



## 2022 ANNUAL SECURITY REPORT

# THE UNIVERSITY OF KANSAS EDWARDS CAMPUS

# Annual Campus Security and Fire Safety Report

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## MESSAGE FROM THE CHANCELLOR AND CHIEF OF POLICE

The mission of the University of Kansas is to lift students and society by educating leaders, building healthy communities, and making discoveries that change the world. As we seek to advance our mission, providing for the health and safety of Jayhawks throughout our community is essential. All members of our community—students, staff, and faculty—can help play a role in this effort to maintain a safe environment. Awareness of potential crimes and criminal activity can help keep you and the entire community safe.

Our annual security report serves as your guide to the safety programs, initiatives, and policies that the University has put in place, and provides information about the crimes that have been reported on campus. That knowledge, along with your active participation in reporting criminal activity or unusual situations as soon as possible, will help provide a safe environment where the entire university community can teach, learn, and grow.

At KU, we are committed to serving our state, the nation, and the world in an environment that is safe for all. Thank you for taking the time to read this report and ensuring that KU remains a safe and welcoming place for our entire community.

Rock Chalk!

Douglas A. Girod

Chancellor

Nelson Mosley

Chief of Police



## *Campus Safety Resources*

### **The KU Edwards Campus Public Safety Office**

The KU Public Safety Office maintains a non-commissioned office and officers on the Edwards campus while the University buildings are open. Security Officers can detain suspects until police arrival but have no power of arrest.

KU Security Officers are not commissioned officers, but they have the authority to enforce those university policies agreed upon by and in cooperation with Edwards Campus administration.

Security Officers document violations of university policy/law and contact local law enforcement agencies to report observed violations of local, state and federal laws.

The patrol jurisdiction of security officers is limited to any buildings or properties owned or controlled by KU Edwards .

They are available to assist with problems or to put students and/or staff in contact with the appropriate emergency response agency dependent on the situation. Officers also look for other problems that may exist in the buildings they patrol including potential hazards or other maintenance reports. All Security Officers are radio equipped with direct communications to the KU Public Safety Office Emergency Communication Center and Overland Park Emergency Communications. Information about the University of Kansas Edwards Campus is found here: <http://edwardscampus.ku.edu/about>.

The Edwards Campus Security Report is found here: <http://edwardscampus.ku.edu/safety>.

The Communication Center provides emergency (911) and non-emergency call taking and dispatching services for the University community, to include police, safety and security, maintenance, and parking services. The KU Edwards Communication Center works closely with the Overland Park Police Department and with other local and state police agencies, as needed.

The University has closed circuit security cameras located in many areas of campus, including the central academic area and parking lots. Cameras record at all times and actively monitor during nighttime hours when school is in session.

### Interagency Relationships

The KU Public Safety Office works closely with the Overland Park Police Department on a regular basis. In addition to sharing crime information, both departments have the ability to ask for immediate assistance through a shared radio communication system, as well as a direct phone line between the KU Emergency Communications Center and Overland Park Police Department. Cooperative investigations with and referrals to local Police are done as appropriate. The Overland Park Police Department monitors and records criminal activity on public property surrounding campus and provides this information to the University for inclusion in its crime statistics, as required by the Clery Act.

There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between KU Edwards and the Overland Park Police Department.

The KU Public Safety Office maintains a working relationship with other local, state and federal law enforcement agencies including the Johnson County Sheriff's Office, Kansas Bureau of Investigation, Kansas Highway Patrol and Federal Bureau of Investigation (Kansas City and Topeka field offices). Administrators with the KU Public Safety Office maintain periodic contact with administrators from other law enforcement agencies and information is shared with these agencies as needed.

### Daily Crime Log

Federal law requires every university that maintains a police or security department of any kind "shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department" to include the nature, date, time and general location of each crime and the disposition of the complaint, if known. The law requires that this initial

information be open for public inspection within two business days of the report of the crime unless the release of the information would jeopardize an ongoing investigation, cause a suspect to flee or result in the destruction of evidence, in which cases the information will be withheld until the adverse effect is no longer likely to occur. New information about entries must be made available within two business days.

The law requires that the log be available for public inspection for the most recent 60-day period and any portion of the log older than 60 days be made available within two business days of a request for inspection.

All crimes reported to KU security officers on the Edwards campus, including ones where the victim does not wish to contact law enforcement, are noted on a Daily Crime Log that is found here: <http://edwardscampus.ku.edu/safety>.

### Crime Prevention

The KU Public Safety Office has a Community Services Unit, which maintains a comprehensive crime prevention program that includes presentations, research, and crime prevention literature. Their services are available to all faculty, staff, and students free of charge. Educational presentations topics include: Alcohol Awareness, Personal Safety and Self-Protection, response to active shooters, dealing with disruptive persons, identity theft information, and workplace violence. Many programs are collaborative with other University offices.

### Additional Services Provided

Public Safety Office offers fingerprinting services to University-affiliated persons with a valid KUID for free by appointment. More information can be found at <http://publicsafety.ku.edu/finger-printing>.

The KU Edwards central Lost and Found is operated by the KU Edwards Information Desk with support provided as needed by KU Public Safety.

### **Monitoring and Recording of Criminal Activity by Students at Noncampus locations of Recognized Student Organizations**

KU Edwards does not have officially recognized student organizations that own or control housing facilities outside of the KU Edwards core campus. Therefore, local PD is not used to monitor and record criminal activity since there are no Noncampus locations of student organizations.

### Firearms

#### *Weapons on Campus Policy*

As required by Kansas law (the Personal and Family Protection Act (“PFPA”)), concealed carry of handguns shall be permitted on University campuses (except the Kansas City, Kansas campus of the KU Medical Center in the Health Care District), including all buildings and public areas of buildings owned or leased by the University that do not have adequate security measures, except in specified restricted access areas within buildings. Open carry of firearms and possession of weapons other than concealed



handguns shall be prohibited on all University campuses, except for police instructors and their students who carry their service or training weapons openly as part of authorized police training conducted at the Kansas Law Enforcement Training Center's ("KLETC") Yoder campus. Other restrictions apply.

The full policy is here: <http://policy.ku.edu/provost/weapons-on-campus>.

Legislation passed in spring 2021 that went into effect on July 1 allows individuals ages 18-20 to carry a concealed handgun if they have taken required training and acquired a provisional concealed carry license. The law also offers reciprocity of valid concealed carry licenses from other states.

For more information on concealed carry visit: <https://concealedcarry.ku.edu/>

### *Storage of Civilian Firearms*

The KU Public Safety Office will make secure storage available for the safe keeping of rifles and shotguns belonging to currently enrolled KU students, faculty, or staff who reside in on-campus housing. University departments having ownership of firearms for work related reasons may also utilize this storage option. Persons utilizing this service will not be in violation of the University's weapons policy. The KU Edwards Campus does not have on-campus housing.

The full procedure is here: <https://publicsafety.ku.edu/weapons-storage>

### *Fire Safety/Fire Log*

Federal law requires that every university that operates on-campus student housing facilities maintain a written and easily understood log of all reported fires that occur in such facilities, including records, by the date reported, of the nature, date, time and general location of each fire. KU Edwards Campus does not maintain any on-campus student housing, so it is not required to publish a Fire Safety Report.

### *Safety on Campus*

#### *Crime Reporting*

The University of Kansas recognizes the importance for an institution of higher learning to develop and maintain a safe and secure environment in which the academic and social pursuits of its members can be fully realized. The university has the utmost concern for the success of each student and endeavors to allow each student maximum freedom to live his/her life free from interference. With this freedom, however, each student is responsible to be an active participant in the exercise of personal safety. While the University of Kansas strives to provide a safe environment, criminal incidents and other emergencies may occur despite reasonable effort. Crimes should be accurately and promptly reported to campus security and the appropriate law enforcement agency.

#### *Campus Security Authorities (CSA)*

"Campus security authority" (CSA) is a Clery Act specific term that encompasses four groups of individuals and organizations associated with an institution. CSAs are defined as: a campus police department, individuals who have responsibility for campus security but are not part of the KU Public Safety Office, individuals or organizations to which students and employees would report crime, and any person who has significant responsibility for student and campus activities. Examples of CSAs include but are not limited to those overseeing student housing or student activities, athletics directors and

coaches, advisors to student organizations, and health educators. Examples of individuals who would not meet the criteria for being campus security authorities include a faculty member who does not have any responsibility for student and campus activity beyond the classroom; and clerical or cafeteria staff. CSAs are not responsible for taking any action regarding the situation other than to report the pertinent information to KU Public Safety Office.

### Reporting to Meet Disclosure Requirements

Members of the community are helpful when they immediately report crimes or emergencies to the KU Public Safety Office and/or to the following listed preferred resources for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary.

The CSAs to whom the University would prefer that crimes be reported are:

1. **Tammara Durham, Ed.D., Vice Provost for Student Affairs, [tdurham@ku.edu](mailto:tdurham@ku.edu), 785-864-4060**
2. **Stuart Day, Dean of the School of Professional Studies, [day@ku.edu](mailto:day@ku.edu), 785-864-4903**
3. **Amy Neufeld, Assistant Dean of the School of Professional Studies, [aneufeld@ku.edu](mailto:aneufeld@ku.edu), 913-897-8552**
4. **Lori Wade, Director of Administrative & Fiscal Services, Edwards Campus, [lwade@ku.edu](mailto:lwade@ku.edu), 913-897-8423**

The list above is not an all exclusive list, other persons who have been designated as CSAs by the University are notified of that designation and provided appropriate training.

CSA Training is mandatory. It consists of an online tutorial as well as reference materials such as FAQs for CSAs, Crime Definitions and Crime Notification Information found at <https://civilrights.ku.edu/clery>, <https://civilrights.ku.edu/clery-act-faqs>, and <https://civilrights.ku.edu/clery-act-crime-notification>.

### Reporting Crimes and Other Emergencies

No community's security plan can attain maximum effectiveness unless everyone contributes to making it work. Safety and security are both personal and shared responsibilities. All members of the KU Edwards community and all visitors are encouraged to accurately and promptly report potential criminal accurately and promptly report potential criminal activity, suspicious behavior, and any emergencies on campus, on public property running thought or immediately adjacent to the campus, or in other property that is owned or controlled by KU Edwards to its KU Public Safety Office, (913) 897-8700. In addition, the university requires employees to report known or suspected crimes committed by or perpetrated against anyone in the University community, which such suspected actions occur on property owned or operated by the University or in conjunction with a University-sponsored event or activity. <http://policy.ku.edu/chancellor/crime-reporting>.

Employees who do not report criminal activity, as required by this Policy, may be subject to appropriate disciplinary action, up to and including termination of employment, in accordance with applicable personnel policies for faculty and staff.

## Reporting Crime off Campus in the city of Overland Park and in Johnson County

If a crime happens off the University of Kansas Edwards campus, but within the city limits, those crimes are reported to Overland Park Police Department, (913) 895-6300. <http://www.opkansas.org/city-government/police-department/>.

If a crime happens in Johnson County, but not on campus nor in the city, the Johnson County Sherriff's Office is called. The Sherriff's Office phone number is (913) 715-5800. [www.jocosherriff.org/](http://www.jocosherriff.org/)

Overland Park Police Department	913-895-6300
Johnson Country Sherriff's Office	913-715-5800

## Response to a Report

Dispatchers are available at these respective telephone numbers 24 hours a day to answer your calls. In response to a call, KUPSO will take the required action, either dispatching an officer or asking the victim to report to KUPSO to file an incident report. All reported crimes will be investigated by the University and may become a matter of public record. All KUPSO incident reports are forwarded to the Dean of Students Office for review and referral to the University for potential action, as appropriate. KUPSO Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Office of Student Affairs . If assistance is required from the Overland Park Police Department or the Overland Park Fire Department, KUPSO will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including KUPSO, will offer the victim a wide variety of services.

## Accurate and Prompt Reporting

Crimes should be accurately and promptly reported to the KUPSO or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

## Anonymous Reporting

Anonymous reporting is allowed at the University. If, for a personal reason, a person does not wish to report an on-campus crime or suspected crime to the police, that person may anonymously report it to **the Crime Stoppers Program operated by the KU Public Safety Office (785-864-8888)**. Crimes may be reported anonymously to the Overland Park Police Department by calling 913-895-6300 or to the Greater Kansas City Area Crime Stoppers. Crimes may be reported by calling 816-474-8477, by texting the information to 274637, enter TIP 452 plus your message, through the free mobile app P3Tips.com, or through the Crime Stopper website, <http://kccrimestoppers.com/index.aspx>. Reports filed anonymously to the Overland Park Police Department are counted and disclosed in the University's annual crime statistics.

Reports filed anonymously to Crime Stoppers are counted and disclosed in the University's annual crime statistics. A visual presentation of reporting options is available here: <http://sapec.ku.edu/resources>.

KU Public Safety Office Crime Stoppers	785-864-8888
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### Voluntary Confidential Reporting

Anonymous reporting is allowed at the University. If, for a personal reason, a person does not wish to report an on-campus crime or suspected crime to the police, that person may anonymously report it to the **KU Public Safety Office Crime Stoppers Program at (785-864-8888)**.

Reports filed anonymously to Crime Stoppers are counted and disclosed in the University's annual crime statistics. A visual presentation of reporting options is available here: <http://sapec.ku.edu/resources>.

The purpose of an anonymous report is to possibly take steps to promote safety. In addition, KU can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

The KU PSO encourages anyone who is the victim or witness of any crime to promptly report the incident to the police. KU PSO does not have a voluntary confidential reporting process because police reports are public records under state law, thus KU PSO cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Coordinator. Reports to advocates and professional and pastoral counselors can be kept confidential. Advocates and professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs.

**KU Public Safety Office Crime Stoppers**

**785-864-8888**

A victim may also report information about a crime confidentially to the KU Public Safety Office and may ask that a criminal report not be filed. Information about that confidential report will be shared with necessary University departments, such as Student Affairs or the Office of Civil Rights and Title IX.

University faculty and staff members are required to inform the Office of Civil Rights and Title IX when they have been told of an incident of possible sexual harassment (including rape, sexual assault, domestic violence, dating violence, and stalking).

### Crimes Disclosed to Pastoral or Mental Health Counselor

To be exempt from disclosing reported offenses, pastoral or mental health counselors must be acting in their roles of pastoral or professional counselors. This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled or to make reports mandated by law. When speaking to a victim or witness to a crime, counselors are encouraged, if and when they deem appropriate, to inform the individual of procedures to report crimes on a voluntary confidential basis to KUPSO for inclusion into the annual crime statistics.

A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

A mental health counselor is a person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

The KU Public Safety Office encourages pastoral and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to voluntarily report the incident to the KU Public Safety Office on a confidential basis for inclusion of the annual disclosure of crime statistics.

### Mandatory Reporting of Child Abuse and Crime

When any employee has reason to suspect that a child under 18 years of age has been harmed as a result of sexual abuse, the employee shall report the matter promptly to an appropriate law enforcement agency, including either the KU Public Safety Office or to local law enforcement officials, or both.

When any employee has reason to suspect that a child under 18 years of age has been harmed as a result of physical, mental or emotional abuse, or neglect, the employee shall report the matter promptly to the **Kansas Department for Children and Families, Kansas Protection Report Center at 1-800-922-5330**. In the event of an emergency, immediately contact local law enforcement or call 911.

<b>Kansas Protection Report Center</b>	<b>1-800-922-5330</b>
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### Timely Warning

In the event a crime is reported within the KU Edwards Clery Geography (On Campus, Public Property and Noncampus property), that, in the judgment of the Chief of Police/Director of the KU Public Safety Office, or designee, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- A) Murder/Non-Negligent Manslaughter
- B) A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another;
- C) Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger KU Edwards community)

- D) Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- E) Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Chief of Police/Director of the KU Public Safety Office, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- F) Major incidents of Arson
- G) Other Clery crimes as determined necessary by the Chief of Police/Director of the KU Public Safety Office, or his or her designee in his or her absence.

The University issues timely warnings as Crime Alerts. Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that does not identify the victim, by name, or identifying information with the goal of aiding in the prevention of similar crimes.

The issuance of a Timely Warning is decided on a case-by-case basis by Chief of Police/Director of the KU Public Safety Office, or a designee in light of all the facts surrounding an incident, including factors such as the nature of the crime (if any), the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

Timely Warning Notices are typically written and distributed by the Chief of Police/Director of the KU Public Safety Office, or designee.

Timely Warning Notices will be issued to the campus community via email blast to all KU Edwards assigned email accounts. Timely warnings may also be issued using some or all of the following methods of communication:

- Sent via e-mail to certain administrative offices on campus, such as Chancellor, Provost, KU Edwards Dean, etc.,
- Posted on available University bulletin boards,
- Posted on the website of the KU Public Safety Office, <http://publicsafety.ku.edu/crime-and-fire-statistics>
- Sent via e-mail to all KU e-mail addresses
- Posted at or delivered to specific campus locations as determined by the incident, if applicable, and
- Sent to local media outlets

Additional Crime Alerts may be produced to provide updated information or to announce the arrest or identification of a suspect or the resolution of the incident. The University is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Anyone with information warranting a Timely Warning should immediately report the circumstances to:

- **KUPSO Deputy Chief James Druen, [jdruen@ku.edu](mailto:jdruen@ku.edu), 785-864-5900**

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

### Information on Sex Offenders Registration

Federal law, including section 121 of the Adam Walsh Child Protection and Safety Act of 2006 and the Campus Sex Crimes Prevention Act amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, pertains to the registration of and publication of information about sex offenders. Federal law requires registered sex offenders to indicate when they are enrolled or employed at institutions of higher learning. The law further requires the state law enforcement authority, the Kansas Bureau of Investigation, to provide the KU Public Safety Office with a list of registered sex offenders who have indicated that they are either enrolled or employed at the University of Kansas-Edwards campus.

The University of Kansas informs the campus community of the list of registered sex offenders for review at: <https://publicsafety.ku.edu/statistics-and-reporting>.

A list of all registered offenders is available from the Kansas Bureau of Investigation at: [www.kansas.gov/kbi/ro.shtml](http://www.kansas.gov/kbi/ro.shtml).

For additional information on the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act visit <https://www.govinfo.gov/content/pkg/BILLS-103hr3355enr/pdf/BILLS-103hr3355enr.pdf>.

<b>KU Public Safety Office</b>	<b>913-897-8700</b>
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### Workplace Violence Policy

The University of Kansas is committed to provide a safe and secure workplace, free from threats and violence, for all those involved in the business of the University. Personal harassment, abusive behavior, and violence are not tolerated in our workplace. The University fully supports the State of Kansas Workplace Violence Policy. The University policy, which applies to all faculty, staff and student employees of the University can be found here: <http://policy.ku.edu/human-resources/workplace-violence-policy>. The University has developed procedures for responding to situations of potential or actual violence as outlined by the police.

The state workplace violence policy is here: <https://www.admin.ks.gov/docs/default-source/ops/dofa-personnel/workplaceviolence1.pdf?sfvrsn=2>.

A training addressing how to respond to workplace violence is available by contacting Human Resources or the KU Public Safety Office. Crime prevention programs are presented to new students at programs offered by the Office of First Year Experience, to new employees at New Employee Orientation, and as requested.

## *Security and Access of Facilities*

### Security of Campus Facilities

The University of Kansas is committed to maintaining an environment in which students, faculty, staff, and guests can work without interference.

Use of campus facilities for meetings, speakers, and other events is governed by the KU Edwards Conference Events Department and guiding KU Edwards policies. Use of University grounds for activities such as assemblies, rallies, or other gatherings is governed by the Policy on Public Assembly Area <http://policy.ku.edu/provost/public-assembly-policy>. Policies of the Board of Regents also limit the use of campus facilities, including fund raising and political activity.

The University staffs a Facilities Planning and Development Office (formerly Office of Design and Construction Management) which is responsible for designing and constructing campus facilities in compliance with applicable codes. It also oversees the campus lighting plan as well as the design and construction standards for all KU buildings. The Department of Facilities Services is responsible for maintaining buildings and grounds. Facilities Services Grounds Crew regularly trims trees, shrubs, and other vegetation to ensure that exterior lights are not blocked. Any exterior doors found to be malfunctioning are reported to Facilities Services for immediate attention.

Any concerns about or suggestions for campus safety improvement can be submitted to the **KU Public Safety Office (913-897-8700)** as well as to the **Student Success and Support Services Office (913-897-8539)**.

<b>KU Public Safety Office</b>	<b>913-897-8700</b>
<b>Student Success &amp; Support Services</b>	<b>913-897-8539</b>

The KU Edwards Student Advisory Board works with the KU Edwards administration to inform the campus on student safety feedback and concerns.



The campus is regularly inspected by the Kansas Fire Marshal's Office as well as KU's Fire Marshal. The KU Department of Environment, Health and Safety is committed to aiding the campus in the protection of human health, safety, and the environment in a manner that enhances the quality of education, research and public service on campus.

### Security and Monitoring of University Property

The KU Public Safety Office maintains a non-commissioned office and officers on the Edwards campus while the University buildings are open. Public Safety Officers conduct routine patrols of campus buildings to evaluate and monitor security related matters. Additionally, Public Safety Officers monitor campus buildings and grounds via closed circuit cameras.

They are available to assist with problems or to put students and/or staff in contact with the appropriate emergency response agency dependent on the situation. Officers also look for other problems that may exist in the buildings they patrol including potential hazards or other maintenance reports. All Security Officers are radio equipped with direct communications to the KU Public Safety Offices Emergency Communications Section and to Overland Park Emergency Communications.

### Access to University Buildings

The University of Kansas is a public institution and as such, access to many areas and facilities of the campus is open to the general public and their use is encouraged. Campus buildings are open during regular posted hours including evenings and weekends. KU Edwards Campus does not have any residential facilities.

### Personal Property Security

Facilities for securing the personal property of students, staff, faculty, and visitors are provided in the Regents Center (Testing Center student lockers) and in the BEST Faculty Hoteling suite (staff lockers).

The University has closed circuit security cameras located in the parking lots of the KU Edwards campus.

### *Emergency Response and Notification Procedures*

#### Information Regarding Campus Emergencies

Emergency situations are dynamic. Individuals seeking confirmation of an emergency situation or having questions regarding any emergency notification should visit the Alerts Web Page [www.alerts.ku.edu](http://www.alerts.ku.edu).

#### Annual Testing of Emergency Evacuation

Evacuation drills shall be conducted at least twice annually at unexpected times and under varying conditions to simulate the unusual conditions that occur should an evacuation be necessary.

The Edwards Campus conducts a timed fire drill at the beginning of the fall semester and a timed tornado drill during the spring semester.

## Emergency Operations Plan

The University has adopted an Emergency Management Plan to guide emergency management and coordination of all phases of emergency management operations. Confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety is carried out in accordance with the Plan. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

University units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to KU Public Safety Office or by calling 911.

The University's emergency response and evacuation procedures will be tested at least annually as outlined in the University's Emergency Management Plan. In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. and the procedures will be publicized in conjunction with at least one test per calendar year. Annual testing may be either announced or unannounced, designed to assess and evaluate the emergency plans and capabilities of the institution.

Documentation of the testing, to include a description of the exercise, the date, time and whether it was announced or unannounced, will be maintained in accordance with the Emergency Management Plan and retained by the University's Emergency Management Coordinator.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

The KU Public Safety Office has a comprehensive Emergency Management website found at <https://publicsafety.ku.edu/emergency-planning>.

The KU Edwards Emergency Management Plan is found at:

<http://edwardscampus.ku.edu/sites/edwardscampus.ku.edu/files/images/general/PUBLIC%20Edwards%20Campus%20Emergency%20Management%20Plan-July%202016.pdf>

## Response to Emergencies

In the event of an emergency, the police should be contacted immediately by calling 911. All campus phones and those cell phone calls originating on campus are routed to the Johnson County Kansas Emergency Communication Center. All KU Public Safety Officers are certified to administer emergency first aid, cardiopulmonary resuscitation (CPR) and are trained in the use of Automated External Defibrillators (AEDs).

The Public Safety Supervisor will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the University's response and for marshaling the appropriate local emergency response authorities for

assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency has been confirmed and based on its nature, the Public Safety Supervisor will consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified.

### Emergency Notification System - KU Alerts

Emergency notifications are immediately sent when there is confirmation of significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of the campus community and in situations requiring immediate action. The on-duty KU Security Supervisor, or another officer assuming Incident Command, is responsible for evaluating all known information about an emergency situation on campus and determining the need for emergency notification and immediate actions, such as building evacuation. The KU Security Supervisor will consult with KU Public Safety administrators and the KU Office of Public Affairs to compose and disseminate messages if time allows. No approval is needed nor should be sought from department or university administration prior to activating the real-time notification of events involving immediate threats to life, providing updated information, or providing notice that the situation is under control. The KU Office of Public Affairs may activate certain emergency notification tools under direction of the KU Emergency Manager.

