

# **University of Saint Mary - Main Campus**

## **2023 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT**

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of University of Saint Mary – Leavenworth Campus ("University") with information on: The University's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by the University's Public Safety Supervisor in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Public Safety Department, St. Joseph's Dining Hall 004, 4100 S 4th street, Leavenworth, Kansas, 66048, 913-683-5201. The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

### **General Safety and Security Policies**

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

The University of Saint Mary Office of Public Safety, also known as the Public Safety Department is responsible for campus safety at the University. The Public Safety Department is a non-sworn, non-armed agency with no arrest authority, providing safety and security services to the university community. We are on duty 24 hours a day, 365 days a year, to provide everyone with professional security and comprehensive safety programming. Staffed with public safety officers from a variety of experience, we also partner with local jurisdictional law enforcement agencies to investigate crimes and provide law enforcement services. Our goal is to be approachable, engaging, and professional as we work with our entire community to make your time here safe and successful.

The University and local law enforcement agencies have a close working relationship. The University and the Leavenworth Police Department have a working MOU on emergency response and investigation of crimes on campus. Additionally, the Leavenworth Police Department support sporting events as well as provide classes to our students to help support unified effort for campus safety.

## **Campus Security Authorities**

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Head Athletic Trainer at 913-758-4334
- Assistant Athletic Director at 913-758-6265
- Athletic Director at 913-758-6160
- Public Safety Supervisor at 913-683-5201
- Public Safety Officers at 913-683-5201
- Assistant Director of Residence Life at 913-758-6281
- Vice President for Student Life at 913-758-6111

## **Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- All crimes occurring on or near University property should be reported immediately to the Public Safety Department. The number to contact is 913-683-5201. A Public Safety Officer is available 24/7.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to police.
- Anonymous incident reports can also be made by sending an online report to <https://cm.maxient.com/reportingform.php?UnivofSaintMary>

## **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's Sexual Harassment Policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the

Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its pastoral and professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

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

All academic and athletic buildings are secured during the late evenings and weekends. Access to the buildings is only allowed for faculty/staff members and students who are authorized to access University areas for activities. The residence halls are locked 24 hours a day. Public Safety Officers conduct random "walk-throughs" in residence halls from 11:30 p.m. until 7:30 a.m. each night. The officers also perform vehicle patrols of parking lots and surrounding areas.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured
- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone who does not belong to the campus community

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

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

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

The Public Safety Department works with the Facilities Department to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells. Public safety officers, University faculty, and staff can also report concerns and requests for repairs online in the employee portal. The University also has on-call personnel that can respond 24 hours a day for safety-critical repairs.

## **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

The University provides information at the beginning of each academic term for students and employees regarding the University's security procedures and practices. This information is in the form of posters and other displays, social media, and email blasts. Among other things, it advises students and employees on the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others, and practices regarding timely warnings and emergency notifications.

Our Public Safety team and community partners also present semester crime prevention programs. In addition, email blasts are periodically sent out to students and employees with crime prevention and other safety tips. Each semester the University community has the opportunity to attend the following safety classes:

- Sexual Assault, Domestic Violence, Dating Violence, and Stalking
- Impaired and Distracted Driving- educational seminars
- Active Violence Response
- Crime Prevention at our orientation as well as group programming such as First Year Experience

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

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

## **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

The University of Saint Mary, as a Catholic liberal arts university, seeks to maintain an atmosphere conducive to the pursuit of learning and to a healthy and wholesome social environment. The University of Saint Mary expects that its students and employees will comply with its Alcohol and Other Drug Policy (AOD) and federal, state, and local law regulating alcohol and drug use. The University will enforce the state's underage drinking laws.

The University educates members of the University community as to the health risks associated with alcohol and drugs and the effects of alcohol and drug use and abuse on themselves, their families, their friends, and their colleagues. The University of Saint Mary teaches students to be responsible for their behavior and makes them aware of the effects of their behavior on others within and outside of the University community. The University provides confidential counseling service for alcohol and drug-related problems when needed. In keeping with the laws of the United States Government, the State of Kansas, and the City of Leavenworth, University establishes these policies regarding alcohol and drugs. The sale of alcohol is prohibited without a state of Kansas license.

In the State of Kansas, the legal drinking age is 21. The consumption and possession of alcohol by students under the age of 21 is prohibited. The use of alcohol by those over 21 is limited to their individual resident rooms in Berkel Hall only. Those who consume alcohol in their room must not be in the presence of a student under age 21.

Permission to serve or consume alcoholic beverages at events where students may be offered or served alcoholic beverages in public areas of the University such as social rooms, dining hall, campus picnic areas, academic departments, offices, the circle fountain, or at University-sponsored or University-financed events must be obtained from the Vice President or designee prior to the event. Alcohol for such events must be served and distributed by a third-party vendor. University Saint Mary students, faculty, or staff may not serve alcohol to students. For on-campus events or at University-sponsored or University-financed events, an individual or student organization may request permission by completing and submitting a Social Event Alcohol Permit Form which is available in the Keleher Learning Commons only. The Social Event Alcohol Permit Form must be submitted at least fifteen (15) business days prior to the event. Grant or denial of permission to serve alcoholic beverages at a social event is at the discretion of the Vice President or President.

