




Office of Civil Rights and Title IX



Rights and options for those experiencing
sexual misconduct (informed by VAWA & Clery)



Kansas Law Enforcement
Training Center (KLETC)

KU THE UNIVERSITY OF
KANSAS



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Welcome Message

This booklet is prepared by the Office of Civil Rights and Title IX (OCRTIX) and is intended to be a supportive resource for people who have experienced sexual misconduct or other Clery reportable crime. It contains information about our office's processes, policies, resources, and more.

If you have any questions or need to speak with someone, please reach out. We're always happy to connect.

One University Office

The Office of Civil Rights & Title IX serve all university campuses, instructional sites, and more. Find the office location most relevant to you:

- Lawrence - Dole Human Development Center, 1000 Sunnyside Avenue #1082
- Medical Center - Smith-West 1006
- Edwards - Regnier Hall 270 M,N,P,Q

civilrights@ku.edu

civilrights.ku.edu

785-864-6414

Additional Contact Information

Title IX Coordinator - 785-864-0542

Deputy Title IX Coordinators (OCRTIX) - 785-864-2188 or 785-864-7035

Deputy Title IX Coordinator (Athletics) - 785-864-5999

Deputy Title IX Coordinator (Office of Integrity & Compliance) - 913-588-1206



Things to Consider

- 1 **If you are in an emergency situation, please call 911.**
- 2 Get to a safe location as quickly as possible.
- 3 Seek immediate medical care if applicable, and if willing to do so. Medical care can help with injuries, reduce risk if you were possibly exposed to a sexually transmitted infection (STI), and/or address concern of possible unintended pregnancy. In addition, seeking medical care prior to showering and changing clothing can help preserve evidence (see #4).
- 4 Preserving physical evidence is important. Examples of physical evidence include clothing, undergarments, sheets, towels, tissues, fluid samples, etc. Evidence of a sexual assault can deteriorate fairly quickly, so seeking a medical examination as soon as possible is important (ideally within 120 hours). It is best, if possible, to avoid washing, bathing, and even urinating or defecating until after your examination. Even if it's been more than 120 hours, or if you've showered, toileted, and/or changed clothing, some evidence may still be present, so it's still recommended to go to the hospital for an examination. A sexual assault nurse examiner (SANE) is trained specifically to collect forensic evidence and check for injuries or exposure to STIs.

If you are still wearing any clothes you had on during the assault, the hospital may keep them as evidence. If you have already changed, bring the clothing you were wearing during the assault to the hospital with you, in a paper bag, or wrapped in a clean sheet. Leave any other evidence such as sheets, towels, tissues, etc. at the scene of the assault because these will be collected by police. If you're willing to disclose your identity to the police, they may be called to the hospital to take custody of the sexual assault kit/evidence collected by the SANE. It is still your choice, however, whether you speak with them or choose to file a criminal complaint.
- 5 Decide how you'd like to proceed. You may pursue whatever combination of options is best for you. Contacting the University's Office of Civil Rights & Title IX can be a good first step to discuss the available options such as:
 - Do nothing until when and if you decide you're ready to;
 - Seek support resources available through the University or within the surrounding community;
 - Pursue resolution through KU's OCRTIX;
 - Initiate criminal proceedings against the perpetrator by contacting law enforcement; and/or
 - Initiate a civil process against the perpetrator.



About Confidentiality

Informed Choices

Some, but not all, University employees are considered mandatory reporters. In order to make informed choices, it is important to be aware of institutional mandatory reporting requirements and have an understanding of variables affecting confidentiality and privacy.

Confidential Reporting

At times, a student would like to speak with someone about their experience or the impact it's had on them but wishes for the information to remain confidential. On campus options include CAPS, CARE Services, the University Ombuds, and Legal Services for Students. Off campus options for confidential discussions include, clergy, chaplains, and crisis centers. KU employees who wish to maintain confidentiality may additionally utilize the Employee Assistance Program (EAP).

Mandatory Reporters

Aside from those mentioned in the confidential reporting section, all other KU employees are considered mandatory reporters. This means that if a student, faculty, or staff member discloses to a professor, a resident assistant, a coach, etc. that they have experienced sexual misconduct, these individuals are required to share the information with the OCRTIX. The University takes incidents of sexual misconduct seriously. OCRTIX will connect with those experiencing harm and offer to address and resolve the incident through the appropriate grievance procedure. Though confidentiality cannot be guaranteed under these circumstances, your information will still be handled with great respect, as much privacy as possible, and will not be shared with anyone outside of the resolution process.

Exceptions

Please be aware that if an incident involves a minor, it may require reporting to local law enforcement or other state agencies, therefore confidentiality cannot be guaranteed in such instances.

Policy



Campus community members, as well as guests/visitors to the University have a right to feel safe and experience an environment free from sexual misconduct, regardless of their sexual orientation, gender identity, or gender expression. Federal laws and regulations such as Title IX, the Violence Against Women Act (VAWA), and the Clery Act have set mandates for how academic institutions must respond to allegations of sexual misconduct. The misconduct may also be in violation of local and state laws.

KU's Non-Discrimination, Harassment, and Equal Opportunity policy, which can be viewed in full on the Policy Library, explains that sexual harassment (including sexual assault, dating violence, intimate partner violence, and stalking) is prohibited by the University. This policy applies to all acts of sexual misconduct perpetrated by KU staff, faculty, and students. The policy protects members of the campus community as well as guests/visitors.

The University's policies surrounding sexual misconduct provide definitions and outline expectations for appropriate conduct. KU's Title IX Resolution Process, which can be viewed in full on KU's Policy Library, and explains the procedures for handling complaints of sexual harassment and/or sexual violence. After a thorough and unbiased investigation is completed, if an individual is found to be responsible for violating the Non-Discrimination, Harassment, and Equal Opportunity policy, sanctions will be imposed by the appropriate University sanctioning body.

Additional information about state laws, campus crime, and disclosures related to sexual misconduct can be found online in the campus Annual Security and Fire Safety Report, which can be accessed on the OCRTIX website at <https://civilrights.ku.edu/clery>.

False Allegations

University policies prohibit knowingly making deliberately false statements or knowingly submitting false information at any point during the course of the grievance process. Intentionally filing a false complaint is considered serious misconduct, which is subject to sanction. Filing a false complaint or providing false information as a part of the grievance process is not the same as unintentionally providing erroneous information in good faith.



Your Rights

Everyone in the campus community has rights that entitle them to engage in a fair and equitable grievance resolution process.

- All campus community members have the right to have reported incidents addressed according to published University policies and procedures.
- Both complainants and respondents have the right to have one or more support people (“advisor”) of their choice to be present with them and help guide them throughout the resolution process. This person can be anyone (e.g., a friend, a family member, an attorney, a faculty member, etc.). If any party desires a support person but does not have one, the University can provide options for people who could fill that role at no cost.
- All parties have the right to receive a written notice of the allegations and to be informed that an investigation has been initiated.
- All parties have the right to written notice of the outcome of resolution proceedings.
- All parties have the right to due process protections consistent with KU’s policies/procedures.
- Parties have the right to amnesty. To minimize barriers to reporting, parties making a report or participating in an OCRTIX investigation will receive amnesty and will not be subjected to discipline for personal consumption of alcohol and/or drugs as it relates to the incident being investigated.
- All parties have the right to not be subjected to retaliation for their participation in the grievance resolution process.
- All parties have the right to be provided with information about their ability to access and utilize counseling and health services.
- All parties have the right to be provided with information about other on- and off-campus resources available as supportive measures.
- All parties have the right to seek lawful orders issued by criminal, civil, or tribal courts (e.g., orders of protection, restraining orders) and may seek the help of KU Police in requesting and/or enforcing such orders.



OCRTIX Procedures

Incident Report/Initial Outreach

An incident can be reported by anyone, either as the subject or a witness to the concerning behavior, or the alleged policy violation. Outreach is sent to the person identified as the subject/complainant in the incident report. Please note that the subject always has the right to not respond to the outreach or participate in the process.

If the complainant responds to outreach, an initial meeting is scheduled to obtain additional information and provide options for potential paths to resolution, as well as supportive measures. The University staff involved in the grievance resolution process receive annual training on issues related to sexual harassment, including sexual assault, stalking, and dating or intimate partner violence. The involved staff have also been trained in how to conduct a thorough, unbiased investigation, which promotes both accountability and due process.

Administrative Closure

There are certain circumstances under which the OCRTIX may not proceed with investigating a formal complaint. For example, a formal complaint may be administratively closed if the complainant is anonymous, the complainant fails to describe in sufficient detail the conduct which is the basis of the complaint, and/or the conduct alleged in the complaint is not covered by University policy.



OCRTIX Procedures



Resolution Options

It is the complainant's prerogative to choose a resolution option that feels comfortable to them. The complainant also has the choice to start with one option, then change their mind. In some cases, however, once an investigation has started, or proceeded to a point of producing significant information, the investigation needs to be completed. There are three options for resolving an incident with the OCRTIX:

Documentation Only

With this option, the OCRTIX maintains a record of the alleged incident and does not proceed with the next two resolution options. This option can be utilized if the complainant is unsure how they would like to proceed. In addition, it is important to have the information on file in the event the respondent engages in further similar behavior that becomes a pattern.

Informal Resolution

For informal resolution to occur, both parties must independently agree that they would like to proceed in this manner and the OCRTIX must agree that informal resolution is appropriate. If so, the OCRTIX can assist the parties in resolving the reported concern informally, through options such as mediation, shuttle diplomacy, restorative justice, or other forms of alternative dispute resolution. Please note that a formal complaint must be filed in Title IX cases before an informal resolution can be initiated.

Formal Investigative Process

A formal complaint must be submitted to the OCRTIX in order to initiate an investigation. The assigned staff will reach out to speak with the complainant for additional information and clarification, if needed. The staff will also interview the respondent, any pertinent witnesses named by either party, and anyone else the staff feels may have relevant information. Participation is voluntary, so please note that even if the staff contacts someone for an interview, they are not required to participate. The staff will also gather evidence from parties, witnesses, and other sources, then prepare a report summarizing the information they've gathered. Once completed, both parties, and their designated advisors, will be provided with a copy of the report and access to the evidence. In Title IX cases, staff do not make a finding in the case, rather it goes to a hearing panel.

OCRTIX Procedures



Hearing

For cases involving alleged Title IX violations (i.e., sexual misconduct), once the parties have had the opportunity to review and provide feedback/responses to the investigative report, and the investigator completes the final investigative report, the case will be forwarded to the appropriate administrators to schedule a live hearing. If a party does not have an advisor, at this point one will be provided by the University. At the hearing, both parties' advisors will have an opportunity to cross-examine the other party and witnesses. At the conclusion of closing arguments, the hearing panel will enter into deliberation to objectively evaluate all relevant testimonial and non-testimonial evidence collected during the investigation. If the panel determines that the respondent is responsible for the alleged policy violation, the hearing chair will consult with the appropriate administrator to determine any sanctions or discipline. A written decision will be issued to the parties, as well as relevant administrators and university officials.

Standard of Evidence

Respondents are presumed not responsible for the alleged misconduct if and until such a finding is made at the conclusion of the hearing. The University uses a preponderance of the evidence standard for evaluating information gathered during the investigation, and in determining whether a respondent is responsible for the alleged behavior/policy violation. When making a factual determination, preponderance of the evidence means that the facts support that the respondent is more likely than not to have been responsible for the allegation.

Appeals

Either party may appeal the administrative dismissal of a formal complaint. In these instances, the information will be reviewed by the Executive Vice Chancellor or designee. Either party may also appeal the written determination of the hearing panel, but only on certain grounds. Examples are that a procedural irregularity affected the outcome, there is new evidence which could have affected the outcome that wasn't reasonably available at the time of the determination, one of the University staff involved in the dispute resolution process had a conflict of interest or bias which affected the outcome, or a party was deprived of a right guaranteed by University policy or procedure and as such, the outcome was affected.

Supportive Measures

Participating in the grievance resolution process can be distressing, and the underlying issue that brought the parties to the OCRTIX can be difficult to process. When notified about alleged harassment, discrimination, and/or retaliation, the OCRTIX will offer supportive measures to the involved parties and assist in implementation of such measures if desired. When supportive measures are implemented, the OCRTIX will aim to do so in a way that does not cause unreasonable hardship to the other party.

Supportive measures are non-disciplinary and non-punitive services, which are available regardless of the parties' chosen resolution process. They are intended to restore and/or preserve the parties' access to the University's academic programs and activities, as well as to protect the safety of all parties. Such measures are also intended to reduce further potential harm to those involved in the process, and to ensure as minimal academic impact on the parties as possible.

Examples of supportive measures include, but are not limited to:

- Mutual contact restrictions between parties
- Provision of campus safety escorts
- Academic assistance
- Alternative housing placement
- Alternative work schedules/locations
- Course schedule changes
- Course withdrawal/load reductions
- Referral to legal assistance
- Student financial aid assistance
- Referral to mental health support services
- Referral to general health support services
- Referral to community-based service providers
- Visa and immigration assistance



Pregnancy & Parenting Supports

Students who are pregnant or new parents are entitled to reasonable modifications regardless of gender or marital status. A student may choose, for academic and/or personal reasons, to request reasonable modifications

Classes and School Activities Must:

- Allow you to continue participating in classes and extracurricular activities even though you are pregnant.
- Provide you with reasonable adjustments, like a larger desk, elevator access, or allowing you to make frequent trips to the restroom, when necessary because of your pregnancy.

Pregnancy reasonable modifications may include:

- Extensions of deadlines or other curriculum-related adjustments.
- Modifications or changes of work or class schedules or locations.
- Exam accommodations, including make-up exams, breaks during exams, and/or separate testing environments.
- Leaves of absence – some new parents or those experiencing difficult pregnancies may opt to take a leave of absence (programs differ).

Excused Absences & Medical Leave:

- Schools must excuse absences due to pregnancy or childbirth for as long as your doctor says it is necessary.
- Schools must allow you to return to the same academic and extracurricular status as before your medical leave began, which should include giving you the opportunity to make up any work missed while you were out. (This is program dependent.)
- Schools must provide pregnant students with the same special services it provides to students with temporary medical conditions.

Pregnant and Parenting Student Rights and Resources can be found at:



Lactation & Parenting Room

Title IX requires a campus provides a space for lactation needs that meet certain requirements. For example, a space cannot be a bathroom, and needs to be able to be private and lockable.

If you need assistance in identifying a space, please contact civilrights@ku.edu for assistance.



University Resources




<p>Office of Civil Rights & Title IX/Title IX Coordinator <u>785-864-6414</u> civilrights@ku.edu</p>	<p>CARE Services* Interpersonal Violence Fund <u>785-864-9255</u> care@ku.edu</p>	<p>Counseling and Psychological Services (CAPS)* <u>785-864-2277</u></p>
<p>KU Psychological Clinic* <u>785-864-4121</u> psycl@ku.edu</p>	<p>Watkins Health Services* <u>785-864-9500</u> whs-services@ku.edu</p>	<p>Ombuds* <u>785-864-7261</u> ombuds@ku.edu</p>
<p>Emily Taylor Center for Women and Gender Equity <u>785-864-3552</u> emilytaylorcenter@ku.edu</p>	<p>Housing and Residence Life <u>785-864-4560</u> housing@ku.edu</p>	<p>Legal Services for Students* <u>785-864-5665</u> legals@ku.edu</p>
<p>KU Police Department (24/7) <u>785-864-5900</u> (non-emergency dispatch) 911 (emergency dispatch) kupd@ku.edu</p>	<p>Office of the Vice Provost for Student Affairs <u>785-864-4060</u> studentaffairs@ku.edu</p>	<p>International Support Services <u>785-864-3617</u> iss@ku.edu</p>
<p>Student Financial Aid <u>(785) 864-4700</u> financialaid@ku.edu</p>	<p>Emergency Aid Network emergencyaid@ku.edu</p>	<p>KU Endowment Emergency Loan <u>785-832-7450</u> loanoffice@kuendowment.org</p>

Employee Assistance Program
1-888-270-8897

*Confidential contacts that are not mandatory reporters at KU.

Hutchinson/Reno County Resources

<p>Hutchinson City Police Department (24/7, for incidents that occur off campus)</p> <p><u>620-694-2816</u> (non-emergency dispatch) 911 (emergency dispatch)</p>	<p>Reno County Sheriff</p> <p><u>620-694-2735</u> (non-emergency dispatch) 911 (emergency dispatch)</p>	<p>Bright House (24/7)</p> <p><u>620-663-2522</u> or <u>800-701-3630</u> (crisis line) <u>620-665-3630</u> (general office phone line) <u>info@brighthouseks.org</u> Text "LIGHT" to <u>847411</u></p>
<p>The Sexual Trauma and Abuse Care Center (24/7)</p> <p><u>785-843-8985</u> <u>support@stacarecenter.org</u></p>	<p>Hutchinson Regional Medical Center (24/7)</p> <p><u>620-524-0799</u> (main hospital line)</p>	<p>Horizons Mental Health Center</p> <p><u>620-663-7595</u> (general office phone line)</p>
<p>988 Suicide and Crisis Lifeline</p> <p><u>988</u> - Call, type, text options <u>https://988lifeline.org/</u></p>	<p>Kansas Legal Services</p> <p><u>785-233-2068</u> or toll free at <u>1-800-723-6953</u></p>	<p>Reno County Legal Aid</p> <p><u>620-694-2955</u></p>
<p>National Sexual Assault Hotline</p> <p><u>1-800-656-4673</u> <u>www.hotline.rainn.org/online</u> (online chat option)</p>	<p>National Domestic Violence Hotline</p> <p>1-800-799-SAFE (<u>1-800-799-7233</u>) Text "START" to 88788 Live chat option at <u>www.thehotline.org</u></p>	



Contact Information :

Dole Human Development Center, room 1082
civilrights@ku.edu
civilrights.ku.edu
785-864-6414