The University of Kansas Edwards Campus utilizes a range of tools to keep students, faculty, staff, and visitors informed in the event of an emergency that could affect their health and safety. These tools comprise the University's Emergency Notification System: text messaging, public address speakers, e-mail, social media, voice mail, notices to local media, and the KU Alerts webpage: [alerts.ku.edu](http://alerts.ku.edu). Any combination of these notification tools may be used in a given emergency situation. If any these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed. Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

### Methods of Emergency Notification

*Text messaging:* Text message alerts are sent by the KU Office of Public Affairs when there is an immediate threat to life or safety, when immediate action is required, or to announce class cancellation and campus closure.

- Students are automatically subscribed to emergency text messages and can view/edit their cell phone number at Enroll and Pay.

- Faculty and staff can subscribe to receive text messages and view/edit their cell phone number through the Employee Notification app at the myKU Portal.

*Online:* The university will use its home page ([ku.edu](http://ku.edu) and/or [edwardscampus.ku.edu](http://edwardscampus.ku.edu)) and its KU Alert site ([alerts.ku.edu](http://alerts.ku.edu)) as the official online location for information updates. The KU Alert site also has guidance and resources for what to do in specific types of emergencies.

*Social Media:* The University of Kansas and other KU departments also utilize social media to release information.

- On Twitter, follow @KUEdwardsCampus @UnivOfKansas and @KUPublicSafety
- On Facebook, follow @edwardscampus, @KU and @kupublicsafetyoffice

*Public Address Speakers:* Campus buildings have a voice message capable Emergency Public Address System (EPAS) incorporated in the fire alarm system. This system is activated by the Facilities Operations staff or KU Security Officers in the event of an emergency situation in a building, such as a tornado, active threat, or when an evacuation with specific instructions is needed. The KU Security Supervisor, or ranking officer assuming Incident Command, may authorize use of the EPAS, compose the message to be broadcast, and confirm the location(s) in which to broadcast the message.

*Outdoor Warning Sirens:* If a tornado warning is issued for any part of Overland Park, including the University of Kansas Edwards Campus, Johnson County Emergency Management will activate the outdoor warning sirens and the Edwards Facility Operations staff or KU Security Officer will activate the Emergency Public Address System. An “all clear” message will not be communicated via outdoor warning siren or EPAS. The warning condition is over when the warning is allowed to expire by the National Weather Service.

*E-mail:* Emails are sent to all @ku.edu email addresses in the event of an emergency alert by KU Public Affairs. The campus community may also receive e-mails about other types of incidents that do not necessarily require immediate action, such as when law enforcement is seeking assistance from members of the public who may have information about a crime.

*Other Media:* The University of Kansas utilizes local and regional media outlets, including radio, television, and newspapers for press releases and information updates.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm and outdoor warning siren) if there is an immediate threat to the health or safety of students or employees occurring on campus.

### Public Address Warning System

The University can broadcast information to buildings equipped with a specific type of fire alerting system. Not all buildings have this function. The outdoor warning sirens for the University of Kansas are activated when the National Weather Service issues a tornado warning or when determination is made that a tornado threat exists. This determination is made by Johnson County Emergency Management staff and will be based upon evaluation of all available information.

## Evacuation and Relocation Procedures

The University normally does not close facilities because of brief interruptions in normal services (e.g., short-term water outages or heating/cooling). Occasionally, however, an unplanned incident may render one or more facilities unsuitable for normal habitation or use. In such a case, it may be necessary to evacuate the facility. See below for specific information.

An evacuation may be necessary if there is a power failure, lack of water, hazardous material release, structural damage, bomb threat or other terrorist act, flood, or any other situation that makes the facility unsafe or uninhabitable. An evacuation may be initiated by the building fire alarm, by notice from a police or fire official, or by administrative decision. If the fire alarm sounds, or if a Public Safety Officer or fire official gives an evacuation notice, everyone must leave the building.

- (a) All buildings that are designed for human occupancy are required to have evacuation plans and submit such to the University Emergency Manager Coordinator at [kupso@ku.edu](mailto:kupso@ku.edu) within six months of plan implementation and are to be updated annually by January 1. Department and project administrators are responsible to ensure that all people in their building are aware of exit routes and the location of the building Emergency Assembly Area(s). The Building Emergency Evacuation Plan will be updated and maintained by the Building Emergency Liaison and made available to employees for review.
- (b) Unless otherwise notified by KU Public Safety Office or Johnson County Fire and Medical personnel, building occupants may briefly delay evacuating if they need time to shut down electrical and other equipment, especially any that involves flame, explosive vapors, or hazardous materials.
- (c) All building occupants will follow instructions issued by KU Public Safety Office, Johnson County Fire and Medical personnel, and the Building Emergency Liaison.
- (d) After exiting the building, occupants are to go directly to their designated Emergency Assembly Area(s) and follow guidance provided by KU Public Safety Office, Johnson County Fire and Medical personnel, and the Building Emergency Liaison. The building may not be reentered until authorized KU Public Safety Office, University Fire Marshal or Johnson County Fire and Medical personnel give the "All Clear" instruction.

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The KUPSO does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, KUPSO staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At KU Edwards evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

### **General Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify KUPSO Emergency or dial 911.

1. Remain Calm
2. Do NOT use Elevators, Use the Stairs.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform KUPSO or the responding Fire Dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

### **Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

#### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest [University] building quickly. If police or fire department personnel are on the scene, follow their directions.

#### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, KUPSO, other University employees, Overland Park Police Department, or other authorities utilizing the University’s emergency communications tools.

#### **How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  1. An interior room;
  2. Above ground level; and
  3. Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to KUPSO so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

### Evacuation/Rescue Plan for Persons with Disabilities

The University prohibits discrimination in its programs and activities, in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, 1990. University procedures require everyone, including people with disabilities or other conditions, to evacuate the facility when the fire alarm is activated or when otherwise instructed to do so. The University is committed to assisting with the development of personal action plans and training its employees to identify and assist people who may need assistance in an emergency. The University also recognizes that not everyone with a disability needs assistance.

People needing assistance in an emergency, including those with disabilities, should develop a personal action plan. The plan will include identification of their evacuation methods, identification of at least two (2) individuals who are willing to serve as evacuation assistants in the event of an evacuation, if necessary, and any additional steps to assist with evacuation.

It is recognized that people with disabilities or other conditions may require assistance with evacuating in the event of an emergency. Therefore, people needing assistance in an emergency are encouraged to voluntarily self-identify themselves to the University as an individual with a temporary or permanent disability or other condition and make a request for assistance in advance of an emergency. This is accomplished by completing and submitting the Personal Action Plan Template ([https://publicsafety.ku.edu/sites/publicsafety/files/documents/Personal%20Action%20Plan%20Draft\\_accessible.pdf](https://publicsafety.ku.edu/sites/publicsafety/files/documents/Personal%20Action%20Plan%20Draft_accessible.pdf)). The information provided in the personal action plan will be kept confidential and accessible only by individuals who have responsibilities designated under the Emergency Management

Plan, including first responders, Building Emergency Liaisons and supervisors, the Emergency Management Coordinator and the Director of the ADA Resource Center for Equity & Accessibility.

Notwithstanding submission of this plan to the University, individuals remain responsible for their own evacuation. In addition, if any individual needs assistance evacuating, it is the individuals' responsibility to identify evacuation assistants and request the assistance, in advance if possible, of those individuals.

More information is available in Supplemental Document AA of The Emergency More information is available in Supplemental Document AA of The Emergency Management Plan found at [https://policy.ku.edu/sites/policy.ku.edu/files/EMERGENCY\\_MANAGEMENT\\_PLAN\\_External.pdf](https://policy.ku.edu/sites/policy.ku.edu/files/EMERGENCY_MANAGEMENT_PLAN_External.pdf)

as well as the KU Edwards Emergency Plan found at <http://edwardscampus.ku.edu/sites/edwardscampus.ku.edu/files/images/general/PUBLIC%20Edwards%20Campus%20Emergency%20Management%20Plan-July%202016.pdf>.

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## Illegal Drugs and Alcohol Related Policies

### Alcohol and Drug Use Policy

The drinking age in Kansas is 21. State law deals strongly with underage drinking and makes it a crime to furnish alcohol to underage individuals. University policy and enforcement procedures are in full compliance with the law.

The University of Kansas prohibits the unlawful possession, sale, use, manufacture, purchase, or distribution of alcohol or drugs, or any attempt thereof, by students or by employees on its property or as part of its activities. The University is committed to preventing the illegal use of drugs and alcohol by students and employees. Any student or employee found to be using, possessing, manufacturing, or distributing controlled substances or alcohol, or whose behavior evidences being under the influence of alcohol or controlled substances, in violation of the law on University property or at University events shall be subject to disciplinary action in accordance with policies of the State of Kansas, the Board of Regents, and the University of Kansas. The Overland Park Police Department is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

For employees, the University will take appropriate personnel action for alcohol or drug violations up to and including termination. See the Alcohol and Drug Policy on Substance Abuse: <http://policy.ku.edu/human-resources/alcohol-and-drug>.

Students who violate this policy will be subject to sanctions which include completion of an approved drug or alcohol rehabilitation program, disciplinary warning, probation, suspension, and expulsion from the University.



Additional information is available at: [hero.ku.edu](http://hero.ku.edu) or [buddy.ku.edu](http://buddy.ku.edu) and at: <http://policy.ku.edu/student-affairs/alcohol-drug-policies-brochure>.

## The Law: Possession and Consumption

The University provides the following information about University policy and applicable law relating to the possession and consumption of alcohol and drugs to members of the University community annually. In addition to the University of Kansas policies on cereal malt beverage and alcoholic liquor, state laws and City of Overland Park ordinances provide criminal penalties for specific violations occurring on campus. The most common are as follows:

### City of Overland Park Ordinance

It is illegal in Overland Park to buy for, sell to give or furnish, directly or indirectly, alcohol to individuals under the age of 21. This does not apply to a parent or legal guardian furnishing cereal malt beverages to their child under their supervision. Maximum Penalty: 30 days in jail; \$500 fine.

It is illegal in Overland Park to host social activities that allow individuals under the age of 21 to possess or consume alcohol or cereal malt beverages. Maximum Penalty: \$1,000; community or public service.

It is illegal for a person under the age of 21 to possess, consume, obtain, purchase or attempt to obtain or purchase alcohol. Maximum Penalty: \$500 fine; up to 30 days in jail; 40 hours of public service; alcohol education; and suspension of driving privileges.

It is illegal for anyone of any age to possess an open container of, and/or consume alcoholic liquor in in any public street, sideway, public way, public or private parking lot, public property, or within a vehicle in such place in Overland Park, except in those areas specifically licensed for sale or specifically exempted by law. Maximum Penalty: alcohol education/safety program.

### Kansas Law

It is illegal for anyone of any age to consume alcoholic liquor on state or University of Kansas property, except where specific exemptions are provided by law. Penalty: up to 6 months in jail and/or a \$50 to \$200 fine. (K.S.A. 41-719)

It is illegal for anyone under 21 years of age to possess, purchase, attempt to purchase or consume cereal malt beverage or alcoholic liquor except where specific exemptions are provided by law. Penalty: \$200 minimum fine (18-21 years of age), \$200 to \$500 fine (under 18 years of age); 30-day suspension of driving privileges on a first offense; and a court may order 40 hours of public service and/or attendance at an alcohol education program. (K.S.A. 41-727)

It is illegal for anyone to furnish cereal malt beverage or alcoholic liquor to another person under 21 years of age. Penalty: up to 6 months in jail; \$200 minimum fine. (K.S.A. 21-5607)

## Driving Under the Influence

### Kansas Law

In Kansas it is illegal for anyone to operate a vehicle under the influence of alcohol, drugs, or both alcohol and drugs, with a breath or blood alcohol content of .08 or more (or to the degree it renders the person incapable of safely driving a vehicle). (K.S.A. 8-1567) For anyone under 21, it is illegal to do so with a breath or blood alcohol content of .02 or greater. (K.S.A. 8-1567a) If convicted, you are subject to the following penalties:

#### ***First Conviction (Misdemeanor)***

Penalty: 48 consecutive hours to 6 months in jail, or in the court's discretion 100 hours of public service; \$750 to \$1,000 fine; required completion of an alcohol education program; suspended driver's license for 30 days, then use of ignition interlock device for 180 days (1 year suspension and subsequent 1 year ignition interlock device if alcohol concentration is .15 or greater)

#### ***Second Conviction (Misdemeanor)***

Penalty: 90 days to 1 year in jail; \$1,250 to \$1,750 fine; completion of alcohol treatment program; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (2 years if alcohol concentration is .15 or greater)

***Third Conviction (Misdemeanor; Felony if prior conviction within preceding 10 years)*** Penalty: 90 days to 1 year in jail; \$1,750 to \$2,500 fine; completion of alcohol treatment program; suspended driver's license for 1 year; use of ignition interlock device for 2 years (3 years if alcohol concentration is .15 or greater), with costs.

#### ***Fourth Conviction (Felony)***

Penalty: 90 days to 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year; use of ignition interlock device for 3 years (4 years if alcohol concentration is .15 or greater), with costs.

#### ***Fifth & Subsequent Convictions (Felony)***

Penalty: 90 days to 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year; and use of ignition interlock device for 10 years.

For additional information about suspension requirements, see:

<https://www.ksrevenue.org/pdf/AlcoholActionsChart.pdf>

***Refusal to Submit to Alcohol or Drug Testing*** (K.S.A. 8-1014)

### Penalty:

- a. 1st time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for two years.
- b. 2nd time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for three years,
- c. 3rd time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for four years,
- d. 4th time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for five years,
- e. 5th time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for ten years.

## Use and Misuse of Forms of Identification

Possession, use, attempting to obtain, sale, and manufacture of altered or false driver's licenses or identification cards are prohibited by criminal laws. Criminal convictions may jeopardize employment status in professions requiring licensing, certification, or security clearances.

In Kansas, it is also illegal to lend a driver's license or identification card to a person under 21 years of age in order to obtain cereal malt beverage and/or alcoholic liquor.

### *Kansas Law*

Possessing or displaying any fictitious or fraudulently altered, or fraudulently obtained driver's license or identification card is a Class B nonperson misdemeanor. Penalty: up to 6 months in jail; up to a \$1,000 fine; completion of alcohol/drug education or training program. (K.S.A. 8-1327; K.S.A. 21-6602; and K.S.A. 21-6611)

Lending a driver's license or identification card to a person under 21 years of age for use in obtaining cereal malt beverage and/or alcoholic liquor, is a Class B nonperson misdemeanor (first conviction): Penalty: at least 100 hours public service; a \$200 to \$500 fine; and up to 6 months in jail (severity level and penalties increase with subsequent convictions). (K.S.A. 8-1327 and K.S.A. 21-6602)

Other crimes relating to false identification can have more severe consequences. Using a false or fictitious name in any application for an identification card is a severity level 9 nonperson felony. Penalties may vary based upon factors considered in sentencing guidelines. Penalty: 7 to 9 months in jail with presumptive probation, and up to a \$100,000 fine. (K.S.A. 8-1327; K.S.A. 21-6804; and K.S.A. 21-6611)

## Drugs

### *Kansas Law*

The illegal possession, use, or sale of drugs may subject individuals to criminal prosecution. The University will refer violations of proscribed conduct to appropriate authorities for prosecution. Kansas law also mandates for certain offenders a non-prison sanction of placement in drug abuse treatment programs. Certain other offenders, including habitual drug users and those convicted of unrelated felonies, remain subject to punishment of imprisonment.

The manufacture of a controlled substance is a drug severity level 2 felony, except under certain circumstances. Penalty: 99 months to 110 months presumptive imprisonment, and up to a \$500,000 fine. (K.S.A. 21-5703; K.S.A. 21-6611; and K.S.A. 21-6805)

Illegal possession of opiates, narcotic drugs, or other specific stimulants is a drug severity level 5 felony. Penalty: 14 to 16 months imprisonment with presumptive probation, and up to a \$100,000 fine. (K.S.A. 21-5706; K.S.A. 21-6611; and K.S.A. 21-6805)

Unlawful possession of specific depressants, stimulants, hallucinogenic drugs, or anabolic steroids starts as a Class A non-person misdemeanor. Penalty: up to 1 year imprisonment, and up to a \$2,500 fine. However, unlawful possession of marijuana is usually a Class B nonperson misdemeanor. Penalty: up to 6 months in jail, and up to a \$1,000 fine. (K.S.A. 21-5706; K.S.A. 21-6611; and K.S.A. 21-6602)

Subject to certain exclusions, the sale or distribution of these drugs starts as a drug severity level 4 felony and may escalate in severity. Penalty: 20 to 23 months possible imprisonment, and up to a \$300,000 fine. (K.S.A. 21-5705; K.S.A. 21-6611; and K.S.A. 21-6805)

### *Federal Law*

The Federal Controlled Substances Act establishes federal U.S. drug policy under which the manufacture, importation, possession, use, and distribution of certain substances is regulated. The Act provides penalties for, among other things, the intentional unlawful distribution or possession with intent to distribute controlled substances, unlawful possession of a controlled substance, and unlawful distribution of a controlled substance, manufacturing, or employing or persuading a person under 18 to unlawfully distribute a controlled substance on or within 1,000 feet. 21 U.S.C. Section 801 *et seq.*

The full text of the Act can be found at: <https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

### **Parental Notification Policy for Drug and Alcohol Violations**

The University of Kansas will notify the parent/legal guardian of a student enrolled on the Edwards campus who is under 21 years of age:

- Following the first known violation of university policy or state law regarding drugs.
- Following the first known violation of university policy or state law regarding alcohol, when the suspected use of alcohol has
- placed the student in a life-threatening situation as determined by an attending medical professional or as reasonably determined by the Vice Provost for Student Affairs or designee;
- caused the student to be in a physical or mental state that has prompted intervention by university personnel, police, or medical personnel out of concern for the student's wellbeing or to address the student's conduct; or
- endangered the health or welfare of another person, including any report by police of arrest for driving on campus while under the influence of alcohol
- Following the second known violation of university policy or state law regarding alcohol.
- Following a violation of University policy or state law regarding alcohol or other drugs that results in the cancellation of the student's university housing contract.

In addition, the University of Kansas will notify the parent/legal guardian of any student enrolled on the Edwards campus, *regardless of age*, when there is a life-threatening situation as determined by an attending medical professional, unless the student specifically instructs the medical professional at that time not to notify his/her parent/legal guardian.

The University will notify the parent/legal guardian as outlined above using the contact information that is provided by the student and stored in the University's student administration (Enroll & Pay) computer system. Students are prompted to update this contact information each semester. If no contact information is available or it is incorrect, the University will make a reasonable effort to contact the parent/legal guardian.

Students can be referred to the Health Education Resource Office for alcohol education sanctions as a result of a student conduct process or as referred by an off-campus entity who seeks assistance for a student related to alcohol or drug abuse.

Students found responsible for a second violation of University or State drug policies/laws or a third violation of University or State alcohol policies/laws will be subject to further sanctions as provided by University Code.

The services provided by the Health Education Resource Office are available to all University residences, fraternities, sororities, and to off-campus residences, regardless of the age of the student.

A summary of Frequently Asked Questions about parental notification is found here:  
<http://studentaffairs.ku.edu/parent-notification-information>.

## Amnesty Policy

University of Kansas students seeking immediate medical assistance on behalf of persons experiencing alcohol-related emergencies will not be sanctioned for violations of University and/or Department of Student Housing alcohol-related policies. This program is designed to promote the health and safety of our community. Any student who abuses this policy can be subject to disciplinary action for impeding the orderly process of the University.

Additionally, parties making a report or participating in an investigation under the University's Sexual Harassment Policy shall not be subjected to discipline under the Code of Student Rights and Responsibilities for personal consumption of alcohol and/or drugs. This is designed to remove barriers for reporting and participation in the University process.

The policy is found at: <http://policy.ku.edu/student-affairs/amnesty>.

## Alcohol and Drug Education Programs

The University provides drug and alcohol abuse education. The University requires newly enrolled, degree seeking students under the age of 21 to complete the AlcoholEdu program. The University also subscribes to e-CHECKUP TO GO which is a self-assessment that provides students with accurate, detailed, and personalized feedback on use of alcohol. The Health Education Resource Office offers a certified peer educator program that helps with wellness education programs and promotions.

- A comprehensive drug and alcohol information and resources page is found at: [hero.ku.edu](http://hero.ku.edu).
- A description of drug and alcohol education programs through the Student Health Services Health Education Resource Office is found at: [hero.ku.edu](http://hero.ku.edu).
- The description of community education programs, including drug and alcohol education programs, through the KU Public Safety Office is at <https://publicsafety.ku.edu/community-education>.
- The University of Kansas requires a mandatory alcohol assessment class for newly enrolled degree seeking students under the age of 21. The complete policy is found at:

<http://policy.ku.edu/student-affairs/mandatory-alcohol-education-policy>

- KU Edwards Campus only allows alcohol for Provost-approved campus and/or community events. The Office of Student Services provides alcohol and drug education programs annually relevant to the needs of a transfer and graduate student (21+) population.
- Employees can receive assistance through Human Resources for a voluntary, confidential, free service that provides employees and their immediate family with professional counseling and referral services. Additional information about the Employee Assistance Program can be found here:  
<https://healthbenefitsprogram.ks.gov/sehp/healthquest/employee-assistance-program>.
- The state of Kansas Substance Abuse Policy is found at:  
<http://policy.ku.edu/provost/substance-abuse>.

## Drug Free Schools and Communities Act

The Drug Free Schools and Communities Act requires the University to publish information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for students and employees. A complete description of these topics, as provided in

The University's annual notification to students and employees can be found here:  
<http://policy.ku.edu/student-affairs/alcohol-drug-policies-brochure>.

The University is also required to review its drug and alcohol program. The Report is compiled by Watkins Health Services and is updated biannually. A copy of the Report may be obtained by contacting the Health Education Resource Office (HERO) at [hero@ku.edu](mailto:hero@ku.edu), 785-864-9570.

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## Prevention & Education

### *General Purpose of Preventative Education*

The University offers a variety of programs designed to maintain or increase campus safety awareness and prevention. In order to learn the most current crime information, University community members are encouraged to read the daily police arrest reports on the KU Public Safety Office website. In addition to maintaining the Daily Crime Log, the KU Public Safety Office issues emergency notifications and timely warnings of crimes considered to be a serious or continuing threat to the University community. Safety educational opportunities offered by the University are generally available for faculty, staff, and students at all campus locations, including the Edwards Campus.

### *Safety Programming*

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#### Specific Safety Related Programs for 2021

The University's work on campus safety is not limited to physical improvements. There are numerous programs that promote safe living at the University. During student orientation participants are informed of the services offered by the KU Public Safety Office. Crime prevention and sexual assault prevention programs are offered on a continual basis and as requested. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. During the 2021-2022 academic year, KU PSO offered approximately 49 crime prevention and security awareness programs. Information is disseminated to students and employees through Crime Alerts (timely notices), articles in the student newspaper and through the emergency notification system (public address system, text messages, email, and voice mail), if appropriate.

Below are offices that offer specific safety related programs for students and or employees.

#### The KU Public Safety Office

In 2021 the Office of Public Safety provided a range of programs on personal safety, many of them in collaboration with other KU offices.

- **RA Training:** 3 sessions teaching residents assistants on police interaction within the resident halls.
- **Active Shooter Presentations:** 7 session to faculty, staff, and students on the importance and of what do if an active shooter event occurred on campus. Plus one table top activity.

- **Alcohol Programs:** 4 sessions at apartment complexes and fraternity houses. Discussed alcohol, MIPs drunk driving and fake ids.
- **Know Your Rights:** 31 sessions of a program presented to students about search and seizure, what to do when you are pulled over and police conduct.
- **Care Sisters Training:** 1 session providing information about KU Public Safety and the response to sexual assault.
- **De-escalation Training:** 3 sessions that provide tactics and skills needed to appropriately de-escalate upset individuals.

### Study Abroad and Global Engagement (SAGE)

SAGE places the utmost importance on the safety, security, and well-being of study abroad program participants. Overseas programs are carefully planned in partnership with providers in-country to ensure programs are of high academic quality and offer safe and secure learning environments for participants. In addition, SAGE requires mandatory orientation programs of students and staff prior to travel abroad

All students must attend three pre-departure orientation workshops as a condition of participation in Study Abroad. These include:

- (1) a Travel Health Consultation (presented in collaboration with Watkins Student Health Services) in which we discuss general health concerns for international travelers; immunizations for international travel; traveling with medications; physical and mental health history and preparing for international travel; sexual health and safety abroad; food/water safety; etc;
- (2) a general pre-departure orientation covering cultural adjustment and culture shock; personal safety (including violence and sexual assault prevention); alcohol, drugs, and the legal environment abroad; general health guidelines for studying abroad (including health insurance, evacuation and repatriation coverage, and tips for staying healthy) and handling emergencies; and
- (3) a program-specific meeting that addresses the above topics in relation to the specific country and culture to which an individual student will be traveling.