In the State of Kansas, it is also illegal to be involved with controlled substances, including prescription drugs obtained or used contrary to the prescription. Violation of the Kansas drug laws also may result in incarceration and substantial fines. The University voluntarily complies with the substantive provisions of the federal Safe and Drug-Free Schools and Communities Act of 1994, which prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by all students on the property of the University of Saint Mary or as part of an educational program or activity. If a student is found to be in possession under 21, the University may contact local law enforcement or use the student judicial system.

Illegal drugs are prohibited from being possessed or sold. If a student or staff is found to be in possession, the university may contact local law enforcement, and all cases will be reviewed for conduct violations.

The University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possible criminal prosecution.

## **Federal Drug Laws** (updated 08.01.2023)

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university **(21 U.S.C. § 860)** face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal\\_Trafficking\\_Penalties\\_Chart\\_6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

## Drug and Alcohol State Laws

Category	Summary (Kansas Statutes)
Possession of Marijuana	Possession of marijuana is a Class B nonperson misdemeanor in Kansas with the possibility of six months incarceration and a fine of up to \$1,000. Kan. Stat. Ann. § 21-5706(c)(3)(A); § 21-6602; § 21-6611. Penalties increase with additional convictions. §§ 21-5706(c)(3)(B)–(C); § 21-6602; § 21.6611. Kansas does not allow the medical use of marijuana.
Controlled Substances	<p>It is illegal in Kansas to be in possession of a controlled substance. §§ 21-5706(a)–(b). Penalties vary widely based on the offense and the defendant's criminal history. §§ 21-5705–21-5710.</p> <p>Possession of opiates, opium, or certain stimulants (including methamphetamine) is a Level 5 felony for which a defendant faces up to 3.5 years in prison and \$100,000 in fines. §§ 21-5706(c)(1); 21-6611(a)(3). For certain other drugs, the first offense is a Class A nonperson misdemeanor, with up to a year in prison and up to \$2,500 in fines. Prior offenses result in a level 5 felony. § 21-5706(c)(2)(B). Possession of drug paraphernalia is also illegal. § 21-5709.</p> <p>Distribution of controlled substances is also illegal, with punishments dependent on the substance and the amount. § 21-5705.</p>
Alcohol and Minors	No person under the age of 21 shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic beverages. § 41-727. Doing so results in a minimum fine of \$200. <i>Id.</i> It may also result in 40 hours of community service and/or completion or an educational training program regarding the results of alcohol and other chemical substances. <i>Id.</i> Second convictions result in a 90-day loss of driving privileges. <i>Id.</i> Third convictions result in a one-year loss of driving privileges. <i>Id.</i>
Driving Under the Influence (DUI)	It is illegal to operate or attempt to operate a car with a blood alcohol content greater than 0.08 percent or under the influence of any drug as measured within three hours of the time of operating the vehicle. § 8-1567(a). A first offense is a class B, nonperson misdemeanor with a minimum imprisonment from 48 consecutive hours up to six months, or 100 hours of public service and a fine of \$750–\$1000. § 8-1567(b)(1)(A). For a second offense, the penalties increase to a class A, nonperson misdemeanor with a minimum imprisonment from 90 days up to one year and not fined less than \$1,250 nor more than \$1,750. § 8-1567(b)(1)(B).

## Drug and Alcohol Abuse Prevention Program

In compliance with the Drug-Free Schools and Communities Act (DFSCA), the University has a drug and alcohol abuse and prevention program, which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such legal sanctions for violations of applicable laws, health risks, etc.) and a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. For more information, see below.

- Student alcohol/drug policy: <https://www.stmary.edu/aod-policy>
- Employee alcohol/drug policy: please refer to the employee handbook
- Alcohol/drug webpage: <https://www.stmary.edu/aod-policy>

- Biennial review of the University’s drug and alcohol abuse prevention program: The latest review was in 2023 information on the review process, and the handbook review can be found by contacting the Vice President for Student Life at 913-758-6111.
- The University also has online educational programming and optional yearly screenings for our entire community.

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Title IX Policy: <https://www.stmary.edu/titleix>

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### **Primary Prevention and Awareness Program:**

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### **Crime Definitions**

<b>Crime Type (Kansas Statutes Annotated)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Kansas law does not define the term dating violence.
Domestic Violence	<ul style="list-style-type: none"> <li>• Domestic Violence (Kan. Stat. Ann. § 21-5111): “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.</li> <li>• Domestic Battery (Kan. Stat. Ann. § 21-5414(a)): Domestic battery is (1) Knowingly or recklessly causing bodily harm to a person with</li> </ul>



Crime Type (Kansas Statutes Annotated)	Definitions
	<p>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.</p> <ul style="list-style-type: none"> <li>Aggravated Domestic Battery (Kan. Stat. Ann. § 21-5414(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.</li> </ul> <p>For purpose of the above definitions:</p> <ul style="list-style-type: none"> <li>“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.</li> <li>“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 person 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 and household member” also includes a man and woman if the woman is pregnant and the man is the alleged father, regardless of whether they have been married or have lived together at any time.</li> </ul>
Stalking (Kan. Stat. Ann. § 21-5427)	<ul style="list-style-type: none"> <li>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...that prohibits contact with a targeted person, recklessly engaging in at least one act listed [below] 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</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>such person's immediate family and the targeted person is actually placed in such fear; or 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 the targeted child, or a reasonable person in the circumstances of an immediate family member of such child, to fear for such child's safety.</p> <ul style="list-style-type: none"> <li>• "Course of conduct" means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof: (A) