim is not obligated to participate in the process and will be notified that an investigation is moving forward.
3. The Title IX Co- Coordinators will assign a designee to investigate and then one of the Title IX Co- Coordinator will be the hearing officer for grievances. During the investigation, both the reporting party and the respondent will be allowed to do all of the following: bring an advisor of choice to any meeting with the investigator; submit documents and other relevant evidence to the investigator; identify witnesses who may have information relevant to the report; and receive periodic updates on the status of the investigation. Investigations will be completed promptly.
4. In any hearing to determine whether an individual is responsible for violating University policies, the standard used is a "preponderance of evidence" (i.e. "more likely than not") as used in civil situations. The standard is not "beyond a reasonable doubt" as is used in criminal cases.
5. An individual in possible violation of a University policy is subject to a hearing and possible disciplinary action via the University's Conduct Process. The respondent will be subject to disciplinary action that may include termination, expulsion, and suspension, removal from campus, cancellation of contract, other appropriate institutional sanctions or any other means necessary to address the behavior.
6. Prosecution by civil authorities may also occur separately from the University's Conduct Process.

7. When an individual has been apprehended for violations of local, state or federal laws, the University will not request or agree to special consideration due to that individual's relationship with the University. Avila will not stop its own investigation or process, regardless of an ongoing criminal investigation. However, the University may temporarily delay its fact finding while criminal fact finding is occurring. The University will cooperate fully with law enforcement agencies, other agencies responsible for rehabilitation efforts and any and all documentation in the range of protective orders.

a. Disciplinary Process:

The discipline process is usually initiated by the writing of an "Incident Report" concerning the possible violation of campus policies. Or if the University is given notice of possible policy violations.

Possible violations of Avila University rules, regulations, state, local or federal law will result in a fact-finding investigation. Students/Employees either directly or indirectly involved with the possible violation may receive a request from the Title IX Investigator conducting the investigation for a meeting. A student/employee's failure to respond to a request to meet for such a purpose is considered a serious violation itself that could result in immediate sanctions and loss of any right to appeal.

The Title IX Investigator will meet and conduct a prompt, fair, and impartial disciplinary hearing with the student/employee(s) alleged to have violated University policy. The student/employee(s) will be informed of the possible violation of University policy, state, local or federal law. Both the reporting party and respondent will be free to present his/her side of what happened. If the reporting party or respondent refuses to participate the process will continue without their contribution.

Throughout the process, both the reporting party and the respondent shall be entitled to present witnesses and evidence in their favor. They will also have equal access to any information that may be used in informal or formal proceedings. They may also have an advocate of their choice present at meetings and hearings, though that advocate will not be allowed to actively participate in the proceedings.

Both parties will receive written notification, concurrently and within 24 hours, of the following: (A) The result of any disciplinary hearing; (B) The University's procedures for the parties to appeal the result of the disciplinary hearing; (C) Any change to the result; and (D) When such results become final.

If the student/employee is found responsible for violating campus policies, then one of the Title IX Co-Coordinators will determine the appropriate sanction(s) for the violation and a time frame for its completion. The student/employee will be given a discipline letter detailing the violation(s) for which he/she is being held responsible and detailing the sanction parameters. Students/employees involved in sexual misconduct, dating/domestic violence and/or stalking policy hearings will be given sanctions concurrently and within 24 hours of findings.

The student/employee does not have the right to representation by legal counsel at most hearings, although students/employees involved in sexual misconduct, dating/domestic violence and stalking investigations are allowed to have attorneys present as advisors only.

b. Student Sanctions

Possible levels of sanctions and consequences from each level are described in the Level System section below. Decisions involving Level 1 offenses cannot be appealed. Decisions involving Level 2 or higher offenses can be appealed to the Title IX Co-Coordinators according to the appeal process listed below. Students found in violation of the sexual misconduct, dating/domestic violence and/or stalking policies will receive Level 2 up to Level 5 sanctions:

Level 2: Probationary Status- Disruptive behavior of a more serious nature
Typical consequences include the range of sanctions available in a Level 1 violation and the possible implementation of additional sanctions. Examples can include:

1. Loss of special residence hall and/or other campus privileges or the addition of special conditions that need to be fulfilled
2. Loss of participation in any University sponsored activities and functions such as athletics, student government, etc.
3. FERPA, the Family Educational Rights and Privacy Act of 1974, is a Federal law that regulates disclosure of, and access to, educational records of students. This statute allows a university to notify parents/legal guardians of students under the age of 21 that the student has been found responsible for violation of the university's policies regarding alcohol consumption and/or drug use.
4. Community restitution behavioral expectations, including referral to the University Counseling & Career Services Office or various referrals to other on/off-campus offices and/or agencies

5. Sanctions emulating restorative justice practices-giving back what was taken by the behavior/violation

Level 3: Final Warning Status

This level means that your behavior severely calls into question your suitability as an Avila student. Any further violations will result in a recommendation for your suspension and/or dismissal. Typical consequences include the range of sanctions available in a Level 2 violation and the possible implementation of the following additional sanctions:

1. Expulsion from the residence halls. Students removed from the halls are not entitled to any financial refund or release from financial liability. Food service privileges may or may not be affected. Students may be forced to move out of the residence halls immediately, although an attempt will be made to allow the student time to find other housing arrangements. The time allotted for moving out will not normally exceed 24 hours.
2. Loss of the ability to represent the University in any official capacity and severe restrictions on your activities on campus.
3. Any other sanction designed to help the student learn and be accountable for his/her actions.

Level 4: Suspension

This level is one of involuntary separation of the student from the University for a definite period of time after which the student is eligible to return. The disciplinary authority may establish additional individual requirements that must be fulfilled by the student prior to reinstatement.

Level 5: Dismissal

This sanction is one of involuntary separation of the student from the University. The separation is permanent in that it does not project a definite time of eligibility to return. Any student who has been dismissed from the University for a disciplinary reason may be readmitted only by the authority of the president upon the recommendation of the Assistant Vice President of Student Development and Success.

a. Appeal Process

An individual in possible violation of this policy or the reporting party who filed the report may appeal the decision of such a hearing. One of the Title IX Co- Coordinators will serve as the appeal officer.

Should a student/employee (reporting party or respondent) wish to appeal the decision of a Title IX Co-Coordinator for a situation where appeals are permissible, he/she must submit a written request to either Title IX Co-Coordinator.

All appeal requests must be made within five working days of receipt of the original sanction. Grounds for the appeal must be contained in the appeal request. Standard grounds for an appeal include:

1. original hearing was not conducted fairly in accordance with set procedures;
2. the decision wasn't based on substantial information;
3. the sanctions imposed were inappropriate for the violation;

The Title IX Co-Coordinator reviewing the appeal will communicate his/her decision to the student/employee.

XII. RESOURCES AVAILABLE

Unfortunately, gender-based violence is a frightening reality for anyone to have to face alone. But, you are not alone. You can recover from this. Avila University is concerned about your physical and mental well-being, and will be ready to assist you in dealing with the aftermath of an incident.

On-Campus Resources:

Title IX Co-Coordinator at 816-501-3748 or 816-501-3618

Campus Safety at 816-985-6079

Career and Counseling Services 816-501-3767

Campus Ministry 816-501-2423

Eagles Aware 816-501-2909

Health Services 816-501-3668

Confidential Campus Resources:

University Counselor (816) 501-3767

Office of Ministry, Service and Action (816) 501-2423 or (816) 501-0427

Anonymous Reporting Campus Conduct Hotline: (866) 943-5787

Community Sexual Assault/Rape Hotlines and Counseling

Metropolitan Organization to Counter Sexual Assault (MOCSA)

24-hour Crisis Lines (816) 531-0233 (Missouri) or (913) 642-0233 (Kansas)

www.mocsa.org

National Sexual Assault/Rape Hotline and Counseling:

Rape, Abuse & Incest National Network (RAINN)

24-hour Phone Hotline (800) 656-HOPE (4673)

www.rainn.org

Community Dating & Domestic Violence Hotlines:

Hope House (Lee's Summit, MO)

Hotlines (816) 461-4673 or (816) 468-5463

www.hopehouse.net

Rose Brooks Center (Kansas City, MO)

Hotline (816) 861-6100

www.rosebrooks.org

Safehome (Overland Park, KS)

Hotline (913) 262-2868

www.safehome-ks.org

National Dating & Domestic Violence Hotlines:

The National Domestic Violence Hotline

1 (800) 799-7233

www.thehotline.org

Community LGBTQ Sexual Assault and Domestic Violence Hotline:

Kansas City Anti-Violence Project (KCAVP)

Hotline: (816) 561-0550

www.kcavp.org

XIII. MISSOURI REVISED STATUTES

a. Domestic Violence

Chapter 455 of the Missouri Revised Statutes defines domestic violence and the different degrees of abuse. Domestic violence is a criminal act carrying a penalty of varying degrees. For more detailed information on this Chapter 455 of the Missouri Revised Statutes, refer to

<http://www.moga.mo.gov/mostatutes/ChaptersIndex/chaptIndex455.html>

b. Sexual Offenses

Chapter 566 of the Missouri Revised Statutes defines sexual offenses. It lists the sections and degrees of sex crimes. Sexual assault is a criminal act carrying a penalty of varying degrees. For more detailed information on this Chapter 566 of the Missouri Revised Statutes, refer to

<http://www.moga.mo.gov/statutes/c566.htm>

c. Stalking

Chapter Section 565.225.2 of the Missouri Revised Statutes defines stalking and the various penalties. Stalking is a criminal act. For more detailed information on this Chapter 455 of the Missouri Revised Statutes, refer to

<http://www.moga.mo.gov/mostatutes/stathtml/56500002252.html>