In addition, all students are provided a copy of the [Study Abroad Program Handbook](#), the Travax Traveler Health Report specific to their destination country(ies); and information on safety and security provided by the FBI. Students are also required to register their international travels with the U.S. Department of State Smart Traveler Enrollment Program (STEP) and to download the AlertTraveler incident notification app sponsored by Terra Dotta and provided by KU Study Abroad & Global Engagement.

All faculty directors of KU study abroad programs are also required to attend a mandatory orientation prior to program leadership to prepare for issues they may encounter while leading students abroad. These sessions cover issues of personal and institutional liability; student physical and mental health; conditions of participation, student conduct and disciplinary concerns/dismissal; and emergency management.



Students traveling internationally with KU affiliation, but not participating on formal, KU-administered Study Abroad programs, are also provided information on health and safety for international travel. All students registering in the Student International Travel Registry are provided copies of the above-referenced Pre-departure Guide, the Travax Report specific to their destination country(ies); and information on safety and security provided by the FBI. Students are also required to register their international travels with the U.S. Department of State Smart Traveler Enrollment Program (STEP) and to download the AlertTraveler incident notification app sponsored by Terra Dotta and provided by KU Study Abroad. Student organizations traveling internationally are required to submit emergency contact information to SAGE, as well as complete travel health consultations with staff of Watkins Student Health Services.

### **Student Involvement & Leadership Center (SILC)**

The Student Involvement and Leadership Center (SILC) discussed personal safety and risk management in multiple ways. For student organizations at the Student Organization Officer Training Day, this information was provided during a short general session, and a video recording can be found on the SILC website Training Archives (<https://silc.ku.edu/training-archives>). There is also a section of the SILC website which provides Student Organization Advisor Resources (<https://silc.ku.edu/student-organization-advisor-resources>), detailing policy guidance and legal information for advisors of registered student organizations.

### **Health Education Resource Office (HERO)**

Health Education Resource Office (HERO), provides prevention education and wellness with programming focusing on 4 priority health areas, including alcohol; tobacco; other drugs; sexual health and healthy relationships; nutrition and food security; and self-management. From January 1, 2021 to December 31, 2021, HERO had more than 16,000 contacts with students and parents via presentations, events, outreach, and programs. Additionally, over 3,000 individuals follow the Jayhawk Buddy System Twitter account and launched a HERO Instagram account. These accounts promote health and safety in a way that complements the more active programming, events, and presentations. Presentations were given to students in University residential housing communities, fraternity and sorority chapters, and classrooms addressing safety regarding alcohol, other drugs, and prevention of STIs (sexually transmitted infections).

Events and programs include the Health Choices in Daily Life program; Smokeouts; KanUquit (tobacco and nicotine cessation programs); Paws for Pups Animal Therapy; Sex in the Dark; Eat Well, Live Well; Stress Busting Study Breaks; Safer Spring Break; and Wellness Fairs. HERO strives to provide innovative approaches for achieving optimal health and maximizing academic and professional success.

### **The Department of Human Resources Management**

The Department of Human Resources Management offers a variety of training for KU employees. Human Resources provides classes on civility in the workplace. The STEP 2.0 (supervisory training) covers bystander intervention and the course is offered 4 times a year to employees. Additionally, Human Resource Management offers courses in Compassionate Communication that stress non-violent communication skills and practices.

Training on Workplace Violence is covered by the KU Public Safety Office. The training sessions cover a variety of topics including: defining workplace violence; statistics; KU and State of Kansas policy issues; conflict management; prevention; and what to do if actually subjected to violence.

### Office of Civil Rights & Title IX

The Office of Civil Rights and Title IX (OCRTIX) is responsible for administering the University of Kansas equal opportunity and non-discrimination policies and procedures, as well as encouraging a campus climate of respect and understanding of all aspects of the human experience. To accomplish these duties, the office offers assistance and supportive measures to students, faculty, and staff who report acts of harassment, discrimination, sexual misconduct, sexual violence, and retaliation; provides information about health, safety, advocacy, and support resources for members of the Lawrence and Edwards campuses; performs formal investigations to detect, discontinue, and prevent violations of the Nondiscrimination, Affirmative Action, and Equal Opportunity Policy and Sexual Harassment Policy; offers educational trainings on identifying and reporting acts of harassment and discrimination; and ensures University compliance with state and federal civil rights laws.

During the 2021-2022 academic year, KU OCRTIX offered approximately 22 sexual misconduct prevention and security awareness programs, often in collaboration with the Sexual Assault Prevention and Education Center (SAPEC).

- **Mandatory Reporter/Responsible Employee Training:** 13 sessions
- **Town Halls:** 3 sessions to faculty, staff, and students on the OCRTIX process and resources that the office has to provide
- **Information Fairs:** 3 tables at various campus information fairs for students. Provided resources about OCRTIX
- **General Awareness Events:** 3 sessions for specific groups to explain the Civil Rights and Title IX grievance procedures as well as information about OCRTIX as a resource.

OCRTIX/HRM also requires annual University-wide online training aimed to educate employees regarding their obligation to report discrimination, harassment, sexual misconduct, and sexual violence.

### International Support Services (ISS)

The ISS performs several programs and communications to help the KU international student population understand issues of safety and security in the US. The topics of campus safety, identity theft and scams, sexual harassment/assault, and appropriate relationships are addressed three times annually during New International Student Orientation prior to each semester. ISS hosts a series of “Life in the U.S.” workshops in person each fall and spring, and regularly communicates with international students via email and social media, with regard to the aforementioned topics and other cultural adjustment issues. Other programs are offered throughout the year to address specific areas of concern, sometimes in cooperation with another administrative unit or student group. ISS also created a pamphlet with information regarding the US legal system to better help international students understand some of the cultural differences between US legal system and the legal system of their home country.

## Center for Orientation & Transition Programs

- Orientation Assistants/Peer Advisors/Student Assistants went through the Jayhawks Give a Flock training as well as a Campus Well-Being Panel.
- Orientation Assistants/Peer Advisors/Student Assistants went through de-escalation training.

## Academic Success

### *UNIV 101*

All UNIV 101 instructors receive training on policies and procedures for mandatory reporting. The Office of First-Year Experience regularly shares information with UNIV 101 instructors (weekly email) about awareness and safety programs across campus including those planned and promoted by the Sexual Assault Prevention and Education Center (SAPEC), Student Affairs, and the Emily Taylor Center for Women and Gender Equity.

### **Gender Based Violence Prevention Seminar**

The Gender Based Violence Prevention Seminar (GBV) is composed of four unique one-credit hour, eight-week classes, offered through the Department of Leadership Studies. These evidence-based prevention classes provide a significant increase in protective factors for individuals who participate and have the potential to shape campus culture regarding sexual and intimate-partner violence. GBV was created for and is open to all KU students.

- LDST 301: It's on Us addresses foundational concepts of GBV, consent, oppression, and bystander intervention.
- LDST 302: Breaking the Cycle examines the intersection between GBV, gender, sexual orientation, sexual health/sex positivity.
- LDST 303: Prevention is Possible in-depth research into social justice, systems of oppression, and activism as prevention.
- LDST 304: ACTivism evaluates the connection between societal oppression, violence prevention and accountability.

## KU Athletics, Inc. (KAI)

### *Education/Training for Student-Athletes*

**Gender Based Violence Prevention Seminar** As described directly above, GBV provides ongoing education about sexual and intimate partner violence for students. KAI believes so strongly that this education is a critical component of all students' development and well-being that we are requiring all incoming, including transfer, student-athletes to annually enroll in the LDST 301 course.

### **Education/Training for Student-Athletes**

- Due to COVID-19 precautions, Jayhawks Give A Flock was not required for the incoming student cohort in athletic year 2021-2022. Because of this temporary change, the University included a bystander intervention session in the curriculum of both LDST 301 and UNIV 101. This session was not as comprehensive as the Jayhawks Give A Flock program but geared toward building students' practical intervention skills.

- AY22 first year student cohort did receive the full two hour Jayhawks Give A Flock training on August 14th and 20th, prior to the start of classes. Student-athletes participated in this cohort training with their peers.
- Various education efforts with SAPEC partners on sexual assault prevention, resources, support, etc.; specific team or individual meetings were conducted by request.
- Mandatory KU on-line alcohol education program for incoming freshmen
- Online Sexual Harassment Training for all students
- KAI Compliance staff speaks to each team at the beginning of the academic year on topics dealing with responsible social behavior, hazing, and gambling
- Coaches and sport administrators address team appropriate behavior, choices, and resources
- Student-athletes provided resources on how/when to report crimes, including sexual assault (hard copy and online presence). Social media apps used to distribute resources and reporting information to student-athletes
- Various individual team meetings with the SWA and Office of General Counsel on reporting, mental health support and legal rights and information
- KU Public Safety Office and the Lawrence Police Department presented multiple “Know Your Rights Training” in virtual and in-person sessions
- Student-Athlete Wellness Coordinator addressed multiple teams about mental health and counseling resources
- Drug Policy & Title IX Education with football mid-year enrollees conducted by the SWA.

### **KU Leads Programming**

#### **Freshmen Leadership Academy:**

*Increasing Social Competency* (30-minute, individual sessions, once a year) \* Focus on understanding, respecting and valuing all members of the KU family

*Enhancing Sports Performance* (30-minute, individual sessions, once a year) \* Focus on understanding how student-athletes can enhance their sport performance by engaging in positive off-the-playing-field behaviors. Discussion on risky behaviors and how they can affect performance, scholarship, and life (risky social situations that may include drugs & alcohol; sexual violence/harassment; social media, etc.)

*Bystander Intervention* (30-minute, individual sessions, once a year) \* Focus on explaining to athletes the aspects of bystander intervention as well as focus on both the dangers of blind conformity and the positive effects of conforming. Areas of exploration might include intervention with alcohol/drugs, sexual harassment and sexual violence, physical abuse/assault, racial/ethnic harassment and hazing

*Protect Your Talent* (meetings as needed) \* Leadership and educational programming for various conduct issues or policy violations.

#### **Headspace for all Student-Athletes:**

Purchased the headspace app for all student-athletes to assist with mental health support and issues both in and outside the competition venues in order to provide additional coping skills and support during COVID.

## **Student-Athlete Advisory Council (SAAC)**

### *Social Media and Locker Talk initiatives*

- Social Media Campaign – informed student-athletes about Zoom campus events and provided links to resources and articles
- Locker Talk – the Locker Talk initiative continued with alternating monthly postings between mental health and sexual violence/harassment. Every two weeks the flyers are changed. These flyers are placed in the bathroom stalls of each team’s locker room. However, due to the pandemic, flyers were also posted on Twitter and Instagram
- Promotes participation in a variety of events for Sexual Assault Awareness Month

## **Kansas Athletics Staff Programming & Reporting**

- Title IX Reporting, Clery & Office of Civil Rights & Title IX Responsibilities: former Civil Rights director and full Kansas Team Health (KTH) staff. The same information was used by SWA with new KTH staff.
- Title IX Reporting Guidelines, Clery Reporting, Reminders: SWA & info shared with new hires by HR and posted in Ultipro HR System on each staff person’s log-in
- Various meetings with staff on reporting requirements and reminders
- Annual review and acknowledgement process for KAI staff:
  - Ethical Conduct
  - Reporting Requirements for Title IX Sexual Harassment; Campus Security/Clery Act; Sexual, Physical or Emotional Abuse to Minors
- Full-time employees were required to complete five online courses on the MyTalent software
  - Diversity Foundations
  - IT Security
  - Protecting Youth
  - The Protect KU Pledge
  - Preventing Harassment and Discrimination Refresher Training
- KAI Coaches and Staff received “Mental Health First Aid Training” multiple offerings
- KAI staff are provided resources on how/when to report crimes, including sexual assault
- Open lines of communication are established, and efforts made to report appropriately to the Office of Civil Rights & Title IX

## **Resources/Collaboration**

- Regular meetings with Director of OCRTIX, KAI Senior Woman Administrator, and Legal Counsel
- KAI includes a link to internal and KU campus SAPEC, CARE Coordinator and OCRTIX resources in the Jayhawk Fuel app
- Resources for sexual and intimate-partner violence charts distributed to student-athletes, staff (provided by SAPEC) and distributed through SWA, Sports Medicine, KU LEADS and Team efforts
- Policies for reporting student-athlete conduct and ethics online

- Regular meetings and consultations, to include program planning for student-athletes and staff with SAPEC and Kansas Athletics
- Meetings with groups of staff with SAPEC, as needed
- Regular meetings and consultations between KAI Student-Athlete Wellness Coordinator and CARE Coordinator and other social workers on campus
- Access to community resources (Sexual Trauma and Abuse Care Center, Willow, LMH, LPD, etc.)
- Collaboration with community mental health professionals, Student-Athlete Wellness Coordinator and Head Team Physician – therapy, resources, etc.
- Employee Assistance Program resources/options posted online with staff resources and shared by Human Resources Management

### **Transportation Services**

SafeRide is a student-sponsored transportation service that provides a safe ride home for KU students at night. A SafeRide driver will pick up passengers (whether at the library, a bar, work, etc.) and drive them home anywhere within city limits. Drivers will not take passengers to another bar.

During fall and spring semesters, SafeRide operates from 10:30 p.m. to 2:30 a.m., 7 days a week, except during class breaks and holidays. During the summer semester, SafeRide operates from 10:30 p.m. to 2:30 a.m. Thursday, Friday, and Saturday nights, and on July 4th. For complete information visit:

<https://transportationservices.ku.edu/saferide>

### **Sexual Assault Prevention and Education Center (SAPEC)**

SAPEC was able to provide 103 unique educational and awareness programs during the 2021-2022 academic year. In doing so, the department was able to engage 5,624 students, faculty, and staff through in person conversations about how to prevent and reduce violence in their community.

In addition to in person programming, 21,844 of all enrolled students completed the required online sexual harassment training program, a 93% completion rate.

SAPEC hit a new enrollment record with its gender-based violence prevention seminar, LDST 301: Prevention is Possible. During the 2021-2022 academic year, 1,210 students were enrolled in the eight-week course. Enrollment has increased 245% since the course's inception during the 2018-2019 academic year. The course's growth is in large part due to graduate students, staff, and community partners who offer their time to instruct its 68 course sections. This success would also not be possible without partnerships with Kansas Athletics Inc. and Sorority and Fraternity Life, which now require the course for all student-athletes as well as Interfraternity Council (IFC) and Panhellenic Association (PHA) new members.

Through a Kansas Department of Health and Environment grant, SAPEC was able to administer the Prevention is Possible (PIP) survey to all first-year undergraduate students. PIP is part of a multi-year, multi-cohort study based on the Center for Disease Control and Prevention's STOPSV technical package to prevent sexual violence. The survey yielded an impressive 756

student responses and will provide SAPEC and the University with vital information on students' attitudes, beliefs, behaviors, and experiences related to sexual violence and its prevention.

### *Bystander Education*

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Bystander Education programs provide participants with the skills to help them act when they see behavior that puts others at risk for violence, victimization, or perpetration. KU's Bystander Education programs are coordinated by the Sexual Assault Prevention and Education Center. 2018 was the first year in which all incoming students participated in the Jayhawks Give a Flock program based adapted from the research-based Bringing in the Bystander program. In 2021, we did not do our traditional cohort training due to Covid-19; however, we were able to provide smaller versions of the program to 1,673 incoming students. In 2022, Jayhawks Give A Flock reached 4,000 first year students.

Bystanders can play a critical role in the prevention of sexual and relationship violence. Active bystanders can always dial 911 for help when it could be unsafe for the bystander to personally intervene. Active bystanders are encouraged to utilize a variety of intervention strategies including being direct, delegating to someone in a position of authority, or creating a distraction. Jayhawks Give A Flock provides the specific guidance that invention should always be done at a distance and in collaboration with others. Other positive options for bystander intervention include:

- If you see someone who looks like they could be in trouble or need help, ask the person if they are okay.
- Sometimes a silent stare of disapproval can be enough to change behavior.
- Confront people who are taking advantage of someone in a drunk or incapacitated state. Help the person leave the situation.
- Speak out when you hear sexist comments or jokes or discussions about taking advantage of another person.
- Know the campus resources and make referrals. If you don't know the off-campus referral, contact KU Public Safety Office for a referral.

### *Personal Safety Tips/ Risk Reduction Strategies*

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With no intent to victim blame and recognizing that only abusers are responsible for their abuse, 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](http://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 cab 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. If you've left your drink alone, just get a new one.
  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've had, or is acting out of character, get him or her to a safe place immediately.
  14. **If you suspect you or a friend has 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.



As part of its effort to maintain a safe environment, the University offers the following safety tips for consideration:

**At Home:**

- Install quality locks on doors, windows and sliding glass doors.
- Keep doors locked, even when at home.
- Install and use peepholes.
- Don't leave keys hidden under mats, above the door or near the door.
- Leave lights or a radio on a timer to give the appearance that someone is home.

- Arrange your own transportation to and from dates.
- Alert friends/family to where you will be going.
- If drinking, be mindful of how alcohol can impair decision making.

**On Campus:**

- Know where the emergency (blue) phones are on campus to call for immediate help.
- For a safe ride home, call **Safe Ride** at **(785) 864-SAFE** or download the "KU SafeRide" App.
- If living on campus, don't leave rooms unlocked even if occupied or when nearby.
- Do not attach anything to key rings that indicate place of residence.
- If your instincts tell you something's wrong, trust them and get away.
- When in a public place, keep valuable possessions out of sight. If you must leave an area for any length of time, take personal items with you.

**On the Streets:**

- Walk in well-lit areas and be aware of surroundings.
- Walk with another person.
- Use your cell phone judiciously – don't let it distract you.
- Carry your car keys when approaching your vehicle so you can enter quickly.
- Call ahead when driving or walking to your hall or apartment late at night and have someone watch you walk from your car to the residence.

**For More Tips, Visit:**

- KU Public Safety Office 785-864-5900 [publicsafety.ku.edu](http://publicsafety.ku.edu).
- Sexual Assault Prevention and Education Center 785-864-5879 [www.sapec.ku.edu](http://www.sapec.ku.edu).

**Relationships:**

- When going out with someone new, go on a group date or meet in a public place.

<b>KU Safe Ride</b>	<b>785-864-SAFE</b>
<b>KU Public Safety Office</b>	<b>785-864-5900</b>
<b>KU Sexual Assault Prevention and Education Center</b>	<b>785-864-5879</b>

## SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE & STALKING

### *Educational Programs and Campaigns regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking*

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The University provides primary prevention training and ongoing campaigns to promote awareness, prevent, and identify reporting options relating to sexual assault, dating violence, domestic violence, and stalking. Primary prevention and awareness training includes online training for all incoming students and employees.

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees as well as ongoing awareness and prevention campaigns for students and that includes the following:

- A. A statement that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of Kansas;
- D. The University's definition of consent AND the purposes for which that definition is used.
- E. Information about safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- G. Information regarding:

- a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
- b. how the University will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the Lawrence community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
- d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

**Primary Prevention and Awareness Programs**

The University has developed an annual educational campaign consisting of a wide variety of formats including in-person and virtual. Programs also include both passive events such as information/awareness tables as well as interactive programs with small groups geared toward provoking thoughts as well as a basic lecture style presentation that covers all issues related to Sexual Violence. Offices that provide these programs on campus include, but are not limited to, the Office of Civil Rights and Title IX and Sexual Assault Prevention Education Center (SAPEC). SAPEC has developed a comprehensive, dynamic program that allows upperclassmen to build upon the base line understanding they gain as new students. All incoming students must participate in Jayhawks Give a Flock, KU’s bystander intervention program. All employees and students must complete EverFi’s Sexual Harassment Training.

Specifically, the University offered the following primary prevention and awareness programs for all incoming students in 2021-2022:

Name of Program	Date Held	Which Prohibited Behavior* Covered?
Recognition and Response for International Student Orientation	6/6/22	SA, S, DaV, DoV
Recognition and Response for Humphrey Fellows	6/7/22	SA, S, DaV, DoV
Awareness Table at New Student Orientation	6/7,8,9,10, 14,15,16,17, 21,22,23,24, 28,29,30/22	SA, S, DaV, DoV

	& 7/1,12,13,14, 19,20,21,26, 27,28/22	
	&	
	8/12/22	
Recognition and Response for International Student Orientation	8/18/22	SA, S, DaV, DoV
Sex, Drugs, and Alcohol for Phi Kappa Psi New Members	8/22/22	SA, S, DaV, DoV
Information Table at UnionFest <sup>1</sup>	8/20/22	SA, S, DaV, DoV
Information Fair at Engineering Welcome Back	8/31/22	SA, S, DaV, DoV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following primary prevention and awareness programs for all new employees in 2021-2022:

Name of Program	Date Held	Which Prohibited Behavior* Covered?
Response and Recognition for University Advising Center New Staff	10/27/21	SA, S, DaV, DoV
Recognition and Response w/ Trauma Informed Response for New Housing Professional Staff	1/12/22	SA, S, DaV, DoV
Trauma Informed Response for New Housing Undergraduate Staff	1/13/22	SA, S, DaV, DoV
OCRTIX Awareness for Orientation Assistants <sup>2</sup>	5/31/22	SA, S, DoV, DaV
Information Table at Undergraduate Housing Resource Fair <sup>3</sup>	8/10/22	SA, S, DoV, DaV

<sup>1</sup> Event is open to all students, but geared toward new students

<sup>2</sup> This training was open only to Orientation Assistants, many of whom were new employees.

<sup>3</sup> This training was open only to Undergraduate Housing Staff, many of whom were new employees.

Title IX Awareness for Undergraduate Housing Staff <sup>7</sup>	8/10/22	SA, S, DoV, DaV
OCRTIX for Counseling and Psychological Services <sup>4</sup>	8/12/22	SA, S, DoV, DaV
OCRTIX for the SILC <sup>5</sup>	8/18/22	SA, S, DaV, DoV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

***Ongoing Prevention and Awareness Campaigns***

The University has developed an annual educational campaign consisting of a wide variety of formats including in-person and virtual. Programs also include both passive events such as information/awareness tables as well as interactive programs with small groups geared toward provoking thoughts as well as a basic lecture style presentation that covers all issues related to Sexual Violence. Ongoing presentations tend to be tailored to the requesting group’s needs and requests. All employees and students must complete EverFi’s Sexual Harassment Training.

***KU Edwards Campus***

“The Tunnel of Oppression” was presented to faculty, staff, and students the week of March 22-26, 2021. This is an interactive learning experience that provides awareness of the oppression or unjust treatment of people with marginalized identities.

Informational flyers about the Public Safety services at KU Edwards Campus are placed in each new student’s orientation folder.

Most events hosted at KU Lawrence are available to KU Edwards students.

The University offered the following ongoing awareness and prevention programs for students in 2021-2022:

Name of Program	Date Held	Which Prohibited Behavior* Covered?
Student Town Hall	10/5/21	SA
Thought Leader: Consultation for Sigma Kappa Leadership	10/13/21	SA
Sex, Drugs, and Alcohol for Delta Tau Delta	10/18/21 & 10/21/21	SA

<sup>4</sup> This training was open only to Counseling and Psychological Services interns, many of whom were new employees.

<sup>5</sup> This training was open only to employees within the Student Involvement and Leadership Center, most of whom were new employees.

Response and Recognition for Phi Delta Epsilon	10/27/21	SA, S, DaV, DoV
Space Between Gallery	11/1/21	SA
Thought Leader: Round Table for Delta Gamma Leadership	11/1/21	SA
Thought Leader: Round Table for Sigma Kappa Leadership	11/8/21	SA
Violence Prevention Though Environmental Design for Alpha Sigma Phi Leadership	11/8/21	SA
Violence Prevention Though Environmental Design for Alpha Epsilon Pi Leadership	11/10/21	SA
Men and Masculinities for Alpha Tau Omega	11/10/21	SA, S, DaV, DoV
Awareness Table at Non-Traditional Student Fair	11/11/21	SA, S, DaV, DoV
Awareness Table at Tea at Three	11/18/21	SA, S, DaV, DoV
Town Hall hosted by SGA	11/30/21	SA, S, DaV, DoV
Thought Leader: Consultation for Alpha Epsilon Pi Leadership	1/24/22	SA, S, DaV, DoV
Sex, Drugs, and Alcohol for Army ROTC	1/20/22	SA
EverFi Online Sexual Harassment Training	10/1/21 & 1/20/22	SA, S, DaV, DoV
Town Hall hosted by SGA	2/10/22	SA, S, DaV, DoV
Awareness Table for Valentines Day	2/14/22	SA, S, DaV, DoV
Awareness Table for Admissions Open House	2/21/22	SA, S, DaV, DoV
Consent @ KU for Delta Tau Delta New Members	2/22/22	SA
Title IX response and Training for Care Sisters	2/22/22	SA, S, DaV, DoV

Awareness Table for Engineering Department	2/24/22	SA, S, DaV, DoV
Thought Leader: Consultation for Alpha Kappa Lambda Leadership	2/28/22	SA, S, DaV, DoV
Town Hall for the School of Engineering	3/2/22	SA, S, DaV, DoV
Thought Leader: Consultation for Phi Kappa Psi Leadership	3/3/22 & 4/11/22	SA, S, DaV, DoV
Recognition and Response for Phi Iota Alpha	3/3/22	SA, S, DaV, DoV
Recognition and Response for IFC General Assembly	3/8/22	SA, S, DaV, DoV
Recognition and Response for Battenfeld Scholarship Hall	3/21/22	SA, S, DaV, DoV
Thought Leader: Consultation for Student Senate Campus Safety Board	3/22/22	SA, S, DaV, DoV
Recognition and Response for Out STEM	3/22/22	SA, S, DaV, DoV
Thought Leader: Consultation for Triangle Leadership	3/23/22	SA, S, DaV, DoV
Recognition and Response for Stephenson Scholarship Hall	3/28/22	SA, S, DaV, DoV
Recognition and Response for Alpha Tau Omega	3/28/22	SA, S, DaV, DoV
Recognition and Response for Lambda Phi Epsilon Leadership	3/29/22	SA, S, DaV, DoV
For the Love of Money	3/30/22	DoV, DaV
Awareness Table for Women and Femme Leadership Conference	3/31/22	SA, S, DaV, DoV
Awareness Flags event with tabling	4/4-8/22	SA
Awareness Table for Sex in the Dark program	4/11/22	SA, S, DaV, DoV

Awareness Table for Consent Education event	4/12/22	SA
W(hine) About It	4/14/22	DoV, DaV
Recognition and Response for Multicultural Leadership Scholars	4/15/22	SA, S, DaV, DoV
Sex Positivity Art Show	4/18/22	SA
Recognition and Response for Bio Sciences REU	5/23/22	SA, S, DaV, DoV
Healthy Intentions for Football Team	6/21/22	SA
Healthy Intentions for Phi Kappa Psi	7/18/22	SA
Recognition and Response for HOPE @ CAPS Peer Educators	8/18/22	SA, S, DaV, DoV
Information Table at UnionFest	8/20/22	SA, S, DaV, DoV
Violence Prevention Though Environmental Design for Phi Kappa Psi Leadership	8/22/22	SA
Consent @ KU for Army ROTC	8/25/22	SA
Recognition and Response for Tau Kappa Epsilon	8/31/22	SA, S, DaV, DoV
Information Fair at Engineering Welcome Back	8/31/22	SA, S, DaV, DoV
Recognition and Response for Student Senate Executive Board	9/7/22	SA, S, DaV, DoV
Healthy Intentions for Delta Tau Delta	9/20/22 & 9/21/22	SA
Men's Action Project	9/21/22	SA, S, DaV, DoV
Awareness Table for Family Day	9/23/22	SA, S, DaV, DoV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking



The University offered the following ongoing awareness and prevention programs for employees in 2021-2022:

Name of Program	Date Held	Which Prohibited Behavior* Covered?
OCRTIX Awareness for STEP	10/19/21	SA, S, DaV, DoV
OCRTIX Awareness for STEP	10/20/21	SA, S, DaV, DoV
Recognition and Response for Speech, Language Hearing Department	11/2/21	SA, S, DaV, DoV
OCRTIX for the School of Engineering	11/29/21	SA, S, DaV, DoV
Effective Communication and Bias Reduction for Facilities/Groundskeeping Staff	12/6/21	S
Title IX Awareness	1/12/22	SA, S, DaV, DoV
EverFi Online Sexual Harassment Training	1/20/22	SA, S, DaV, DoV
OCRTIX for the School of Engineering	2/28/22	SA, S, DaV, DoV
Town Hall for the School of Engineering	3/2/22	SA, S, DaV, DoV
OCRTIX Awareness for STEP	3/7/22	SA, S, DaV, DoV
Crime Prevention Through Environmental Design Training and Certification	3/7/22	SA, S, DaV, DoV
Trauma Informed Response for University Academic Support Department	4/1/22	SA, S, DaV, DoV
Protecting Children for Housing Summer Conference Staff	5/19/22	SA
OCRTIX Awareness for Staff Fellows	5/19/22	SA, S, DaV, DoV
Recognition and Response for Chemistry Department	5/23/22	SA, S, DaV, DoV
OCRTIX Awareness for Orientation Assistants	5/31/22	SA, S, DoV, DaV
Recognition and Response with Trauma Informed Response for Housing Professional Staff	7/27/22	SA, S, DaV, DoV

Title IX Awareness for Undergraduate Housing Staff	8/10/22	SA, S, DoV, DaV
OCRTIX for Counseling and Psychological Services	8/12/22	SA, S, DoV, DaV
OCRTIX for the Chemical and Mechanical Engineering Department	8/16/22	SA, S, DaV, DoV
OCRTIX Awareness for Staff Fellows	8/16/22	SA, S, DaV, DoV
Recognition and Response with Trauma Informed Response for Intramural Sports Team Staff	8/16/22	SA, S, DaV, DoV
Recognition and Response with Trauma Informed Response for Ambler Recreation Center Staff	9/19/22 & 9/22/22	SA, S, DaV, DoV
Title IX and OCR for the Kansas Athletics Inc Health Team	9/12/22	SA, S, DaV, DoV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

## Policies Regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking

### Nondiscrimination Policy

The University of Kansas prohibits discrimination on the basis of race, color, ethnicity, religion, sex, national origin, age, ancestry, disability, status as a veteran, sexual orientation, marital status, parental status, retaliation, gender identity, gender expression and genetic information in the University's programs and activities. Retaliation is also prohibited by university policy. The Office of Civil Rights & Title IX may be contacted at [civilrights@ku.edu](mailto:civilrights@ku.edu), 1000 Sunnyside Avenue, Room 1082, Lawrence, KS 66045. **(785) 864-6414**.

The University prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, KU Edwards issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

The full Nondiscrimination, Equal Opportunity, and Affirmative Action Policy is available at: <http://policy.ku.edu/ioa/nondiscrimination>.

## Racial and Ethnic Harassment Policy

The University of Kansas is committed to programs and activities that are free of racial or ethnic discrimination. To carry out the mission of this institution, the university community must provide and maintain a working and learning environment that fosters respect among all members of the community. The university's goal is to provide an environment where individuals are free to develop intellectually, personally, professionally, and socially without intimidation or fear. Intimidation and harassment affect not only those who suffer the harassment but also the entire community.

Racial and ethnic discrimination is a violation of University policy and federal and state law, including Title VII of the Civil Rights Act of 1964 and the Kansas Acts Against Discrimination. The full policy is here: <http://policy.ku.edu/civil-rights/racial-ethnic-harassment-policy>.

## Sexual Harassment Policy

Sexual harassment is a violation of professional ethics as well as a violation of university policy and federal and state law. Specifically, sexual harassment is a form of illegal discrimination in violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Kansas Acts Against Discrimination. University policy prohibits sexual harassment.

The full policy is here: <http://policy.ku.edu/civil-rights/sexual-harassment>.

The sexual harassment procedure is available here: [policy.ku.edu/civil-rights/title-ix-resolution-process](http://policy.ku.edu/civil-rights/title-ix-resolution-process).

For incidents occurring outside of the United States or outside of the University's educational programs or activities but where an on-campus safety issue has been identified, the Discrimination Compliant Resolution Process will be utilized: <https://policy.ku.edu/IOA/discrimination-complaint-resolution>.

### The University definition of Sexual Harassment is as follows:

**Sexual Harassment:** "Sexual Harassment" is conduct on the basis of sex (including sexual orientation, gender identity, and gender expression) that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

**Quid Pro Quo Sexual Harassment:** "Quid Pro Quo Sexual Harassment" is an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.

**Hostile Environment Sexual Harassment:** "Hostile Environment Sexual Harassment" is unwelcome conduct (including physical, visual, audible, and electronic conduct) determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education programs and activities.

Hostile Environment Sexual Harassment may include but is not limited to:

- unwelcome efforts to develop a romantic or sexual relationship
- unwelcome commentary about an individual's body or sexual activities

- threatening to engage in the commission of an unwelcome sexual act with another person
- engaging in indecent exposure; voyeurism, or other invasion of personal privacy
- unwelcome physical touching or closeness that does not rise to the level of Sexual Assault
- unwelcome jokes or teasing of a sexual nature or based upon gender or sex stereotypes, including stereotypes based on sexual orientation, gender identity, and gender expression

In cases of alleged Hostile Environment Sexual Harassment arising from speech (verbal, written, or electronic) or other forms of expressive activity, the University will interpret and apply the definition of Hostile Environment Sexual Harassment in a manner consistent with the First Amendment to the U.S. Constitution. Subject to limited exceptions, the offensiveness of a particular expression made by a student, standing alone, is not a sufficient basis to support a finding of Hostile Environment Sexual Harassment.

The University has a legitimate interest in holding employees (including administrators, faculty, and staff) to a higher standard than others with respect to unwelcome conduct on the basis of sex that occurs in the workplace or otherwise pursuant to an employee's official duties. Therefore, except as stated below, unwelcome conduct on the basis of sex by an employee that occurs in the workplace or otherwise pursuant to the employee's official duties is prohibited, and may result in disciplinary action, if the conduct is objectively offensive, even if it is not severe or pervasive. In determining the severity of any disciplinary action taken for a violation of this paragraph by a University employee, the University will consider the severity and pervasiveness of the conduct at issue, the impact the conduct had on individuals subject to the conduct, any prior discipline for similar conduct, and any other relevant factors.

Any other provisions of this policy notwithstanding, speech and other forms of expressive activity occurring in an academic or research context will not violate this policy unless the speech or expressive activity lacks a legitimate academic, educational, or research purpose.

**Sexual Assault:** "Sexual violence" includes:

- Penetration or attempted penetration, no matter how slight, of the vagina or anus by the sexual organ of the other person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical

incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.

- Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law of the state where the sexual intercourse occurs.
- Sexual intercourse with a person who is under the statutory age of consent as defined by the law of the state where the sexual intercourse occurs.

**Domestic Violence:** “Domestic Violence” is felony or misdemeanor crimes of 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 or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Kansas, or by 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 Kansas.

**Dating Violence:** “Dating Violence” is violence committed by a person –

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship will be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of the relationship; and (iii) the frequency of interaction between the persons involved in the relationship

**Stalking:** “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for their safety or the safety of others, or 2) suffer substantial emotional distress. For the purpose of this definition, the following terms have the described meaning:

**(A) Course of Conduct** means 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.

**(B) Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim.

**(C) Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Complaints of sexual harassment, which includes sexual assault, domestic violence, dating violence, and stalking, are handled in accordance with the University’s Title IX Complaint Resolution Process, available at: <https://policy.ku.edu/civil-rights/title-ix-resolution-process>.

Additional information about the University’s prohibition against Sexual Harassment, including Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as well as information about the University’s prevention programs and response to complaints of all forms of Sexual Harassment, are set forth below.

### Definitions Regarding Sexual Assault, Domestic Violence, Dating Violence and Stalking

The university prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking, as defined for the purpose of the Clery Act (as set forth below).

#### Consent

*Consent under University of Kansas policy, for purposes of determining whether sexual harassment has occurred:*

“Consent” is communicated, ongoing, and mutual. This means consent is gained through words or actions that show an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. It is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure that the initiator has consent. Consent cannot be gained by force, by ignoring or acting without regard to the objections of another, or by taking advantage of the incapacitation of another, where the accused knows or reasonably should have known of such incapacitation. For example, a person who is intoxicated may not be capable of giving consent. Consent is also absent when the activity in question exceeds the scope of consent previously given or when the person from whom consent is sought is deemed incapable of giving consent under the law of the State of Kansas. A person always has the right to revoke Consent at any time during a sexual act. Consent to one act does not constitute consent to another act. Consent on a prior occasion does not constitute consent on a subsequent occasion. Silence, lack of resistance, or failure to say “no” does not imply consent.

*Consent under Kansas law*

“Consent” is not a separately defined a defined term in Kansas criminal statute. However, K.S.A. 21-5503 (Rape) and K.S.A. 21-5505 (Sexual battery) provide that consent is absent under the following circumstances: (1) an individual is overcome by force or fear; (2) an individual is unconscious or physically powerless; (3) an individual is unable to give consent because of mental deficiency or disease; or (4) an individual is unable to give consent because of the effect of any alcohol liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender.

#### Sexual Assault

*Sexual Assault under the Clery Act*

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent”. For Clery purposes, this includes rape, fondling, incest and statutory rape.

- **Rape** is defined as the 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.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

*Sexual Assaults under Kansas State Law*

“Sexual Assault” is not a defined term in Kansas criminal statute. The definitions of sex offenses under Kansas law are set forth in K.S.A. 21-5501 *et seq.*, including but not limited to:

“Rape” (K.S.A. 21-5503):

Rape is:

(1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances:

(A) When the victim is overcome by force or fear; or

(B) when the victim is unconscious or physically powerless;

(2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;

(3) sexual intercourse with a child who is under 14 years of age;

(4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or

(5) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by

the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.

“Sexual Battery; aggravated sexual battery” (K.S.A. 21-5505):

- Sexual battery is the touching of a victim who is not the spouse of the offender, who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.
- Aggravated sexual battery is the touching of a victim who is 16 or more years of age and who does not consent thereto with the intent to arouse or satisfy the sexual desires of the offender or another and under any of the following circumstances:
  - (1) When the victim is overcome by force or fear;
  - (2) when the victim is unconscious or physically powerless; or
  - (3) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.

### *Domestic Violence*

#### *Domestic Violence under the Clery Act*

**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;
- 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 or intimate partner;
- By 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;
- By 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.
- For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
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#### *Domestic Violence under Kansas State Law*

Pursuant to K.S.A. 21-5111(i), “Domestic violence” means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with



whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. For the purposes of this definition:

(1) "Dating relationship" means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

(2) "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

In addition, pursuant to K.S.A. 21-5414, "domestic battery" and "aggravated domestic battery" include:

(a) Domestic battery is:

(1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or

(2) knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.

(b) Aggravated domestic battery is:

(1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner; or

(2) knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating

relationship or a family or household member, when done in a rude, insulting or angry manner.

### *Dating Violence*

#### *Dating Violence under the Clery Act*

**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 determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

1. For the purposes of this definition—
  - 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.
2. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

#### *Dating Violence under Kansas State Law*

"Dating violence" is not separately defined under Kansas criminal statute. It is included within the crimes of "domestic violence," "domestic battery," and "aggravated domestic battery" cited above.

### *Stalking*

#### *Stalking under the Clery Act*

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.
- For the 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.
  - *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### *Stalking under the Kansas State Law*

Pursuant to K.S.A. 21-5427, "Stalking" is:

- (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear;
- (2) engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or
- (3) after being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2012 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; or
- (4) intentionally engaging in a course of conduct targeted at a specific child under the age of 14 that would cause a reasonable person in the circumstances of an immediate family member of such child, to fear for such child's safety.

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at a St. Luke's Hospital location, Overland Park Regional Medical Center, Advent Health Shawnee Mission, or University of Kansas Hospital, where a Sexual Assault Nurses Exam (SANE) can be completed. These hospitals have forensic nurses and can assist in physical evidence recovery and collection. In Kansas, evidence may be collected even if you chose not to make a report to law enforcement<sup>6</sup>. Kansas allows victims to not disclose their names when having a SANE completed. Names are needed for the hospital, for medical care, and to connect any evidence collected to the victim as a person. But victims don't have to report to police and they can keep their kit "anonymous". In that option, the kit is given a number and the person gets the number - so if they ever decide to report and access an investigation, their number is how that kit is identified.

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<sup>6</sup> Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

**Reporting Sexual Violence** (including sexual assault, dating violence, domestic violence, and stalking)

Unit	For	Phone Number
KU CARE Coordinator’s Office	Confidential assistance	785-864-9255
KU Office of Civil Rights & Title IX	File a complaint with the University	785-864-6414
KU Public Safety Office	Crimes that occur on-campus property	785-864-5900
Lawrence Police Department	Crimes that occur off-campus	785-830-7400

University employees who are “mandatory reporters” are required to report incidents of sexual misconduct and sexual violence to the Office of Civil Rights & Title IX. The Office may be contacted at [civilrights@ku.edu](mailto:civilrights@ku.edu), 1000 Sunnyside Ave, Room 1082, Lawrence, KS 66045, **785-864-6414**. Reports may be submitted online through the University’s reporting portal: [https://cm.maxient.com/reportingform.php?UnivofKansas&layout\\_id=20](https://cm.maxient.com/reportingform.php?UnivofKansas&layout_id=20). Students and members of the community who are not mandatory reporters can submit reports anonymously through the reporting portal as well.

Once the Office of Civil Rights and Title IX has been informed of an incident, the office reaches out to the complainant directly, or through campus partners as appropriate, to provide information about resources and reporting options. The Office of Civil Rights and Title IX also provides a written explanation of the individual’s rights and options under University policy and the law. The Office of Civil Rights and Title IX will conduct this outreach and provide this information for all reports, regardless of whether the offense occurred on or off campus.

**Preserving Evidence**

When sexual violence such as sexual assault, dating violence, domestic violence, or intimate partner violence is alleged, it is important to preserve evidence when possible. Physical evidence is best collected within 120 hours of the assault. Evidence can be preserved by not showering/bathing or laundering your clothing to avoid washing away evidence. Evidence can also be preserved by saving text messages, social media communications, and other information that may be useful for the investigator. The Office of Civil Rights and Title IX provides written information of the importance of preserving evidence. Preserving evidence may assist in proving whether an offense occurred and be helpful in obtaining protective order from the court.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with KU Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

**Notification to Law Enforcement Authorities**

The Office of Civil Rights & Title IX complaint investigation process is independent of any other complaint resolution process. A student, faculty, staff, or guest has the right to file a criminal complaint with the appropriate law enforcement authorities or to choose not to do so. These options may be pursued in addition to or instead of filing a complaint with the Office of Civil Rights & Title IX. The Office and the Care Coordinator are available to assist with reporting crime to the appropriate law enforcement agency.

When someone chooses to file a report with KUPSO or the appropriate law enforcement jurisdiction, OCRTIX will work in coordination with that office. If the complainant is in the OCRTIX, staff members will assist in contacting KUPSO to facilitate that introduction or offering to have a KUPSO officer take a report in OCRTIX space. The University’s Care Coordinator, Care Sisters<sup>7</sup>, and Sexual Trauma and Abuse Care Center will accompany a complainant to meeting with KUPSO and other law enforcement agencies. OCRTIX will be respectful of the criminal investigation and court processes by acknowledging delays when requested and requesting information when a criminal process had completed should it be relevant to the OCRTIX process.

<b>KU Public Safety Office (24/7)</b>	<b>785-864-5900</b>
<b>Lawrence Police Department (24/7)</b>	<b>785-832-7509 or 911</b>

<sup>7</sup> Care Sisters is a group made up of members from KU sororities who receive over 16 hours of training on how to assist people who experience sexual misconduct.

**Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant<sup>8</sup> and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the KU Public Safety Office or local law enforcement. If the victim wishes that a report not be made to the University but would like supportive measures, students and employees should contact the Ombuds Office and students can contact the KU CARE Coordinator. If the victim is ok with a report being made to the University, students and employees can contact the Office of Civil Rights and Title IX and employees can contact KU Human Resources. The OCRTIX will provide support measures like those listed.

<b>KU CARE Coordinator's Office</b>	<b>Confidential assistance for students</b>	<b>785-864-9255</b>
<b>KU Office of Civil Rights &amp; Title IX</b>	<b>Non-Confidential assistance for students, employees, and third parties</b>	<b>785-864-6414</b>
<b>KU Human Resources</b>	<b>Non-Confidential assistance for employees</b>	<b>785-864-8374</b>
<b>KU Ombuds Office</b>	<b>Confidential assistance for students and employees</b>	<b><u>785-864-7261</u></b>

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures that the University will follow:

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Incident Being Reported	Procedure University Will Follow
<b>Sexual Assault</b>	<ul style="list-style-type: none"> <li>• Depending on when reported (immediate vs delayed report), University will assist complainant with access to medical care. The University will do this regardless of when the incident was reported, but it takes higher priority if the incident is very recent.</li> <li>• The University will assess immediate safety needs of the parties and possible witnesses.</li> <li>• The University will assist complainant with contacting local police if complainant requests. Regardless of whether the complainant request, the University will still provide the complainant with contact information for local police department and applicable jurisdiction when appropriate.</li> <li>• The University will provide complainant with referrals to on and off campus mental health providers as well as the name and contact information for KU's CARE Coordinator.</li> <li>• The University will assess need to implement interim or long-term supportive or protective measures, including but not limited to no contact orders or trespass warnings.</li> <li>• The University will provide the victim with a written explanation of the victim's rights and options.</li> <li>• The University will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>• If an investigation occurs, the University will inform the complainant of the outcome of the investigation, whether or not the respondent will be administratively charged and what the outcome of the hearing is.</li> <li>• The University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ul>
<b>Stalking</b>	<ul style="list-style-type: none"> <li>• The University will assess immediate safety needs of complainant.</li> <li>• The University will assist complainant with contacting local police if complainant requests. Regardless of whether the complainant request, the University will still provide the complainant with contact information for local police department and applicable jurisdiction when appropriate.</li> <li>• The University will provide written information to complainant on how to preserve evidence.</li> <li>• The University will assess need to implement interim or long-term protective measures to protect the complainant, including but not limited to no contact orders or trespass warnings.</li> <li>• The University will provide complainant with referrals to on and off campus mental health providers as well as the name and contact information for KU's CARE Coordinator.</li> <li>• The University will provide the victim with a written explanation of the victim's rights and options. Institution will provide a copy of the policy</li> </ul>

	<p>applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</p> <ul style="list-style-type: none"> <li>• The University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ul>
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<p><b>Dating Violence</b></p>	<ul style="list-style-type: none"> <li>• Depending on when reported (immediate vs delayed report), the University will assist complainant with access to medical care. The University will do this regardless of when the incident was reported, but it takes higher priority if the incident is very recent.</li> <li>• The University will assess immediate safety needs of the parties.</li> <li>• The University will assist complainant with contacting local police if complainant requests. Regardless of whether the complainant request, the University will still provide the complainant with contact information for local police department and applicable jurisdiction when appropriate.</li> <li>• The University will provide written information to complainant on how to preserve evidence.</li> <li>• The University will assess need to implement interim or long-term protective measures to protect the complainant, including but not limited to no contact orders or trespass warnings.</li> <li>• The University will provide the victim with a written explanation of the victim’s rights and options.</li> </ul>
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<p><b>Domestic Violence</b></p>	<ul style="list-style-type: none"> <li>• Depending on when reported (immediate vs delayed report), the University will assist complainant with access to medical care. The University will do this regardless of when the incident was reported, but it takes higher priority if the incident is very recent.</li> <li>• The University will assess immediate safety needs of the parties.</li> <li>• The University will assist complainant with contacting local police if complainant requests. Regardless of whether the complainant request, the University will still provide the complainant with contact information for local police department and applicable jurisdiction when appropriate.</li> <li>• The University will provide written information to complainant on how to preserve evidence.</li> <li>• The University will assess need to implement interim or long-term protective measures to protect the complainant, including but not limited to no contact orders or trespass warnings.</li> <li>• The University will provide the victim with a written explanation of the victim’s rights and options.</li> </ul>
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## Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

### Notification of Counseling, Mental Health, or Other Student Services

Employees in the Office of Civil Rights & Title IX or the Care Coordinator offices can also help a student with finding options, emotional support and medical care, both on- and off-campus. The Care Coordinator and Counseling & Psychological Services support students who have experienced a sexual assault or other sexual offense. Students can also receive medical attention through the Watkins Health Services or their local primary care provider. The University provides written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

In the Kansas City Metro Area, **the Metropolitan Organization to Counter Sexual Assault** has advocate available 24 hours a day/7 days a week who may be contacted by calling **913-642-0233**. The Office of Civil Rights & Title IX can help coordinate services available to students both on- and off-campus.

A list of other services available can be found at: <http://sapec.ku.edu/resources1>.

### Amnesty

The Office of Civil Rights & Title IX recognizes that a student desiring to file a complaint and witnesses who are asked to participate in an investigation may be hesitant to engage in the investigation process for fear of being held responsible for violations of the University's Alcohol and Drug Policy. To eliminate this concern, a student who files a complaint with the Office of Civil Rights & Title IX or witnesses who participate in an investigation will not be subjected to discipline under the Code of Student Rights and Responsibilities for personal consumption of alcohol and/or drugs.

## Supportive Measures

The Office of Civil Rights & Title IX provides information and written notification about its ability to use supportive measures to assist either party. The University will provide these supportive measures if the party requests them and they are reasonably available, regardless of whether the reporting party chooses to file a criminal or civil rights complaint and regardless of whether the reporting party chooses to participate in a criminal or civil rights investigation. Examples of supportive measures include, but are not limited to, contact restrictions (“no contact order”), academic measures such as schedule change or extension of due dates, alternative housing placement, alternative work schedules/locations, course schedule changes, transportation, legal assistance, student financial aid assistance, health and mental health support, visa and immigration assistance, and course withdrawal/load reductions.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Office of Civil Rights and Title IX or Care Coordinator, if they wish that a report not be made to the University. The OCRTIX will provide support measures like those listed directly above regardless of whether the complainant would like to pursue a formal complaint and investigation.

<b>CARE Coordinator’s Office</b>	<b>Confidential assistance</b>	<b>785-864-9255</b>
<b>Office of Civil Rights &amp; Title IX</b>	<b>File a complaint with the University</b>	<b>785-864-6414</b>

## Rights of Victims and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

The rights of parties and the institution’s responsibilities for orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution are as follows: The University does not issue orders of protection but may issue no-contact or no trespassing orders as appropriate. If a reporting party has a court order of protection or restraining order, the Office of Civil Rights & Title IX can assist in making arrangements to accommodate and enforce the court order on campus. The Office keeps supportive measures confidential to the extent it does not impair the University’s ability to provide the measures and as permitted by law.

The University complies with Kansas state law in recognizing orders of protection by encouraging people holding the protection order as well as those who have a protection order against them to disclose this information to University officials. University officials can then assist all parties by determining if the parties have classes together and discussing strategies to enjoy campus life successfully without violating the order. The University will also assist parties in negotiating attendance at large scale events. A complainant may then meet with KUPSO, KU’s CARE Coordinator, or the Office of Civil Rights and Title IX to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of

harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, changing classroom location, or allowing a student to complete assignments from home, etc.

Information about how to obtain a protection order in Douglas County, Kansas can be found at: <https://www.douglascountyks.org/services/courts-and-law/crimes-and-justice/protection-orders>. Additional forms and instructions can be found at: <https://www.kansasjudicialcouncil.org/legal-forms/protection-orders>. A Kansas “Protection Order Portal” is available at: <https://www.kspop.org/>.

### Campus & Community Support Resources

The University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

#### Confidential University of Kansas Support Resources (On Campus - Lawrence)

CARE Coordinator	785-864-9255	Advocacy, financial assistance, other services
Counseling & Psychological Services	785-864-2277	Mental health services
Psychological Clinic	785-864-4121	Mental health services
Watkins Health Services	785-864-9507	Health services
Ombuds Office	785-864-7261	Advocacy, other services

#### Non-Confidential University of Kansas Support Resources (On Campus - Lawrence)

Department of Student Housing	785-864-4560	Housing relocation/assistance
Emily Taylor Center for Women and Gender Equity	785-864-3552	Advocacy, other services
Center for Sexuality & Gender Diversity	785-864-4256	Advocacy, other services
Student Support and Case Management	785-864-7022	Other services
Office of Multicultural Affairs	785-864-4350	Advocacy, other services
Office of Student Affairs	785-864-4060	Other services
International Student Services		Immigration and visa assistance
Human Resources		Immigration and visa assistance
Diversity, Equity, Inclusion, and Belonging		Advocacy, other services

### Overland Park & Community-Based Resources (Off Campus)

Johnson County Mental Health	913-268-0156	Mental health
Kansas Legal Services	913-621-0200	Legal assistance
Kansas Suicide Prevention Headquarters	785-841-2345	Mental health
Health Partnership Clinic	913-648-2226	Health
St. Luke’s South Hospital – Overland Park, Leawood, Olathe, Shawnee, Roeland Park, Kansas City	816-932-5100	Health, forensic exams
Overland Park Regional Medical Center	913-541-5000	Health, forensic exams
Advent Health Shawnee Mission	913-676-2000	Health, forensic exams
University of Kansas Health System	913-588-1227	Health, forensic exams
La Luz Center	913-906-8935	Visa and Immigration Assistance
Safe Home	913-262-2868	Victim Advocacy – Domestic Violence
MOCSA	913-642-0233	Victim Advocacy – Sexual Violence
Johnson County Courthouse	913-715-3004	Victim Advocacy – criminal case-related victim assistance
Catholic Charities	913-384-6608	Emergency assistance and food assistance

Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, they should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The University’s financial aid website can be found at: <https://financialaid.ku.edu/>.

#### *National Resources*

- Suicide and Crisis Lifeline: 988
- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>

- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

### Complaint Resolution Process

The University follows its Title IX Complaint Resolution Process and Hearing Procedures for Complaints of Sexual Harassment to address reports of discrimination and sexual harassment, including for sexual assault, domestic violence, dating violence, and stalking that meet the standards and jurisdiction set under Title IX. <https://policy.ku.edu/civil-rights/title-ix-resolution-process> and <https://policy.ku.edu/civil-rights/hearing-procedures-complaints-sexual-harassment>.

For cases of sexual harassment that do not meet the Title IX standard, the University follows its Discrimination Complaint Resolution Process. <https://policy.ku.edu/IOA/discrimination-complaint-resolution>.

From initial investigation to final result, the University is committed to providing a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused, collectively “the parties”. Investigators and officials who receive annual training on investigation and hearing processes that protect the individuals involved, promote accountability, and preserve due process. Officials responsible for investigating matters receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking, as well as on how to conduct an investigation and hearing process, in accordance with the law. The Office of Civil Rights & Title IX strives to complete investigations within sixty (60) University working days of receipt of a complaint. However, this timeframe may be extended based on factors such as, but not limited to, schedule and availability of parties and witnesses, holidays or semester breaks including summer break, and complexity of the complaint. Each grievance procedure allows for extensions of timeframes for good cause with written notice to the parties of the delay and the reason for the delay. The parties will have timely notice for meetings at which the accuser or accused, or both, may be present. The accuser, the accused, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused. Parties are encouraged to raise concerns of bias or conflict of interest as soon as they become aware of those concerns.

### Formal Complaint Investigation Process

Should a reporting party choose to request the Office of Civil Rights & Title IX conduct a formal investigation they will be asked to complete a Title IX Complaint Form. A report or formal complaint of sexual harassment or retaliation to the Office of Civil Rights & Title IX should include the following, to the extent known and available:

- Name and contact information (address, telephone, e-mail) for the complainant;

- Name and contact information (address, telephone, e-mail) for the respondent;
- Date(s), time(s), and place(s) of the alleged violation(s);
- Nature of the alleged sexual harassment (i.e., sexual harassment, sexual assault, dating or domestic violence, stalking, or retaliation);
- Detailed description of the specific conduct that is the basis of the alleged violation(s);
- Copies of any documents or other evidence pertaining to the alleged violation(s);
- Names and contact information for any witnesses to the alleged violation(s);
- Any other relevant information.

This is the first step in gathering information about what the reporting party experienced. After gathering information from the reporting party, the investigator will interview witnesses (if applicable), as well as interview the responding party to gather information regarding the alleged concern. The responding party will also be asked to provide witness names (if applicable) and provide documentation relevant to the concern.

As part of the investigation and disciplinary proceedings, the complainant and respondent have the same opportunities to present information, witnesses, and be accompanied by an advisor of their choice, including an attorney. The University may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.

#### Training Hearing Panel Members Receive

The Student Conduct Hearing Panel is comprised of students, faculty, and staff who are trained (up to six hours) in the University of Kansas' student conduct process and who are committed to facilitating student learning through the student conduct process. Upon selection, new members of the hearing panel must participate in the Fundamentals Training and may also elect to go through the additional Sexual Harassment and Sexual Violence Training. Only those individuals who have completed the Sexual Harassment and Sexual Violence Training are eligible to serve on a Hearing Panel involving such cases.

The Fundamentals Training consists of a three-hour course that educates newly selected members on the student conduct mission and philosophy, university policy, effective administration of a hearing, essential questioning skills, weighing credibility, determining responsibility through a preponderance of evidence, deciding appropriate sanctions, best practices for deliberation, and writing comprehensive rationales. The method of training includes lecture, small group activities, and case studies. All participants are issued a manual that they may refer to prior to participating in a hearing.

The Sexual Harassment and Sexual Violence Training consists of a second, three hour course that educates newly selected members on the origins and implementation of Title IX, the university's obligations related to federal legislation, informs them on the specific policies at the university, discusses the impact sexual violence has on complainants and how it may affect them within an investigation or hearing, reviews information about respondents and statistics regarding sexual violence on college campuses, considers information regarding various cultural and group affiliation regarding reporting and participation in hearings, describes the investigative process and the materials that may be present within a sexual misconduct hearing, explores the finite grounds for establishing whether a violation of KU's sexual harassment violation has occurred, and reviews what sanctions are available for potential violations. Similar to the Foundations Training, this training includes lecture, small group activities, and case studies. All participants are issued a manual that they may refer to prior to participating in a hearing.

All members of the Student Conduct Hearing Panel are highly encouraged to participate in Professional Development session each semester during the academic year. These sessions, offered monthly through the academic year, cover a variety of topics including: effective sanctioning practices, writing strong hearing panel recommendation letters, a presentation from the Sexual Assault Nurse Examiner regarding the SANE exam, and collaborative deliberation skills. Panelists who serve on Title IX hearings also complete a nine-hour Title IX training through the SUNY Student Conduct Institute.

### Informal Resolutions

After submission of a formal complaint, either party may request an opportunity to resolve the complaint through an informal resolution process. If requested by one party, the other party must voluntarily agree to participate in order for the informal resolution process to proceed. A successful resolution and agreement of the parties will result in dismissal of the complaint without further investigation or hearing. Prior to reaching an agreement, either party may withdraw from the process and request that the grievance procedures pursuant to this policy resume.

An informal resolution process will be facilitated by an individual who is trained, unbiased and without conflict. The informal resolution process will be conducted in accordance with informal resolution procedures.

The informal resolution process is not available when the complaint alleges a violation by an employee against a student.

### Investigation Findings and Appeal

For Title IX investigations, no findings will be made by the investigator. The investigator shall forward a report containing all relevant information to the appropriate administrator who will put together a Title IX hearing panel who will make findings as to whether a policy violation occurred, using the preponderance of the evidence standard. The finding letter from the hearing panel, after consulting with the Vice Provost for Student Affairs, will also contain disciplinary action (if applicable) and explain the appropriate avenues of appeal.

For non-Title IX investigations, after reviewing all the information provided by the reporting party, the responding party, witnesses, and any additional evidence, the investigator will prepare an administrative findings report and determine if University policy was violated based on a preponderance of the evidence standard. A letter detailing the investigator's finding will be shared with the reporting party and the responding party simultaneously. This letter will also include a recommendation of disciplinary action (if applicable). For these non-Title IX investigations, the Vice Provost for Student Affairs makes the final disciplinary decision, and explains the appropriate avenues of appeal.

### Confidentiality & Anonymity

All information shared with the Office of Civil Rights & Title IX is treated with discretion and tact. Nevertheless, certain information provided to the office may need to be disclosed to other University officials. Those who participate in an investigation are only provided with sufficient information to allow them to respond fairly to the alleged concern. People may request that directory information on file with the University be withheld by contacting the Registrar's Office to submit an information hold

<https://registrar.ku.edu/personal-information-and-privacy>. The Office of Civil Rights and Title IX or CARE Coordinator can assist parties with this request.

<b>KU CARE Coordinator’s Office</b>	<b>Confidential assistance</b>	<b>785-864-9255</b>
<b>KU Office of Civil Rights &amp; Title IX</b>	<b>Non-Confidential assistance</b>	<b>785-864-6414</b>
<b>KU Registrar’s Office</b>	<b>Non-Confidential assistance</b>	<b>785-864-4423</b>

Regardless of whether someone has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault and stalking who make reports of such to the University to the extent permitted by law. The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

All parties are encouraged to participate in the Office of Civil Rights & Title IX investigation to their desired level of comfort. Participation in the investigation process is voluntary.

Whether or not criminal charges are filed, the University<sup>9</sup> or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

***[Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking](#)***

**The University’s Sexual Harassment Policy (<https://policy.ku.edu/civil-rights/sexual-harassment>) and accompanying Discrimination Complaint Resolution Process (<https://policy.ku.edu/IOA/discrimination-complaint-resolution>) are applicable to students and employees accused of sexual assault, stalking, domestic violence, and dating violence.**



- **How to File a Disciplinary Complaint Under this Policy**
  - Complainants are able to submit a formal complaint to initiate an investigation under this policy and process online at: [https://cm.maxient.com/reportingform.php?UnivofKansas&layout\\_id=23](https://cm.maxient.com/reportingform.php?UnivofKansas&layout_id=23). OCRTIX will also accept formal complaints via email at [civilrights@ku.edu](mailto:civilrights@ku.edu) or in person at Dole Human Development Center Room 1082.
  
- **How the University Determines Whether This Policy will be Used**
  - The Title IX Coordinator, or their designee, will determine if the complaint falls into the policy and process's jurisdiction by determining if the complainant is participating or attempting to participate in University activities and if the Respondent is not affiliated with the University. If the Title IX Coordinator determines the complaint does not fall within the Discrimination Complaint Resolution Process (DCRP), the complaint will be referred to the appropriate office or closed with a complaint evaluation.
  
- **Steps in the Disciplinary Process**

The major steps will include the following elements:

  - **Receipt of a Report.** Upon receipt of all reports, the Office of Civil Rights and Title IX will send an outreach email to the complainant and/or reporter seeking additional information and providing a wide range of resources that are available on and off campus.
  
  - **Initial review.** After the Title IX Coordinator or their designee review the formal report, they will make a decision if the allegations in the report should be referred to a different office because the information provided at that point does not appear to fall into the Sexual Harassment policy. The Title IX Coordinator will also review the information to determine if the alleged behavior requires the Title IX Coordinator to file a formal complaint on behalf of the University.
  
  - **Receipt of a Formal Complaint.** The complainant has the right to file a formal complaint. Upon receipt of which the assigned investigator, in consultation with the Title IX Coordinator, will determine if the complaint falls within the process's jurisdiction, which would warrant a case evaluation or referral to the Discrimination Complaint Resolution Process (provided below).
  
  - **Contact with Complainant.** If the investigator did not speak with the complainant at the time that the formal complaint was received by the Office of Civil Rights & Title IX, then the investigator will meet or speak with the complainant at the start of the investigation and throughout the investigation as appropriate.
  
  - **Notice to Respondent.** The respondent will be provided with a statement of the complaint in writing, and the complainant will be provided a copy of this notification. The notice will include:

- That the respondent is presumed not to be responsible for the alleged conduct and that a determination will be reached at the end of the investigation;
- The web address where the Title IX Resolution Process and Title IX Hearing Procedures can be found;
- The alleged conduct constituting a potential violation of University policies;
- The identities of parties involved in the alleged incident (if known);
- The specific section of the University's policies allegedly violated;
- The date and location of the alleged incident (if known);
- The respondent's right to an advisor (who may be an attorney) of the respondent's choice and to review all evidence gathered prior to the conclusion of the investigation; and
- That University policies prohibit knowingly making false statement or submitting false information during the investigation process.

Respondents will be provided an opportunity to meet with the investigator(s) investigating the complaint and to respond to the allegation and to meet or speak with the investigator throughout the investigation as appropriate. Respondents may respond in person or in writing within a reasonable time to be determined by the investigators. If a respondent chooses not to participate or refuses to answer a complaint, the nonparticipation will not prevent the investigation from proceeding.

- **Review of Evidence and Preliminary Report.** Upon completion of the preliminary investigation report, the Office of Civil Rights & Title IX will provide the complainant and respondent, as well as the advisor of each party, an opportunity to inspect and review all evidence collected during the course of the investigation to include summaries of investigative interviews, physical evidence, inculpatory evidence, exculpatory evidence, and evidence upon which the investigator has collected but does not intend to rely. The investigator will consider the written responses prior to the completion of the final investigative report.

- **Final Investigative Report.** The investigator will objectively evaluate all relevant evidence – including both inculpatory and exculpatory evidence as well as feedback from the preliminary report and review of evidence – and will draft a final investigative report. The investigative report will fairly summarize relevant evidence. A copy of the final investigative report will be provided simultaneously to both parties, as well as the advisor for each party, and to the appropriate administrator(s).

- **Transfer to Appropriate Administrator**  
Upon completion of the final investigative report, the report and all evidence directly related to the allegations within the formal complaint will be forwarded to the appropriate administrator(s) for the scheduling of a live hearing. Live hearings will contain, at a minimum, the opportunity to cross exam parties through a party's advisor. If a party does not have an advisor, one will be provided by the University for the live hearing. All live hearings will be subject to the [Hearing Procedures for Complaints of Sexual Harassment](#)

(<https://policy.ku.edu/civil-rights/hearing-procedures-complaints-sexual-harassment>). The appropriate administrator(s) are:

- Provost and Vice Chancellor Respondents: Office of the Chancellor
- Vice Provosts, Deans, and Faculty Respondents: Office of the Provost
- Student Respondents: Office of the Vice Provost for Student Affairs
- Staff and Other Respondents: Human Resource Management

The appropriate administrator will appoint an Administrative Officer who shall thereafter be responsible for coordinating the selection of a Hearing Chair and Hearing Panel, assisting the Hearing Chair in arranging the pre-hearing conference and hearing, and ensuring an appropriate record of the proceedings is made.

#### • **Review for Discretionary Dismissal**

The Hearing Chair, in consultation with the Office of Civil Rights & Title IX and the Administrative Officer, will review the final investigation report with all evidence directly related to the allegations in the Formal Complaint, and determine whether the Formal Complaint should be dismissed for any one or more of the following grounds:

- The Complainant has provided the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Hearing Chair determines that a Formal Complaint should be dismissed pursuant to this section, the Hearing Chair will provide written notice of dismissal to the parties and advise them of their right to appeal.

#### • **Hearing Notice and Written Response to Investigation Report**

After the Hearing Chair and Hearing Panel are selected, the Administrative Officer will send written notice to the parties notifying them of the deadline for the parties to submit any written response to the investigation report; a date for the pre-hearing conference; and a date and time for the hearing.

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

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any evidence that a party did not have a reasonable opportunity to provide during the Office of Civil Rights & Title IX investigation or that the party believes was improperly excluded by the Office of Civil Rights & Title IX;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified herein, or for any other reason;
- A list of any witnesses that the party contends should be called to attend the hearing pursuant to an attendance notice issued by the Administrative Officer;

- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the Hearing Chair;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the prehearing conference and/or hearing;
- The name and contact information of the Advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an Advisor who will accompany the party at the hearing, a request that the University provide an Advisor for purposes of assisting the party in preparing for the hearing and conducting questioning at the hearing.

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

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

- **Pre-Hearing Conference**

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

- **Hearing**

The purpose of the hearing is for the Hearing Chair and Hearing Panel to receive relevant testimonial and non-testimony evidence; to resolve disputed facts using a preponderance of the evidence standard; and to determine whether the facts so found substantiate one or more of the allegations in the Formal Complaint as a violation of the Sexual Harassment Policy.

- **Statement of the Investigator**

After convening the hearing, the Hearing Chair will call the investigator to give an overview of the investigation process. Thereafter, the investigator will be subject to questioning by the Hearing Chair and Hearing Panel, followed by questioning from each party's Advisor.

- **Statement of the Parties**

The Hearing Chair will then invite the Complainant to provide a statement regarding the events in question and identify and comment on any non-testimonial evidence the

Complainant believes is relevant. After the Complainant has made a statement, or waived the right to make a statement, the Complainant will be subject to questioning by the Hearing Chair and Hearing Panel, followed by questioning from the Advisor for the Respondent. After questioning of the Complainant is complete, the Hearing Chair will invite the Respondent to provide a statement to the Hearing Chair regarding the events in question and to identify and comment on any non-testimonial evidence the Respondent believes is relevant. After the Respondent has made a statement, or waived the right to make a statement, the Respondent will be subject to questioning by the Hearing Chair and Hearing Panel, followed by questioning from the Advisor for the Complainant.

- **Testimony of Witnesses**

Then witnesses will be called to testify in the order determined by the Hearing Chair. Witnesses will not be invited to make a statement but, instead, will be subject to questioning from the Hearing Chair and Hearing Panel, followed by questioning from each party's Advisor commencing first with questioning from the Advisor for the Complainant followed by questioning from the Advisor for the Respondent.

- **Investigative Materials**

The Hearing Chair will then provide the parties a final opportunity to raise any additional objections to inclusion of any other portions of the investigation record into evidence and resolve any such objections. All evidence from the investigation and hearing not specifically excluded by the Hearing Chair shall be deemed admitted into the hearing record and may be considered by the Hearing Chair and Hearing Panel as part of the deliberation.

- **Closing Arguments**

Then the Hearing Chair will invite the Complainant to make a closing argument. After the Complainant has made a closing argument, or waived the right to make a closing argument, the Hearing Chair will invite the Respondent to make a closing argument.

- **Deliberation**

After the hearing is complete, the Hearing Chair and Hearing Panel will privately deliberate over the matter. The deliberation will include an objective evaluation of all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimonial and non-testimonial evidence received at the hearing.

The Hearing Panel shall draw no inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. However, the hearing panel may consider in determining the weight of the evidence the extent to which the witness' testimony or other evidence has been subject to cross-examination, particularly on matters that are material to the outcome of the case.

In the event the Hearing Chair and Hearing Panel determine that the Respondent is responsible for violating the Sexual Harassment Policy the Hearing Chair will, prior to issuing a written

decision, consult with the appropriate administrator with disciplinary authority over the Respondent and such administrator will determine any discipline to be imposed.

- **Issuance of Written Decision**

After reaching a determination and consulting with the appropriate University administrator and Title IX Coordinator, the Hearing Chair will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing;
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate University administrator and any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the University's process and grounds for appeal, as specified herein.

The written determination will be signed by the Hearing Chair on behalf of the Hearing Chair and Hearing Panel. The written determination will then be transmitted by the Administrative Officer to the parties, the Administrative Officer, the Office of Civil Rights & Title IX, and other University officials, as appropriate.

- **Appeal**

Either party may appeal the dismissal of a Formal Complaint or written determination. Appeal is permitted one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, Hearing Chair, or Hearing Panel, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome;
- The party was deprived of a right guaranteed by some other University policy or standard and the deprivation of that right affected the outcome.

The determination of a Formal Complaint becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the University has resolved all appeals, either by dismissal or by transmittal of a written decision from the appeals panel. No further review or appeal is permitted beyond appeal to the University Judicial Board as specified herein.

- **Informal Resolutions**

After submission of a formal complaint, either party may request an opportunity to resolve the complaint through an informal resolution process. If requested by one party, the other party must voluntarily agree to participate in order for the informal resolution process to proceed. A successful resolution and agreement of the parties will result in dismissal of the complaint without further investigation or hearing. Prior to reaching an agreement, either party may withdraw from the process and request that the grievance procedures pursuant to this policy resume.

An informal resolution process will be facilitated by an individual who is trained, unbiased and without conflict. The informal resolution process will be conducted in accordance with informal resolution procedures.

The informal resolution process is not available when the complaint alleges a violation by an employee against a student.

- ***Anticipated Timelines***

The Office of Civil Rights and Title IX strives to complete the entire process within 60 working days, taking breaks, complexity of the case, and party/witness availability into consideration. The only established timeframes within this process are as follows:

- If the advisor is an attorney, the party must notify the Office of Civil Rights & Title IX in writing at least three (3) working days before the meeting date.
- The Office of Civil Rights & Title IX will provide sufficient time to prepare to participate by allowing at least three (3) working-day's notice unless the party requests a date and time allowing less than three (3) working days.
- The complainant and respondent, and advisor to each party, will have ten (10) calendar days to submit a written response to the evidence.
- The live hearing will be scheduled for no sooner than fourteen (14) calendar days.
- Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than fourteen (14) calendar days from the date of transmittal of the written hearing notice.
- In a typical case, the written determination will be transmitted within fourteen (14) days of completion of the hearing, but this time period may vary depending on a range of factors including the complexity of the allegations at issue.
- A party must file an appeal within fourteen (14) days of the date they receive notice of dismissal or written determination appealed from.

- ***Decision-Making Process and Evidentiary Review***

- The investigator(s) will review any written materials, e- mails, text messages, or other evidence that, at the investigator(s)' discretion, may provide relevant information regarding the complaint because the burden of gathering evidence rests on the Office of Civil Rights & Title IX.

- The investigation and hearing will operate from a presumption that the Respondent is not responsible for the alleged misconduct until a determination regarding responsibility is made final.
- The Hearing Chair oversees the hearing process, rules on questions of relevance and admissibility, resolves all procedural disputes, questions parties and witnesses, and deliberates and votes with the Hearing Panel to determine responsibility for the allegations in the Formal Complaint at the conclusion of the hearing process.
- The Hearing Panel reviews the investigation report and hearing files in advance of the hearing, questions parties and witnesses when invited to do so by the Hearing Chair, and deliberates and votes with the Hearing Chair to determine responsibility for the allegations in the Formal Complaint at the conclusion of the hearing process.
- The investigator, Hearing Chair, and Hearing Panel are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use the following types of records unless the party holding the privilege has provided prior, written consent:
  - A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
  - Information or records protected from disclosure by any other legally recognized privilege, such as the attorney client privilege.
  
- ***Standard of Evidence***  
The University uses the preponderance of the evidence standard for evaluating complaints of discrimination and sexual misconduct
  
- ***Possible Sanctions***
  - a. Warning;
  - b. Censure;
  - c. Reduction or elimination of merit salary increases;
  - d. Reassignment of duties;
  - e. Demotion;
  - f. Suspension without pay; and/or
  - g. Dismissal.
  
- ***Range of Protective Measures Available to a Victim Alleging Misconduct***
  - No contact orders
  - Modification of class or work schedules or locations
  - Changes in housing assignments
  - Emergency housing
  - Partial or full withdrawals
  - Safety Escorts on campus



- Prohibition on retaliation
- By default, the pre-hearing conference will be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology. However, upon request of either party, or in the Hearing Chair's discretion, the pre-hearing conference may take the form of separate, sequential meetings between the Hearing Chair and each party, whether conducted virtually or in-person.
- The recording of the hearing will be made only by the University and is considered property of the University, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only the University is permitted to make a recording of the hearing. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated by these procedures is prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek preapproval from the Administrative Officer.
- Throughout the hearing, the Hearing Chair will independently and contemporaneously screen all questions for relevance and resolve any contemporaneous evidentiary objections raised by the parties.
- Parties are permitted to ask questions of the other party by the other party's advisor. The University will provide an advisor for any parties who do not have an advisor at the hearing.
- In addition to an advisor of their choice, a party may be accompanied to the hearing by up to two support persons of their choice, provided a support person cannot be a witness. The support persons play a passive role and are not permitted to communicate on behalf of a party, insist that communication flow through the support person, or communicate with the University about the matter. Support persons are not permitted to make objections, present arguments, or engage in any active role.
- During the hearing, evidence regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this section may be deemed to have waived the protections of this section.
- The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their Advisors. By default, the hearing will be conducted with the Hearing Chair, Hearing Panel, the parties, the Advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to

participate simultaneously and contemporaneously by video and audio. In the Hearing Chair's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

The University's Sexual Harassment Policy (<https://policy.ku.edu/civil-rights/sexual-harassment>) and accompanying Discrimination Complaint Resolution Process (<https://policy.ku.edu/IOA/discrimination-complaint-resolution>) are applicable to students and employees accused of sexual assault, stalking, domestic violence, and dating violence.

- ***How to File a Disciplinary Complaint Under this Policy***

Complainants are able to submit a formal complaint to initiate an investigation under this policy and process online at: [https://cm.maxient.com/reportingform.php?UnivofKansas&layout\\_id=23](https://cm.maxient.com/reportingform.php?UnivofKansas&layout_id=23). OCRTIX will also accept formal complaints via email at [civilrights@ku.edu](mailto:civilrights@ku.edu) or in person at Dole Human Development Center Room 1082.

- ***How the University Determines Whether This Policy will be Used***

The Title IX Coordinator, or their designee, will determine if the complaint falls into the policy and process's jurisdiction by determining if the complainant is participating or attempting to participate in University activities and if the Respondent is not affiliated with the University. If the Title IX Coordinator determines the complaint does not fall within the Discrimination Complaint Resolution Process (DCRP), the complaint will be referred to the appropriate office or closed with a complaint evaluation.

- ***Steps in the Disciplinary Process***

The major steps will include the following elements:

- **Receipt of a Report.** Upon receipt of all reports, the Office of Civil Rights and Title IX will send an outreach email to the complainant and/or reporter seeking additional information and providing a wide range of resources that are available on and off campus.
- **Initial review.** After the Title IX Coordinator or their designee review the report, they will make a decision if the allegations in the report should be referred to a different office because the information provided at that point does not appear to fall into the Sexual Harassment policy. The Title IX Coordinator will also review the information to determine if the alleged behavior requires the Title IX Coordinator to file a formal complaint on behalf of the University.
- **Receipt of a Formal Complaint.** The complainant has the right to file a formal complaint. Upon receiving a complaint, the Office of Civil Rights & Title IX will provide the complainant with an acknowledgement of receipt and will include in that acknowledgement the web address where the Discrimination Complaint Resolution Process can be found. The

**Title IX Coordinator will determine if the complaint warrants an investigation or case evaluation.**

- **Investigation.** The investigation will include the following steps:
  1. **Notice to Respondent.** The respondent will be provided with a statement of the complaint in writing, and the complainant will be provided a copy of this notification. The respondent will be provided an opportunity to meet with the investigator(s) investigating the complaint and to respond to the allegation. Respondents may respond in person or in writing within a reasonable time to be determined by the investigators. If a respondent chooses not to participate or refuses to answer a complaint, the nonparticipation will not prevent the investigation from proceeding and could result in a finding based solely on the information provided by the complainant.
  2. **Contact with Complainant.** If the investigator did not speak with the complainant at the time that the complaint was received by the Office of Civil Rights & Title IX, then the investigator will meet or speak with the complainant at the start of the investigation and throughout the investigation as appropriate.
  3. **Findings of Investigation.** The investigator(s) will provide a written summary of their findings to the respondent and the complainant within a reasonable time following the conclusion of the investigation. In addition, the investigator(s) will provide a written report of the investigation findings and recommendations to the appropriate administrators within the University who will determine the appropriate action to be taken in light of the investigation findings and recommendations. The administrators will determine, in consultation with the Office of Civil Rights & Title IX, an appropriate resolution(s). Upon making their decision, the administrator(s) will provide written notification of their decision to both the respondent and complainant.
- **Hearings**
  - **Respondent, Finding of Discrimination or Retaliation with Imposition of Discipline.** If formal disciplinary action is imposed as a result of a finding of violation of the University's policies prohibiting discrimination and retaliation, then a respondent may seek as follows:
    - **Faculty member or an unclassified academic staff member.** The affected employee may request a hearing before the University Judicial Board or the Faculty Rights Board, as determined by the sanction.
      - Initiation of Dispute
        - Written Statement
          - 1. To initiate a dispute, the complainant must state in writing a summary of the dispute and the alleged violation of specific rights as enumerated in Article III of the Code of Faculty Rights, Responsibilities and Conduct. Administrative authorities include tribunals formed within the University to hear and rule on faculty grievances.
          - 2. The dispute must:
            - a. identify the administrative authority that took the action, whether it is a University

- official or an administrator or tribunal that allegedly violated faculty rights;
  - b. identify the disciplinary or other administrative action that allegedly violated faculty rights, or the action by a tribunal - such as a hearing panel formed by an academic unit—that allegedly violated faculty rights;
  - c. assert that a violation of faculty rights occurred because of the administrative action and specify which rights are alleged to have been violated;
  - d. assert facts that underlie the dispute and describe the circumstances that led up to the alleged violation of faculty rights;
  - e. attach any documents that relate to the administrative action being challenged or that support the alleged violations asserted in the dispute; and
  - f. identify any witnesses who the faculty member knows possess information that support the alleged violations, providing a statement of each witness’s information.
- Time Limit
  - Generally, the complainant must file the written statement with the University Governance Office within thirty (30) days of the administrative action that is the subject of the dispute. The Chair may extend these times limits upon the request of the complainant if the Chair determines a valid basis for the extension. However, a different time limit applies for disputes of administrative actions involving sexual harassment of a student by a faculty member. In such cases, the United States Department of Education Office of Civil Rights has mandated that universities must fully resolve such complaints timely not to exceed sixty (60) days of first learning of the allegation(s) absent compelling circumstances. Accordingly, in such cases a faculty member’s dispute must be received within seven (7) days of the administrative action being disputed.
- Response by Other Party
  - Timing of Response
    - The opposing party shall have a reasonable opportunity to respond. Following receipt of the dispute, the opposing party generally shall have

fourteen (14) days to file a written response in the Office of University Governance. However, in disputes from administrative actions involving sexual harassment of a student, the opposing party shall have seven (7) days to file a written response with the Office of University Governance. The Chair may extend these time limits upon the request of the respondent if the Chair determines that additional time is needed to provide a fair opportunity to respond to the allegations in the dispute

- Content
  - 1. The written response should indicate whether the respondent admits or denies the allegations and factual assertions in a dispute, provide any additional facts or relevant information, and identify any defenses to the alleged violations.
  - 2. The response should identify the evidence and witnesses relied on by the respondent and include copies of any relevant additional documentation omitted from the initial dispute.
  - 3. The respondent must provide a copy of the response, along with supporting documentation, to the University Governance Office by the deadline requested. The University Governance Office will provide a copy of the response and any documents submitted with the response to the complainant.
- Actions Following Receipt of Dispute and Response
  - On behalf of the Board, the Chair may request additional information from either party for a fair and accurate resolution of the dispute. The Chair will provide notice to the parties of any such request and provide to them copies of, or access to, any information received.
  - The Board may dismiss a dispute. The Chair of the Faculty Rights Board, after consulting with members of the Board, may dismiss a dispute without a hearing. A dispute that does not meet requirements set forth in section III. Initiation of Dispute, above, is a type that may be dismissed without a hearing. The Faculty Rights Board also may dismiss a dispute if the complainant fails to provide information requested by the Board within seven (7) days of the Board's request.
  - Disposition Without A Hearing - On review of the written information filed in the dispute, the Board may decide that it possesses sufficient information in the written record to make a decision without a hearing. In such disputes, the Board generally will issue its decision and recommendations

within forty-five (45) days of the dispute being filed absent good cause for an extension of time. However, in appeals from a notice of non-reappointment the Board's decision and recommendation will be submitted to the Chancellor by April 30, and in disputes from administrative actions involving sexual harassment of a student by a faculty member, the Board's decision and recommendation will be issued within twenty-one (21) days of the appeal being filed.

- Hearing - The Board may initiate a hearing, if one is deemed necessary, within forty-five (45) days of the dispute being filed absent good cause for an extension of time.
  - However, if the dispute is from an administrative action involving sexual harassment of a student, then the hearing will be scheduled within such time as to allow for the Board to issue its decision and recommendation within twenty-one (21) days of the dispute being filed; and if the appeal involves a notice of non-reappointment, then the hearing will be schedule within such time as to allow for the Board to issue its decision and recommendation by April 30.
- Hearing
  - If the Board has determined that the allegations in the dispute are sufficient and that a hearing consequently is warranted, the hearing shall serve as a fair opportunity for the complainant and opposing parties to present their cases and arguments before the Board. The Board's notice to the parties scheduling a hearing shall identify for the parties the specific questions or issues raised in the dispute which the Board has determined are not sufficiently addressed in the written record and on which the Board wishes to hear testimony or evidence at hearing.
  - Conference - The Chair may arrange a conference with all parties to discuss the handling of the case, preliminary evidentiary or procedural issues, and the scheduling and conduct of the hearing.
  - Rulings on Conduct of Hearing - Before a hearing, the Chair may make determinations or rulings as appropriate to promote the fair and efficient conduct of the hearing, including the exclusion of issues, arguments, or evidence that is not relevant or material to the case. The Chair may direct that testimony be limited after determining the extent to which the written record addresses the issues in the dispute and are not materially in dispute. Before excluding any issues, arguments, testimony or evidence, the Chair shall afford the parties an opportunity to object and

state their reasons for objecting in writing. These pre-hearing matters shall be ruled on and determined within fourteen (14) days after the Board has received the opposing party's response to the dispute, unless the Chair finds that good cause exists to extend the time. Pre-hearing matters and extensions of the time limit for resolving them will not change the time limits for concluding disputes stated in section III.B. of these procedures.

- Post-Hearing
  - Decision
    - 1. A written decision stating the conclusions of the Board and the reasons for them, as well as any recommended actions to be taken, shall be provided to the parties, the Provost, the Chancellor, and any other administrative officials involved in the case no later than fourteen (14) days after the hearing is completed.
    - 2. The Board's written decision shall include specific findings of fact regarding contested factual issues, explain how the Board interpreted and applied relevant laws, regulations, rules, or policies or, as applicable, and articulate the basis for its conclusions. The decision shall also include recommendations concerning appropriate actions to be taken in light of its findings and conclusions, which may be addressed to the parties or other responsible individuals.
    - 3. The decision of the Board constitutes a recommendation to the Chancellor, who has the final authority and responsibility for personnel decisions within the University, or to the Provost when the Chancellor has delegated such authority to the Provost. The Chair of the Board may respond to inquiries from the Chancellor or Provost to clarify the basis or intent of the Board's decision and recommendations. After review of the recommendation and supporting documents, the Chancellor, Provost, or other administrative official shall provide timely written notice of the final decision to the parties and to the President of the Faculty Senate and the Chair of the Board. There is no appeal within the University from the decision of the Chancellor.
  - **Student.** The student may request a hearing in accordance with the Code of Student Rights and Responsibilities. If the student does not request a hearing, the Vice Provost for Student Affairs (VPSA) will determine the sanction.

- Hearing Officers will be appointed by the Vice Provost for Student Affairs or their designee. The responsibilities of Hearing Officers include preparing notices of violation, collecting information, conducting administrative hearings, making decisions related to conduct outcomes, and performing other functions as required in the student conduct process.
  - Typically, the complainant and respondent are present for the Panel hearing. In the event that either party does not appear at the hearing, the Panel may reach a decision by taking into consideration the totality of the information available at the time of the hearing.
- Hearing Notification
  - 1. Charge Letter: The Hearing Officer or Student Hearing Board Advisor will issue a written letter which shall inform the respondent of the approximate date, time, place and type of incident, the complaining individual or entity, and the section(s) of University Policy that have allegedly been violated.
  - 2. Timeline: Hearings should not be scheduled less than two (2) working days or more than ten (10) working days after the student has been notified of the charges. A respondent may waive the one-day hearing requirement with approval from the Hearing Officer. The ten (10) working day timeline may be extended at the discretion of the Hearing Officer, taking into consideration finals, scheduled breaks, and other extenuating circumstances.
  - 3. Notice: Charge letters are sent to student's University email accounts and are considered received when sent.
- C. Options for Resolution of Conduct Charges As explained below, student non-academic misconduct matters may be adjudicated by an administrative hearing, a student hearing board, or a formal panel hearing.
  - Unless specified elsewhere in this procedure, in situations where the alleged behavior is a violation of University Policy and suspension or expulsion is a likely sanction if the alleged violation is found to have occurred, a Pre-Hearing Meeting will be held and respondent will be given the opportunity to choose an informal administrative hearing with a Hearing Officer in Student Affairs or participate in a Formal Panel Hearing.



- The respondent will receive Notice of a Pre-Hearing Meeting no less than one business day in advance. During the Pre-Hearing Meeting, the Hearing Officer will present the student with three options for resolution – administrative hearing, formal hearing, or mutual agreement.
- The respondent will have two (2) working days following the Pre-Hearing Meeting to make a decision about their desired resolution option.
- Administrative Hearings
  - In situations where (1) the respondent is a resident of Student Housing, and the behavior is a violation of only the KU Student Housing Handbook; (2) the behavior is a violation of the Code of Student Rights and Responsibilities, and the administrative sanction is less than University suspension; or (3) as otherwise provided in these procedures, then the respondent shall meet with a Hearing Officer in an informal administrative hearing.
  - In situations where the respondent is a resident of Student Housing, and the behavior is a violation of the KU Student Housing Handbook, as well as Code of Student Rights and Responsibilities, the administrative hearing may proceed in one of two ways, at the University’s discretion.
    - First, a respondent may meet with a Hearing Officer in Student Housing for adjudication of the Student Housing violations through an Administrative Hearing, and also meet with a Hearing Officer in Student Affairs for adjudication of the University policy violations through an Administrative Hearing.
    - Second, a respondent may meet with a Hearing Officer in Student Housing for adjudication of all Student Housing and Code of Student Rights and Responsibilities violations. Any notification letter will denote the specific charges that will be subject to that hearing. Student Housing Hearing Officers

will not adjudicate Code violations that may result in suspension or expulsion from the university.

- Administrative Hearing Procedures
  - i. Notice of an Administrative Hearing will be sent no less than two business days in advance. The notice will include: the date, time and location of the hearing; who the Hearing Officer(s) will be, the alleged policy violations, and a general summary of the complaint.
  - ii. Administrative Hearings are informal educational conversations between the Hearing Officer and the respondent regarding the alleged policy violations and, if a student is found responsible, what are the appropriate sanctions address the policy violations.
  - iii. Administrative Hearings are not recorded unless a suspension or expulsion is a likely outcome of the hearing.
  - iv. Respondents may be accompanied by up to three (3) advisors of their choosing. Students should inform the Hearing Officer at least 24 hours prior to the Administrative Hearing whether any of their advisors are attorneys.
  - v. The Hearing Officer gathers information relating to the matter outside of the hearing and shares the information with the Respondent during the Administrative Hearing.
  - vi. The Respondent participating in an Administrative Hearing has the opportunity to confront the information available to the Hearing Officer, and may present their version of events regarding the incident in question, challenge information shared by the Hearing Officer, have witnesses present information on their behalf, and elect to not answer questions.
  - vii. The Hearing Officer may further investigate the incident after the meeting and, should they learn of new, substantive information will contact the respondent to offer the opportunity to be informed of the information and respond or challenge it.

- viii. The Respondent will be notified in writing of the outcome of the Administrative Hearing by the Hearing Officer within 10 business days, unless extended at the discretion of the Hearing Officer.
- ix. Sanctions 1. If a University Policy violation is found, the Hearing Officer may assign any formal conduct sanction, educational sanction, and/or restriction, with the exception of expulsion. 2. In instances where a student is sanctioned with suspension, the Hearing Officer may assign terms for readmission upon completion of the suspension (if applicable).
- x. If the respondent fails to participate in the process by failing to attend a meeting or providing information, the Hearing Officer may render a decision based on the available information.
- xi. A respondent who fails to participate or disagrees with the finding of the administrative hearing does not waive the right to appeal.
- Student Hearing Board: A case may be assigned to the Student Hearing Board when no more than two (2) years of disciplinary probation is the likely outcome of the case. The Board will be advised by the Director of Student Conduct and Community Standards, or designee.
  - a. A Respondent may indicate they do not wish to have their case heard by the Student Hearing Board and opt for an administrative hearing. The Respondent must notify the Office of Student Conduct and Community Standards at least two (2) working days before their hearing to request an administrative hearing.
  - b. Notice of the Student Hearing Board hearing will be sent by the Office of Student Conduct and Community Standards, to the Respondent at least five (5) working days prior to any hearing.
  - c. The Respondent will be responsible for submitting documents, a list of witnesses, and/or advisors, to the Office of Student

Conduct and Community Standards at least three (3) working days prior to the hearing. A hearing file will be created for the Board and the Respondent to review prior to the hearing.

- d. The Student Hearing Board is a type of administrative hearing and will not follow a courtroom model or formal rules of evidence. The Chair of the Board will ask the Respondent to present their information regarding the incident, including witnesses, if any. The Board will be allowed to ask questions of the Respondent and any other witnesses throughout the hearing process. Immediately after the hearing, the Board members will deliberate among themselves and determine: i. What conduct is more likely than not to have occurred; ii. Whether the conduct that occurred violates the Code of Student Rights and Responsibilities; and iii. The sanctions deemed appropriate, if any.
- e. Hearing Determination: The Board will document its findings as to the facts, any violations, and its recommended sanctions. The hearing panel will provide its findings and recommendations to the Office of the Student Conduct and Community Standards within three (3) working days after the hearing. The Office of Student Conduct and Community Standards will send the findings and recommendations to the Respondent within two (2) working days after receipt.
- f. The Respondent may accept the findings and sanctions or request the Director of Student Conduct and Community Standards review the findings and sanctions. Such a request shall be in writing and explain what findings and recommendations the Respondent wants to have modified, and why. If the Director has not received such a request from the Respondent within 5 working days after sending notice of the Board's findings and recommendations, the Director may impose the sanctions recommended by the Board. The Director

also has the authority to modify the findings and sanctions at the Director's discretion based on the evidence in the hearing record.

- g. Board Composition: The Board will consist of three students with representation from at least: one residential (on-campus housing) student, one student affiliated with a registered student organization, and one off-campus student. The Board will be chaired by one of the students as selected by the Director of Student Conduct and Community Standards, or their designee. The Chair will be responsible to facilitate and ensure an orderly hearing process.
- h. Board Advisor: The Board Advisor is present during the hearing for consultation by any person on the Hearing Board. The Board Advisor also acts to help assure that appropriate procedures are followed. Should the Board find the Respondent in violation, and move to the sanctioning stage, the Board Advisor may also be consulted to offer guidance on appropriate sanctions. Only after the Hearing Board has moved to the sanctioning stage of deliberations may the Board Advisor advise the Hearing Board of prior violations of the Respondent, if any, and only to assist the Board in the sanctioning process.
- 3. Formal Panel Hearing: A respondent shall meet before a formal hearing panel when expulsion from the University may be a likely sanction, when suspension may be a likely sanction and the respondent has chosen to go to a formal panel hearing.
  - a. A student may waive their right to a Formal Panel Hearing and resolve an incident through an informal administrative hearing. Waiving the right to a Formal Panel hearing does not waive the right to appeal.
  - b. Notice of Formal Hearing will be sent by the Vice Provost for Student Affairs, or their designee, to the respondent and complainant at least 10 working days prior

to any hearing, except in cases involving an interim suspension.

- c. Pre-hearing Submission: The complainant and the respondent shall submit to the Vice Provost for Student Affairs, or designee, any information they wish present at the hearing, the name of their advisor(s) and if they are an attorney, and a possible list of witnesses six (6) working days prior to the hearing. Absent good cause, as determined by the Vice Provost for Student Affairs or designee, the parties may not submit information for the hearing after this deadline. The Vice Provost for Student Affairs, or designee, based on the totality of information, reserves the right to modify the charges included in the notification of Formal Resolution and add witnesses to the witness list. In the event charges are added, the hearing will be rescheduled at least 10 working days from notice of new charges.
- d. The Vice Provost for Student Affairs or designee will be responsible for notifying all witnesses of the hearing and for the creation of the Formal Panel Hearing file. Copies of the Formal Panel Hearing file will be made available to the parties and Panel at least three (3) working days prior to the hearing and will contain, at a minimum, statement of complaint, witness lists submitted by each party, and any related information collected through the investigative process by the Hearing Officer.
- e. The Formal Panel Hearing is an administrative hearing and will not follow a courtroom model or formal rules of evidence. The Panel will determine the order of witnesses, and the Chair will resolve any questions of procedure during the hearing. The decision of the Chair is considered final. Each party will be allowed to make a presentation, have witnesses called on their behalf, challenge any information presented, ask questions of witnesses present at the hearing, and make a closing statement. Only the Chair and Panel members are given absolute

authority to directly question parties and witnesses. At the discretion of the Chair, parties may directly question witnesses and each other, but the Chair is empowered to have questions directed to the Chair, disallow or reframe any questions.

- f. The University does not have subpoena powers, and as such, witnesses and other individuals asked to participate in a Formal Panel Hearing, including a complainant, may choose not to participate. In the absence of personal appearances, the Panel and parties will rely on the documentary information provided in the Formal Panel Hearing file and other information presented during the hearing. If witnesses are unavailable to attend the hearing, they may submit witness statements in their absence as part of the Formal Panel Hearing file.
- g. The student respondent may choose not to attend the formal hearing. If a student respondent, with notice, does not appear for a Formal Panel Hearing, the failure to respond or appear will not create a presumption of either responsibility or non-responsibility. In such cases, available information shall still be presented and considered and the Panel shall make a decision based upon the information available to it.
- h. The University is able to provide information/testimony through closed-circuit technology; Webex, Skype, etc. This technology may be used in circumstances where parties or witnesses are otherwise unable to participate in the hearing, or at the request of parties for good cause, as determined at the discretion of the Vice Provost for Student Affairs or designee.
- j. Hearing Panel Findings and Recommendations: Immediately after the hearing, the Panel members will deliberate among themselves and determine:
  - i. Whether the facts presented establish that the alleged conduct charged occurred;

- ii. Whether the conduct that occurred violates the Code of Student Rights and Responsibilities, as charged; and
  - iii. Their recommendations for which specific sanctions, if any, should apply in light of their findings.
  - iv. The Chair will write a report containing the Hearing Panel's findings of facts, its conclusion about the charge(s) based on the facts, and its recommendations for sanctions, if any. This report will be sent to the Office of the Vice Provost for Student Affairs within five (5) working days after the hearing.
- k. Hearing Determination: After a formal hearing before a Panel, the Vice Provost for Student Affairs will review the report of the Panel and all hearing materials, determine whether to accept the recommendations, and provide written notification to the respondent and the complainant within five (5) business days after receipt of the findings and sanctions recommendations, if any. Sanctions imposed by the Vice Provost for Student Affairs are effective immediately unless otherwise specified in the notification. If sanctions are imposed, notice of the appeal procedure will be provided to both parties.
- l. A single hearing may be held for more than one respondent in cases arising out of a single occurrence or common set of facts. Each respondent retains the right to request that their or its case be heard individually.
- 4. Mutual Agreement: A respondent shall have the option to pursue a mutual agreement when suspension or expulsion from the University may be likely sanctions, when they substantively take responsibility for the alleged violations, and when they desire to collaborate with Student Conduct and Community Standards to create a set of mutually acceptable sanctions.



- a. A respondent may waive their right to an Administrative or Formal Hearing and resolve an incident through a mutual agreement. Waiving the right to a hearing and pursuing a mutual agreement waives the right to appeal.
- b. If a respondent elects to pursue a mutual agreement, they discuss with the Hearing Officer sanctions designed to help change the behaviors in question, learn from the experience, and repair harm to the offended parties (if appropriate).
- c. The Hearing Officer will review the proposed sanctions in consultation with the Vice Provost for Student Affairs or their designee. The Hearing Officer may respond in writing to accept the respondent's sanctions or propose a revised list of sanctions. The Hearing Officer may request to meet with the respondent (and their advisors, if desired) to further discuss mutually agreeable sanctions.
- d. In cases involving allegations of discrimination, sexual harassment, and/or retaliation, the proposed mutual agreement will be shared with the complainant prior to acceptance. The Hearing Officer will consider the input of the complainant in determining whether and how to resolve a complaint by mutual agreement, but the Hearing Officer will have discretion to reach agreement with the respondent.
- e. If the respondent and Hearing Officer reach agreement about the terms of the mutual agreement, the Hearing Officer will document the agreed upon terms in writing. The respondent will have three (3) working days to sign and return the completed mutual agreement. The Vice Provost for Student Affairs or their designee will then sign the agreement.
- f. The Hearing Officer will issue to the respondent a formal outcome letter detailing the terms of the mutual agreement and will provide a signed copy of the agreement to the respondent. g. In the event that a respondent elects to pursue a

mutual agreement but the respondent and Hearing Officer are not able to reach agreement on sanctions, the case shall be resolved by administrative or formal hearing. The Hearing Officer will notify the respondent (and their advisors) of the formal hearing.

- **Graduate Teaching Assistant.** A graduate teaching assistant may request a review in accordance with the Memorandum of Agreement between the University of Kansas, the Kansas Board of Regents and the Kansas Association of Public Employees.
  - **ARTICLE 14: Disciplinary Action Section 1. Progressive Discipline** The University supports the philosophy of progressive discipline to address performance-related issues, misconduct, violation of established policies and/or procedures, and/or other cause by taking appropriate levels of corrective measures through the applicable evaluation or disciplinary processes. The University may initiate disciplinary action against a GTA for conduct or performance related issues at any time during the term of the GTA's employment. These issues may result in counseling and/or formal disciplinary action which shall be accomplished through the evaluation process contained in this agreement and/or through a letter of disciplinary action. The results of an unsatisfactory evaluation may be appealed in accordance with the terms contained in Article 5, Section 7 and Article 15 of this agreement. Within the process of disciplinary action, progressive discipline is encouraged but not required; however, the University shall apply the least severe discipline possible, as determined by the University, which fits the offense and will reasonably accomplish the desired alteration of conduct or performance. Progressive disciplinary action can include: a. counseling, b. a written reprimand, c. suspension without pay, or d. dismissal/termination of appointment. Section 1a: Counseling should generally precede formal disciplinary actions, except in more serious circumstances, as determined by the University. Counseling consists of a meeting between the GTA and the supervisor wherein they discuss the nature of the issue(s), improvement strategies, and target improvement dates if immediate action is not required. The supervisor will send an email to the GTA documenting the discussion. If email is used as communication, the University email address shall be used. The GTA may reply to the email, which should be maintained by the supervisor. Adequate time should be allotted for improvement(s) to occur, as determined by the

University, and follow-up may occur to ensure that performance or conduct has improved, and/or the issue has not reoccurred. If the issue(s) persist, the University may decide on additional counseling or may escalate to formal disciplinary action as defined herein. Depending on the circumstances, the GTA may be disciplined without prior counseling or disciplinary action. Counseling is not subject to review or appeal under any grievance or appeal procedure established in this agreement or by any University rule, regulation, or policy. However, the GTA may reply with a responsive statement, which shall be held with the documentation maintained by the supervisor. Section 1b: Formal Disciplinary Action Work history, legitimate mitigating circumstances as determined by the University, and the nature and/or pattern of the misconduct or performance-related issues, and other relevant factors shall be taken into consideration when determining the appropriate formal disciplinary action. Formal disciplinary action should be accomplished as provided herein and may include the evaluation process and/or a letter/document of disciplinary action. Formal disciplinary action shall include: a. a written reprimand, b. suspension without pay, or c. dismissal/termination of appointment. 25 Written notice of disciplinary action shall be delivered to the GTA's University email and by US mail with delivery confirmation to the address on file in the University's HR/Pay system. This notice shall include the following: a. the reason for the disciplinary action, i.e., the alleged facts and circumstances giving rise to the discipline, b. the disciplinary action being taken, c. the effective date of the action, d. a statement of the GTA's status during the notice period until the matter is resolved, e.g. whether their job duties have been reassigned, referring to the supervisor for details of any reassigned duties, e. a deadline by which to respond that is consistent with the provisions of the agreement, f. a statement referencing grievance rights pursuant to Article 15 of this agreement, including the URLs for this agreement and AFT-Kansas/GTAC. ARTICLE 14: Grievance Procedure Section 1: A "grievance" is defined as a statement of dissatisfaction by a public employee, supervisory employee, employee organization or a public employer concerning interpretation of a memorandum of agreement or traditional work practice. Section 2: As used in this article, "days" are defined as those week days during which classes are in session or regularly scheduled final exams are being conducted at the University, including summer sessions. Section 3: During the pendency of a grievance, the grievant

shall fulfill all assigned duties and responsibilities, unless directed otherwise by the University. This provision shall not apply to a cessation of work beyond contracted hours as provided for within Art. 5 Sec. 12. Section 4: This grievance procedure is intended to serve as a cooperative problem-solving mechanism for disputes in the administration of this memorandum of agreement. This grievance procedure, and subsequent legal appeals from such administrative decisions, shall be the sole and exclusive remedy for adjustment of any grievance arising from the application or interpretation of this agreement. Where a matter within the scope of this grievance procedure is alleged to be both a grievance and a prohibited practice under the jurisdiction of the Public Employee Relations Board, the GTA and/or GTAC/AFT Kansas may elect to pursue the matter under either the grievance procedure herein provided or by action before the Kansas Public Employer-Employee Relations Board. The election of either procedure shall constitute a binding remedy chosen and waiver of 26 the alternative remedy. If, during the pendency of a grievance, all or part of the grievance becomes the subject of a federal, state, university or local law enforcement investigation or proceeding, or is the subject of an OCR investigation, the University, at its discretion, may elect to suspend the grievance proceeding until such time as the law enforcement investigation or proceeding is completed. Section 5: The parties may mutually agree to extend the deadlines established herein. The party seeking to extend the deadline shall request such an extension at least 24 hours in advance of the scheduled event. The request shall describe the length of the extension sought and a brief explanation of the reason. Requests for extensions may be made via telephone, electronic mail, U.S. mail, or in person and shall be made to the appropriate supervisory employee or the grievant and/or representative of the employee organization. Requests for extensions shall not be unreasonably denied. The party requesting the extension shall forward written confirmation of the request for and receipt of the extension to the appropriate supervisory employee or grievant with a copy provided to the Director of Employee Relations. Section 6: Procedure A formal grievance may be filed by the University, an individual member of the bargaining unit, a group of bargaining unit members, or the employee organization. Parties to the grievance are permitted representation. If the respondent is the subject of the grievance, the respondent will self-recuse, and the grievant may skip to the next level in the

grievance process. For purposes of self-recusal, a respondent shall not be considered to be a subject of a grievance merely because the respondent rendered a decision which is being challenged. Self-recusal should be based upon allegations of misconduct or malfeasance by the respondent. Failure to pursue the grievance at any level of the procedure within the appropriate timelines, and any agreed upon extensions, shall be considered a waiver of the right to proceed to any other step of the grievance procedure. Individuals requiring an accommodation in the processing of a grievance should contact the University's ADA Resource Center for Equity and Accessibility. Section 6a: Representation GTAC will provide a copy of all formal (Level 2) grievances to the University's Director of Employee Relations (or other University designee) by electronic mail at the time the grievance is initiated. If an individual unit member chooses non-GTAC representation, the University shall notify GTAC of the grievance as well as all formal proceedings, and a certified GTAC representative may attend all formal grievance meetings with advance agreement of the grievant. GTAC will be provided with all University responses to formal grievance steps. Agreements between individuals and the University to which GTAC is not a party will not establish precedent for purposes of determining of established past practice claims concerning a mandatory subject of bargaining.. 27 Section 6b: Exclusions Allegations of harassment, discrimination, Title IX violations, sexual misconduct, sexual violence, and/or retaliation related to such allegations must be reported to the KU Office of Civil Rights and Title IX (OCR hereafter) and are not covered by these grievance procedures. Instead, those complaints will be addressed within the OCR complaint process: <https://civilrights.ku.edu/complaint-process-overview> For the purposes of this provision, the terms "harassment", "discrimination", and "retaliation" shall mean those acts prohibited by Title VII, Title IX, other applicable federal and state laws, and as otherwise detailed in University policy. The OCR's jurisdiction does not extend to grievances on the basis of union membership status, union activity, or the exercise of rights under this agreement, including the filing of a grievance, or participation in the grievance procedure. If a grievant pursues a claim under these other jurisdictions and is denied on the basis of jurisdiction, a grievant may pursue a claim through the grievance process. The effective date of the circumstances giving rise to the grievance shall be the date the grievant received notice of said denial from the

appropriate office(s). Section 6c: Steps of the Grievance Procedure

- The grievance procedure consists of the formal and informal levels as noted below: Level 1. Informal, Optional Discussion with the Chair/Director of Department Level 2. Formal Written Grievance to Chair/Director of Department Level 3. Formal Written Grievance to Dean of the School Level 4: Mediation Level 5: Formal Written Grievance to the Grievance Resolution Committee Level 6: Vice Provost Review Level 7: Judicial Review Level 1: Informal, Optional Discussion with the Chair/Director Prior to filing a formal grievance and within ten (10) days of the date on which the grievant became aware or could reasonably have been aware of the circumstances giving rise to the grievance, the grieving party should meet informally with a chair/director of the department in which the circumstances arose to discuss and attempt to resolve the concern without a formal grievance. If the grievance is unresolved, the grievant will, within five (5) days of that meeting, determine whether to proceed to the next step of the formal grievance procedure, as outlined below. The grievant may also proceed to the next level if an agreed upon resolution does not occur as specified. 28 If the grievance relates to disciplinary action, as defined in Article 14 of this memorandum of agreement, the grievant shall skip Levels 1 and 2 proceed directly to Level 3, and the event giving rise to the grievance is deemed to be the date of the disciplinary action notice by attempted delivery via US mail with delivery confirmation to the address on file in the University's HR/Pay system. Chairs/directors of departments have no authority to grant any remedy which grants any rights external to an individual grievant's departmental rights. Grievances requesting remedial action beyond an individual grievant's departmental rights should be initiated at Level 3. Level 2: Formal Grievance to Chair/Director To file a formal grievance, the grieving party shall, within five (5) days of the completion of Level 1, submit a written grievance to the chair/director of the department in which the circumstances arose. If an informal meeting did not occur, the grievant will submit the written grievance within ten (10) days of the date on which the grievant became aware or could reasonably have been aware of the circumstances giving rise to the grievance. The written grievance shall include a description of the issue with supporting facts, the date, a summary of any informal meeting if such a meeting

occurred, and the resolution sought. The parties to the grievance may meet to discuss a resolution. The chair/director shall respond in writing to the grievant and GTAC within five (5) days of its receipt. The written response to the grievant and the Union will either grant, deny, or modify the resolution sought, and provide a reasonable timeframe to complete the resolution. If the resolution is not acceptable, is not completed within the time specified, or if the chair/director of the unit fails to respond, the grievant may proceed to Step 3 of this procedure.

**Level 3: Formal Grievance to Dean** If the grievance is not satisfactorily resolved in Level 2 or if the grievant receives no response from the chair/director by the response deadline, the grievant may within ten (10) days of the Level 2 response or resolution deadline submit the grievance, as described in Level 1, to the dean of the school. This grievance should include all written components as described under Level 2 as well as a description of what happened at Level 2 to prompt escalation. The parties to the grievance may meet to discuss a resolution. No later than ten (10) days after the receipt of the notice from the aggrieved, the dean of school shall provide a written response to the grievant either granting, denying, or modifying the resolution sought, and providing a reasonable timeframe to complete the resolution.

**Level 4: Mediation** If the grievance is not satisfactorily resolved in Level 3 or if the grievant receives no response from the dean, the grievant shall within ten (10) days of the Level 3 response or resolution deadline submit a request to move the grievance to Level 4, which shall consist of mediation conducted by the Federal Mediation and Conciliation Service. The parties shall endeavor to schedule the mediation with the FMCS within 21 days of the date of the appeal provided for in this step.

- **Level 5: Formal Grievance to the GTA Grievance Resolution Committee** GTA GRC Composition The University and GTAC shall annually select a standing GTA Grievance Resolution Committee (GTA GRC or GRC). GRC members may serve more than one year. The GRC will be comprised of: a. Two (2) Law School faculty members (as appointed by the FacEx from recommendations by the Dean of Law School) b. Two (2) faculty members who have active Graduate Faculty privileges to serve on master's and doctoral committees (appointed by the Faculty Executive Committee, FacEx) c. Two University staff members within Human Resources Management or staff selected by HRM with significant human resources or supervisory experience ("Staff

Member”). Such appointed Staff Member shall not otherwise be involved in the processing of the grievance being considered. d. Four (4) members of the GTAC bargaining unit, as selected according to its bylaws Upon submission of a grievance, a GTA GRC hearing panel of five (5) members will be convened from the GRC. The Governance Office will select a Law School faculty member from the GRC to chair the GTA GRC hearing panel. The Chair will select the GTA GRC hearing panel members from the GRC. The GTA GRC for each hearing will be comprised of: a. One (1) faculty member b. One (1) University Staff Member c. One (1) Law School faculty member d. Two (2) members from GTAC

Grievance Submission: 30 If the grievance is not satisfactorily resolved in Levels 1-4, the grievant may within ten (10) days of the conclusion of mediation, submit the grievance to the University Governance Office and request a hearing before the GTA Grievance Resolution Committee (GTA GRC hereafter). This grievance should include all written components as described in previous levels. Additionally, the grievant must provide Governance with: 1. The name of any chosen representative(s); 2. Copies of all materials from Levels 1 through 3 of the grievance (materials from Level 4 are subject to confidentiality requirements of FMCS); 3. A written description of the issue with supporting facts; 4. A summary of meetings to date; 5. A list of University employees and individuals to be called as witnesses/experts, along with a brief written summary of the anticipated testimony of each witness showing the testimony relevancy; 6. Evidence to be considered; and 7. Issues remaining in dispute after Level 3 or issues jointly stipulated by the parties to be remaining for review following Level 4 and the resolution sought. Upon receipt of a grievance, Governance will notify the respondent and provide a copy of the grievance materials within three (3) days. The respondent must provide the following materials to Governance within five (5) days of receiving the grievance materials. 1. The name of any chosen representative(s); 2. A statement concurring with the materials submitted by the grievant from Levels 1 through 3 of the grievance or copies of any materials omitted by the grievant or disputed by the respondent; 3. A statement concurring with the grievant’s summary of meetings to date or a statement disputing or providing any additional information about those meetings deemed necessary to resolution of the grievance; 4. A list of University employees and individuals to be called as witnesses/experts, along with a brief written summary of the anticipated testimony of



each witness showing the testimony relevancy; 5. Evidence to be considered; and 6. Issues remaining in dispute after Level 3 or issues jointly stipulated by the parties to be remaining for review following Level 4 and the resolution sought. Governance will distribute the respondent's materials to the grievant within three (3) days. Governance compiles, reproduces and distributes the necessary copies of all documents submitted for the hearing participants.

Hearing Scheduling and Continuances: Within five (5) days of receiving the respondent's materials; 1. Governance will select a Chair; 2. The Chair will select the GTA GRC members from the standing pool of reviewers for the hearing and 3. Governance will notify the grievance parties of those selected. Parties involved in the hearing will have the opportunity to indicate whether a GTA GRC member should be precluded from a particular hearing based on concerns about impartiality. The objecting party will have three (3) days from the notice of the GTA GRC appointment to notify Governance of those concerns. The GTA GRC Chair will determine whether an alternate should be appointed. Within five (5) days of the appointment of the final committee, Governance will notify the parties of the scheduled hearing date. Governance will make every reasonable effort to schedule a hearing during regular working hours and at a convenient time for all parties. The date of the hearing will allow reasonable time for the GTA GRC to review all materials. Parties may submit a written request to Governance by email or in person for a continuance. Governance must receive the request no later than five (5) days before the scheduled date of the hearing. The written request must provide alternate dates on which the requesting party is available for the hearing and document that the opposing party has been notified of the request. Governance will consult with the GTA GRC Chair to make the final determination regarding the request and notify all parties of the decision and of any alteration in the scheduled hearing date.

Hearing Transcripts: All hearing meetings of the GTA GRC will be recorded by means of audio, except the GTA GRC deliberations. All recordings constitute part of the record of the hearing and Governance will maintain them. Access to the audio will be limited to the parties, the authorized representatives and 32 the members of the GTA GRC. Transcripts may be made of the contents of an audiotape at the sole expense of the requesting party or by other agreement of the parties.

Witness Notification and Participation: Governance will notify in writing the University witnesses, their supervisors

of record, and the department heads that: 1. The University supports every effort to accommodate the availability of witnesses for a hearing before the GTA GRC; 2. Witnesses have a choice to participate in the hearing; 3. Participation is paid "work time;" 4. Witnesses must request release from duties from their departments for the time of the hearing in advance and in accordance with normal unit notice procedures; 5. Witnesses must not be subjected to any form of intimidation, retaliation, or adverse actions by any party for their decision to participate or not to participate in the hearing; 6. Attempts at intimidation, retaliation, or adverse actions should be reported to Human Resource Management and to Graduate Teaching Assistant Coalition (GTAC) if the MOA provisions are violated; 7. Any complaint alleging intimidation, retaliation, or adverse action will be investigated by the appropriate office and/or GTAC; and, 8. The University will take appropriate counseling or disciplinary action if the University determines that intimidation, retaliation, or adverse action has occurred.

Possible Dismissal of Grievance: Before the hearing and after a review of the grievance materials, the GTA GRC may recommend to the Vice Provost of Graduate Studies that the complaint be dismissed without further proceedings if any of the following grounds exist: 1. The grievance or another grievance involving substantially the same underlying occurrence or events has already been or is being adjudicated by proper University procedures; 2. The grievance should be heard by another body; 3. The grievance was not filed in a timely fashion; and/or, 4. The University lacks jurisdiction over the subject matter or any of the parties. Before the dismissal recommendation is made to the Vice Provost of Graduate Studies, the parties will be provided the opportunity to respond in writing to the GTA GRC dismissal recommendation by the date specified in the notice letter. A dismissal recommendation shall be by a majority vote of the appointed GTA GRC.

Role of the Chair: The Chair of the GTA GRC has authority to conduct the hearing and such authority will include, but not be limited to: 1. Keeping order in the hearing, including calling a recess or rescheduling the hearing; 2. Setting reasonable time limits for the presentation and cross examination of witnesses; 3. Determining testimony relevance; 4. Determining admissibility of any documents. The Chair may deny admission of any documents; and 5. Any ruling of the Chair as to admissibility of testimony or documentary evidence may be appealed by a motion made and duly seconded from the members of the GTA GRC made

immediately after the challenged ruling of the Chair. In the event of such a timely made and seconded motion, a majority vote of the members of the GRA GTC shall prevail as to the admissibility of the evidence in question. If a party presents documents for consideration after the stated deadlines for submission, the Chair determines whether the opposing party would be prejudiced by the admission of such documents without being given additional time. The Chair's decision may be appealed within three (3) business days to the GTA GRC, in which case a majority vote of the GRC shall control the question. Conducting the hearing: The hearing will not be governed by the rules of evidence. The hearing is not considered open to the public and no parties will be allowed in the hearing who are not directly involved in the hearing as either parties, witnesses, or representatives. Witnesses will be sequestered during the hearing. Before testifying, parties and witnesses must affirm they will tell the truth: knowingly providing false testimony is a form of professional misconduct that is subject to sanction. The grievant has the burden of proof to establish by a preponderance of evidence that the respondent did not act in accordance with Kansas Board of Regents or University policies or rules, University work practices or the MOA. Each party may have equal time to present an opening statement at the beginning of the hearing before calling witnesses for testimony. The grievant's case will be presented first, followed by the respondent's case. The parties (or representatives) and the members of the GTA GRC may ask questions of the parties' witnesses after testimony is given. Each party may have equal time to present a closing statement. The grievant's closing statement will be presented first, followed by the respondent's closing statement. Both parties are permitted to submit points of law for consideration by the GTA GRC either orally within their closing statement and/or in writing at the time of closing statements or upon request from the membership of the GTA GRC at any time during the hearing. GTA GRC Deliberations and Recommendations: At the close of the hearing phase, the GTA GRC will adjourn into a closed session to deliberate and determine its findings by a plurality vote. The GTA GRC will make findings and recommendations based on the record, which includes information the parties presented at the hearing and in their grievance submissions. The GTA GRC will support its findings and recommendations with statements of fact and conclusions based on the application of Federal or State law, Kansas Board of Regents or University policies or rules,

University work practices, or the MOA. The GTA GRC shall prepare a statement of its findings of fact and recommendations no more than ten (10) days after the date of the hearing and submit the findings and recommendations by email to the Vice Provost for Graduate Studies and the parties. The Chair may extend the time limit for good cause.

- Level 6: Vice Provost for Graduate Studies Decision The Vice Provost for Graduate Studies will review the recommendations and provide a written decision to both parties within ten (10) days. The Vice Provost may take into account any relevant evidence in the record. The Vice Provost will ordinarily follow the GTA GRC's recommendation. However, if the Vice Provost does not follow the recommendations of the GTA GRC, the Vice Provost will include the reasons for the departure in the written decision. In such written decision the Vice Provost shall itemize those findings of fact and recommendations disagreed with, detailing the evidence from the record in support and further detailing the application of Federal or State law, Kansas Board of Regents or University policies or rules, University work practices or the MOA in support of such decision.
- 35 Level 7: Judicial Review The Vice Provost's determination is a final agency action, and judicial review of the decision is pursuant to the Act of Judicial Review and Civil Enforcement of Agency Actions.
- **Other Student Employees, including Graduate Research Assistants and Graduate Assistants.** Other student employees, including graduate research assistants and graduate assistants, may request that a supervisor's decision be reviewed by the next-level administrator and/or may contact Human Resource Management for assistance.
- **Unclassified Professional Staff Employee.** An unclassified professional staff member may seek review of disciplinary actions as specified by University policy, [http://policy.ku.edu/hr/Disciplinary\\_Action\\_Policy\\_for\\_Staff](http://policy.ku.edu/hr/Disciplinary_Action_Policy_for_Staff).
  - Disciplinary action for misconduct may include a written reprimand, suspension without pay, involuntary demotion, or dismissal. Work history, legitimate mitigating circumstances, and the nature and/or pattern of the misconduct or performance inadequacy may be taken into consideration when determining the appropriate disciplinary action.
  - The appropriate administrator, in consultation with HRM, may review a written reprimand and will review a recommendation for suspension, involuntary demotion, or

dismissal from unit heads. If it is agreed that disciplinary action is warranted, the written reprimand will be issued, and the administrator or delegate for Unclassified Professional Staff (UPS) or HRM for University Support Staff (USS) will issue the written notice of proposed suspension, involuntary demotion, or dismissal.

- Only administrators (or their designees) as specified in the Chancellor's Delegation letter are authorized to issue written reprimands and disciplinary action letters for suspension, involuntary demotion, or dismissal to Unclassified Professional Staff (UPS).
- Administrators may designate HRM to issue the disciplinary action notices for suspension, involuntary demotion, or dismissal to unclassified professional staff. HRM will issue those notices to university support staff.
- The disciplinary action letter will provide the staff member with an opportunity to respond to the proposed suspension, involuntary demotion, or dismissal by a deadline specified in the letter before the final decision is made. A staff member may have duties reassigned or may be administratively relieved from duties with or without pay, depending on the circumstances, pending the outcome of these disciplinary actions. Duty reassignment and administrative relief from duty are not disciplinary actions.
- Staff may appeal a written reprimand to HRM within 5 working days of its issuance as measured by the appealing employee's work schedule.
- University Support Staff (USS), not otherwise precluded, who are not within their probationary period may appeal a suspension, involuntary demotion or dismissal to the Disciplinary Action Hearing Board which serves in an advisory capacity to the Provost for a final agency action.
- An Unclassified Professional Staff (UPS) member may, by the deadline specified in the notice letter, discuss the suspension, involuntary demotion, or dismissal with the administrator taking the disciplinary action. If the unclassified professional staff reports directly to the administrator taking these disciplinary action and has discussed the action with that individual, the employee may appeal that decision to an administrator designated by the Provost or Chancellor for that purpose.
- An appeal of disciplinary action will not stop the action nor change the effective date of the action. Any adjustments will occur after the effective date of the action. The final disciplinary decision made by the administrator or HRM represents the University's final agency action and is not

subject to further review or subject to a grievance within the University.

- Finalized Disciplinary Action - Staff whose employment is ending will be notified when the termination is finalized and if they are ineligible for rehire by the University for one or more years as determined by HRM.
- **University Support Staff Employee.** A University Support Staff employee who is not serving an initial probationary period and has been suspended, demoted, or dismissed as a result of a finding of violation of the University's policies prohibiting discrimination and retaliation may appeal the sanction to the University Disciplinary Action Hearing Board in accordance with the procedures set forth in University policy, <http://policy.ku.edu/provost/disciplinary-action-hearing-board-support-staff>.
  - The University of Kansas Disciplinary Action Hearing Board hears appeals of disciplinary actions taken to suspend, demote or dismiss a university support staff member with permanent status.
  - **Appeal Process**
    - A university support staff employee not serving a probationary period may appeal a suspension, demotion or dismissal to the Board up to 21 calendar days after the effective date of the disciplinary action. University support staff covered by the memorandum of agreement between the University and the Public Service Employees Local Union #1290PE may appeal up to 14 calendar days after the effective date of disciplinary action. Appeals must be made in writing to and filed with the University Governance Office.
    - The appellant may, at personal expense, have representation and must provide the name of the representative and the phone number at which the representative may be contacted at the time of filing the appeal, or if not known at the time, not later than 14 calendar days prior to the date of the hearing.
  - **Composition and Appointment of the Hearing Board**
    - The Hearing Board will be composed of six university support staff who represent the university support staff at large, two KU employees represented by Laborers' International Union of North America, Public Service Employees' Local Union #1290PE, two unclassified professional staff, and two faculty/unclassified academic staff. All have three-year rotating terms.

- The provost will appoint board members from nominations by each of the respective governance organizations (university support staff, unclassified professional staff, and faculty/unclassified academic staff), and Local Union #1290PE. If the provost does not find a sufficient number of acceptable nominees, the provost will request additional nominees from the respective governance organizations. At least two of the Hearing Board members must have supervisory experience. The provost may reappoint Hearing Board members or alternates for subsequent terms.
- The Public Service Employees Local Union #1290PE will identify a pool of five KU employees covered by 1290PE who are able to serve on the Board. The provost will appoint two as Hearing Board members and one who will participate in those hearings involving an appeal by an employee covered by 1290PE, in accordance with the Memorandum of Agreement between the University of Kansas and 1290PE, dated December 15, 2008. Lack of a 1290PE designee will not delay the convening of or proceedings of the Hearing Board.
- The chair and vice chair of the Hearing Board will be elected by the board members and officially appointed by the provost. The chair and vice chair will serve a one-year term in those roles. The chair, or vice chair in the absence or recusal of the chair, will conduct the hearing.
- Members of the Hearing Board will be required to attend training presented by representatives of the Department of Human Resources and the University Governance Office. The training will include information on the appropriate methods for conducting hearings, the rules regarding discipline governing the university support staff, and the role and responsibilities of Hearing Board members and the chair. Staff of the Governance Office may brief Hearing Board members regarding the details of a particular hearing.
- **Composition and Appointment of the Hearing Board Panel**
  - A Hearing Board panel will be composed of three university support staff, one unclassified professional staff, and one faculty/unclassified academic staff. For hearings involving an appeal by an employee covered by Local Union #1290PE, one

of the three university support staff members will be a staff member covered by 1290PE.

- Members of the Hearing Board panel cannot be from the same department as those involved in the appeal. Prior to serving on the panel for a particular hearing, the participating panel members will be expected to sign a statement confirming that the member is unaware of any reason that would preclude the member from acting fairly and impartially in deciding the matter before the Hearing Board panel and is not knowledgeable of the case. The Governance Office and the Hearing Board Chair shall designate the Hearing Board members.
- **Governance Office Responsibilities**
  - The University Governance Office will provide staffing for the Hearing Board and Hearing Board panels. Those duties will include: maintaining the appeal files, making arrangements for an audio recording of the hearing, establishing deadline dates for receipt of witness lists and exhibits, copying and distribution of witness lists and exhibits, scheduling of all meetings and hearings, etc.
  - The Governance Office will provide annual statistical reports to University administration and to governance organizations regarding the activities of the Hearing Board, without revealing any confidential personnel information. The information will include: number of appeals received; number of actions affirmed, modified or overturned; and number of the Board's recommendations accepted or amended by the Provost.
- **Hearing Procedures**
  - When a written appeal is received by the Governance Office, a copy of the appeal will be provided as soon as possible to the respondent involved in the appeal.
  - Hearings should be scheduled by the Governance Office within 45 calendar days of the receipt of the appeal. Continuances will be considered by and may be granted by the Governance Office in consultation with the Hearing Board Chair if received no later than 14 calendar days before the date of the hearing. Requests for continuance must be in writing to the Governance Office and state the reason for the request and show that the opposing



party or opposing party's representative has been notified.

- The Governance Office shall make every effort to schedule a hearing within the time frames described in these guidelines.
- Parties involved in the hearing will also have the opportunity to indicate whether a Hearing Board panel member should be precluded from a particular hearing based on concerns about impartiality. The objecting party will have five calendar days from notice of Hearing Board panel appointment to notify the Governance Office of those concerns. The Governance Office, in consultation with the Hearing Board Chair will determine whether an alternate should be appointed.
- Each party must provide in writing a statement of facts relevant to the matter, a list of all witnesses who are expected to testify, and a brief written statement of the anticipated testimony of each witness, showing the relevancy of the testimony, a list of identified exhibits and the exhibits themselves.
- Witnesses will be sequestered during the hearing. All parties who testify at the hearing will be asked to swear or affirm as to the truthfulness of their statements before beginning their testimonies.
- The evidentiary phase of the hearing will be open. After the evidentiary phase of the hearing, the Hearing Board panel will adjourn to a closed session to deliberate on the personnel matter of disciplinary action against the employee.
- Each party to the appeal shall have an equal opportunity to present arguments to the Hearing Board panel. Each party may present a 10-minute opening statement at the beginning of the hearing before calling witnesses for testimony. The respondent's case shall be presented first, calling witnesses. The appellant may cross examine each witness after testimony is given, with the respondent having the opportunity for redirect. The appellant's case shall be presented, calling witnesses for testimony. The respondent may cross examine each witness after testimony is given, with the appellant having the opportunity for redirect. The respondent and the appellant may each present a 10-minute closing argument. The Hearing

Board panel may question any party to the hearing. At the close of the evidentiary phase, the Board will adjourn into a closed session to deliberate on their recommendation.

- After deliberation in the closed session and when the hearing is reconvened with all parties present, the Chair will solicit a motion and second to recommend that the provost uphold, modify or rescind the disciplinary action. Each Hearing Board panel member will vote in public on the motion. The vote will be determined by a plurality. The Hearing Board panel will make every effort to render a decision on its recommendation at that time. If the Hearing Board panel cannot reach a decision because it has to deliberate for a greater length of time than available at the hearing, the Hearing Board panel will return to the hearing room and announce that more deliberation time is needed and that the findings of fact, the vote, and recommended determination will be sent to the parties.
- The Hearing Board panel shall prepare its findings of fact and recommended determination within 15 calendar days from the date on which the hearing was conducted. However, the Chair of the Hearing Board panel may extend this time limit for good cause. The Hearing Board panel will make findings based on the information presented by the parties at the hearing and recommend in writing to the provost whether the action to suspend, demote or dismiss the employee was reasonable and should be upheld, modified or overturned. The written recommendations must be supported by statements of fact and conclusions based on the application of University rules regarding disciplinary process for university support staff. The findings of fact and recommended determination will include the names of the committee members making and seconding the motion, and the members' votes on the matter resulting in the findings and recommended determination.
- After review of the recommendations, the provost will provide a written decision to both parties within 15 calendar days of receiving the Hearing Board panel's written recommendation. If the provost's understanding of the matter or other relevant factors, does not follow the recommendations of

the Hearing Board panel, the provost will meet with the Hearing Board panel to discuss the decision. The provost's decision is a final agency action, and judicial review of the decision is pursuant to the Act of Judicial Review and Civil Enforcement of Agency Actions.

- **Complainant Appeals.** If the complainant believes that the Office of Civil Rights & Title IX investigator's administrative findings concluding that there was no discrimination or retaliation was in error, then the complainant may appeal that conclusion to the Vice Chancellor and Provost, or designee, within ten (10) working days of the date of the notice of the investigator's findings. The request for an appeal must be a signed, written document articulating why the investigator's conclusion finding no discrimination or retaliation was erroneous. The Vice Chancellor and Provost, or designee, will respond to the request for appeal within twenty (20) working days of receiving the appeal. This decision on appeal will constitute final agency action and there will be no further appeal within the University.

- **Administrative Closure of a Complaint without Investigation**

The University may not proceed with a complaint investigation under a variety of circumstances, for instance:

- A complainant, even after contact and follow up with an investigator, fails to describe in sufficient detail the conduct that is the basis of the complaint;
- The conduct alleged in the complaint is not covered by this policy;
- The complaint is untimely;
- The complainant refuses to cooperate with the University's investigation;
- The complainant is anonymous.

If it is determined that the University will not proceed with investigation of a complaint, the Office of Civil Rights & Title IX will notify the complainant (if not anonymous) in writing explaining the reasons why the complaint is not being investigated. The notification letter will include a statement notifying the complainant that the complainant may appeal the determination not to proceed with an investigation of the complaint to the Vice Chancellor and Provost. The request for an appeal must be a signed, written document articulating why the decision to administratively close the complaint without an investigation was in error. The Vice Chancellor and Provost will respond to the request for appeal. If the decision to administratively close the complaint without an investigation is upheld, then that decision will constitute final agency action and there is no further appeal within the University. If the decision to administratively close the complaint without an investigation is overturned, the complaint will be sent back to the Office of Civil Rights & Title IX for investigation in accordance with this procedure.

- **Informal Resolutions**

After submission of a formal complaint, either party may request an opportunity to resolve the complaint through an informal resolution process. If requested by one party, the other party must voluntarily agree to participate in order for the informal resolution process to proceed. A successful resolution and agreement of the parties will result in dismissal of the complaint without further investigation or hearing. Prior to reaching an agreement, either party may withdraw from the process and request that the grievance procedures pursuant to this policy resume.

An informal resolution process will be facilitated by an individual who is trained, unbiased and without conflict. The informal resolution process will be conducted in accordance with informal resolution procedures.

The informal resolution process is not available when the complaint alleges a violation by an employee against a student.

- ***Anticipated Timelines***

The Office of Civil Rights and Title IX strives to complete the entire process within 60 working days, taking breaks, complexity of the case, and party/witness availability into consideration.

The only established timeframes within this process are provided directly above and as follows:

- Complainants are encouraged to file their complaints within one hundred eighty (180) days of the most recent occurrence of the alleged discrimination.
- Upon receiving a complaint, the Office of Civil Rights & Title IX will provide the complainant with an acknowledgement of receipt within seven (7) working days.
- If the advisor is an attorney, the party must notify the Office of Civil Rights & Title IX in writing at least three (3) working days before the meeting date.
- The Office of Civil Rights & Title IX will provide sufficient time to prepare to participate by allowing at least three (3) working-day's notice unless the party requests a date and time allowing less than three (3) working days.
- The administrators will have twenty (20) working days from receipt of the investigation findings and recommendations to determine, in consultation with the Office of Civil Rights & Title IX, an appropriate resolution(s).

- ***Decision-Making Process and Evidentiary Review***

- The investigator(s) will review any written materials, e-mails, text messages, or other evidence that, at the investigator(s)' discretion, may provide relevant information regarding the complaint because the burden of gathering evidence rests on the Office of Civil Rights & Title IX.
- The investigation and hearing will operate from a presumption that the Respondent is not responsible for the alleged misconduct until a determination regarding responsibility is made final.
- The Hearing Chair oversees the hearing process, rules on questions of relevance and admissibility, resolves all procedural disputes, questions parties and witnesses, and

deliberates and votes with the Hearing Panel to determine responsibility for the allegations in the Formal Complaint at the conclusion of the hearing process.

- The Hearing Panel reviews the investigation report and hearing files in advance of the hearing, questions parties and witnesses when invited to do so by the Hearing Chair, and deliberates and votes with the Hearing Chair to determine responsibility for the allegations in the Formal Complaint at the conclusion of the hearing process.
- The investigator, Hearing Chair, and Hearing Panel are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use the following types of records unless the party holding the privilege has provided prior, written consent:
  - A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
  - Information or records protected from disclosure by any other legally recognized privilege, such as the attorney client privilege.
  
- ***Standard of Evidence***

The University uses the preponderance of the evidence standard for evaluating complaints of discrimination and sexual misconduct
  
- ***Possible Sanctions***
  - a. Warning;
  - b. Censure;
  - c. Reduction or elimination of merit salary increases;
  - d. Reassignment of duties;
  - e. Demotion;
  - f. Suspension without pay; and/or
  - g. Dismissal.
  
- ***Range of Protective Measures Available to a Victim Alleging Misconduct***
  - No contact orders
  - Modification of class or work schedules or locations
  - Changes in housing assignments
  - Emergency housing
  - Partial or full withdrawals
  - Safety Escorts on campus
  - Prohibition on retaliation
  - By default, the pre-hearing conference will be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology. However, upon request of either party, or in the Hearing Chair's discretion, the pre-hearing conference may

take the form of separate, sequential meetings between the Hearing Chair and each party, whether conducted virtually or in-person.

- The recording of the hearing will be made only by the University and is considered property of the University, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only the University is permitted to make a recording of the hearing. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated by these procedures is prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek preapproval from the Administrative Officer.
- Throughout the hearing, the Hearing Chair will independently and contemporaneously screen all questions for relevance and resolve any contemporaneous evidentiary objections raised by the parties.
- Parties are permitted to ask questions of the other party by the other party's advisor. The University will provide an advisor for any parties who do not have an advisor at the hearing.
- In addition to an advisor of their choice, a party may be accompanied to the hearing by up to two support persons of their choice, provided a support person cannot be a witness. The support persons play a passive role and are not permitted to communicate on behalf of a party, insist that communication flow through the support person, or communicate with the University about the matter. Support persons are not permitted to make objections, present arguments, or engage in any active role.
- During the hearing, evidence regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this section may be deemed to have waived the protections of this section.
- The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their Advisors. By default, the hearing will be conducted with the Hearing Chair, Hearing Panel, the parties, the Advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. In the Hearing Chair's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

### *University-Initiated Protective Measures*

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures may constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the University.

### *Campus Disciplinary Action for Sexual Misconduct*

#### **Sanctions Following a Final Determination**

Behaviors and actions that violate University policy, including sexual assault, domestic violence, dating violence, and stalking, can be subject to investigation, remedial measures, educational remedies, and sanctions (discussed below).

#### *Faculty, Staff, and Student Employees*

Employee matters will be referred to Human Resources, Academic/Administrative Units and/or the Office of the Provost, as appropriate to the respondent's status with the University and as set forth in the Discrimination Complaint Resolution Process (<http://policy.ku.edu/IOA/discrimination-complaint-resolution>).

#### *Possible Sanctions for Employees*

- Warning;
- Censure;
- Reduction or elimination of merit salary increases;
- Reassignment of duties;
- Demotion;
- Suspension without pay; and/or
- Dismissal.

#### *Students*

As indicated earlier, students are held accountable under the Code of Student Rights and Responsibilities with sanctions including:

**Warning:** Notice in writing that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe action.

**Restitution:** Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

**Fine:** A money payment to a designated University fund.

**Disciplinary Probation:** Disciplinary probation shall have as its purpose the rehabilitation of the student or organization and may include suspension of specified privileges for a definite period not to exceed two years. Disciplinary probation may also require the student or organization to participate in specified activities, including one counseling information session, or may prescribe any program which is deemed just and fair under the circumstances of the incident. The authority imposing this sanction may assign any qualified person within the University community, other than an undergraduate student, to act as a probation supervisor. The probation supervisor shall report periodically to the appointing authority. If the probation supervisor should report that the student is not fulfilling probation requirements, the case will be reviewed by the appointing authority and remaining members of the original hearing panel, who may recommend additional sanctions.

**Campus/Community Service:**

Students or organizations may be required to complete a specified number of service hours to an identified campus or community agency. The authority imposing this sanction may assign any qualified person to serve as the service supervisor. If the service supervisor should report that the student or organization has not fulfilled the service requirements, the case will be reviewed.

**Student Suspension:** Exclusion from classes and other University privileges and activities as set out in the order after a hearing, for a definite period not to exceed two years. The conditions of re-admission shall be stated in the order of the suspension.

**Interim Suspension:** A student or organization may be immediately excluded from classes and/or other University privileges or activities when the student's continued presence on the campus constitutes a danger, or threat of danger, to property, the student, or others. The student will receive a written notice stating the reasons for the interim suspension and the time and place of a hearing to be held within five (5) days at which time the student has an opportunity to show why their continued presence on campus is not a danger. This hearing may also serve as the policy violation hearing



**Organization Suspension:** Exclusion from University privileges and activities as set out in the order after a hearing, for a definite period not to exceed two years. The conditions of reinstatement shall be stated in the order of suspension.

**Student Expulsion:** Termination of student status for a minimum of two years. The conditions of re-admission, if any, shall be stated in the order of expulsion.

**Removal of Organization Registration:** Termination of registered organization status for a minimum of two years. The conditions of re-admission, if any, shall be stated in the order of removal of registration.

The University may also require a student or employee to participate in educational programs or other remedial activities separate from or as part of a sanction. Additional remedial and protective measure may be imposed, such as:

- Mandatory training;
- No contact orders;
- Ban from all or parts of campus.

In accordance with applicable policy, all parties to an investigation will be simultaneously informed of the imposition of disciplinary action. Specifically, the accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and the accuser and accused will be notified simultaneously in writing, of the opportunity to appeal cases involving sexual violence, including sexual assault, domestic violence, dating violence, and stalking. Parties will be simultaneously notified of any change to the result and when the result becomes final.

### Prohibition of Retaliation

Retaliation against persons who file discrimination complaints or persons who participate in an investigation of a complaint, whether by an individual directly involved or by associates of the individual involved, is a violation of law and University policy. Complainants who utilize these procedures or persons who participate in an investigation of a complaint should not be subjected to retaliation. Retaliation may take the form of unwanted personal contact from the respondent or giving additional assignments that are not assigned to others in similar situations, poor grades, or unreasonable course assignments. Phone calls, e-mail, or other attempts to discuss the complaint may be perceived as retaliation under certain circumstances. Disciplinary action, harassment, unsupported evaluations, or other adverse changes in the conditions of employment or the educational environment may also constitute retaliation. Retaliation will not be tolerated and could result in suspension, reassignment, salary reduction, termination, expulsion, or other disciplinary action.

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## Crime Data

### *Preparing the Annual Safety Report*

Crime statistics that are provided in this annual report are based upon incidents reported to the KU Public Safety Office (KUPSO), Office of Student Affairs, and the KU Edwards Campus. Each year a variety of offices are asked to provide information on the educational and prevention programs conducted during that calendar year.

Campus Security Authority Training video is available to Campus Security Authorities through the Universities Learning Management System. Sign-in to the system can be found on the Learning and Development webpage of Human Resource Management: <http://humanresources.ku.edu/learn-and-develop-landing-page>

For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all University Deans, Directors, and Department Heads. The KU Edwards Student Success and Support Services Office and KU Office of Student Affairs keep count of disciplinary referrals made from across the university. The KUPSO provides crime statistics for criminal offenses occurring on the Edwards campus. In addition, the KUPSO gathers applicable crime statistics for non-campus locations from the law enforcement agencies which have jurisdiction over those locations. The Overland Park Police provides crime statistics for crimes reported on public property surrounding campus.

KUPSO submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

Each year an e-mail notification is sent to all faculty, staff, and enrolled students to inform them of the University's Annual Security Report. It provides the website to access this report. Annual notice is also in the electronic news, KU Today. Prospective students are provided the Annual Security Report website address within the View Book and on the Admissions website. Human Resources provides notification to prospective employees in the online application process. Copies of the report may also be obtained at the **Office of Civil Rights & Title IX**, Room 1082, Dole Human Development Center, 1000 Sunnyside Ave., Lawrence, KS 66045, or by calling **785-864-6414**.

**KU Office Civil Rights & Title IX**

**785-864-6414**

### *Definition of Crimes*

These definitions come from the U.S. Department of Education's 2019 Campus Safety and Security Survey website located at <https://surveys.ope.ed.gov/campussafety/#/glossary>. The glossary was accessed on August 10, 2021.

**Aggravated Assault** - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Arrest** – Persons processed by arrest, citation or summons.

**Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary** - The unlawful entry of a structure to commit a felony or a theft.

**Category of Fire** - For HEA purposes, there are three categories of fire:

- (1) Unintentional Fire: A fire that does not involve an intentional human act to ignite or spread fire into an area where the fire should not be.
- (2) Intentional Fire: A fire that is ignited, or that results from a deliberate action, in circumstances where the person knows there should not be a fire.
- (3) Undetermined Fire: A fire in which the cause cannot be determined.

**Cause of Fire** - The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure or act of nature.

**Dating Violence** - 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 determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- (4) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (5) Dating violence does not include acts covered under the definition of domestic violence.

**Destruction/Damage/Vandalism of Property** - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- (1) By a current or former spouse or intimate partner of the victim;
- (2) By a person with whom the victim shares a child in common;
- (3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (4) By 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 by 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.

**Drug Abuse Violations** - The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics - manufactured narcotics which can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Fire** - Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Related Death** - Any instance in which a person - (1) Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) Dies within one year of injuries sustained as a result of the fire.

**Fire Related Injury** - Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term "person" may include students, employees, visitors, firefighters, or any other individuals.

**Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Hate Crime** - A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of Clery, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability.

**Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Intimidation** - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny-Theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Liquor Law Violations** - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

**Manslaughter by Negligence** - The killing of another person through gross negligence.

**Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle.

Note: A "motor vehicle" is a self-propelled vehicle that runs on land surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs.

**Murder/Non-negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.

**Non-campus building or property** – (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**On-Campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Property Damage** – The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**Public Property** – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Rape** – The 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.

**Referred for disciplinary action** - The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

**Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Simple Assault** - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- (6) Fear for the person's safety or the safety of others; or
- (7) Suffer substantial emotional distress.

**Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

**Unfounded** – A reported crime that upon investigation by law enforcement authorities is found to be false or baseless. Only sworn or commissioned law enforcement personnel may unfound a crime. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

**Weapons: carrying, possessing, etc.** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

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*Crime Statistics*

Offense	Year	On Campus*	Non-Campus	Public Property
Manslaughter by Negligence	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Murder/Non-Negligent Manslaughter	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Rape	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Fondling	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Incest	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Statutory Rape	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Robbery	2021	0	3	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Aggravated Assault	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Burglary	2021	0	5	0
	2020	0	0	0

	2019	0	0	0
		0	0	0
		0	0	0
Arson	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Motor Vehicle Theft	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Domestic Violence	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Dating Violence	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Stalking	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0

\*KU Edwards does not have Residence Halls

### *Reported Hate Crimes, Arrests and Disciplinary Action Referrals*

Offense	Year	On Campus*	Non-Campus	Public Property
Hate Offenses	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Liquor Law Arrests	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
		0	0	0
Drug Law Arrests	2021	0	0	0



	2020	0	0	0
	2019	0	0	1
		0	0	1
		0	0	0
Weapon Law Arrest	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
		0	0	0

\*KU Edwards does not have Residence Halls

2019: One drug arrest on public property

2020: No hate crimes reported

2021: No hate crimes reported

### *Unfounded Crimes*

Offense	Year	On Campus*	Non-Campus	Public Property
General	2021	Not recorded by OPPD		
	2020			
	2019			

\*KU Edwards does not have Residence Halls

There were no unfounded crimes reported in 2019, 2020, or 2021.

\*Not required, as KU Edwards does not have student housing facilities.

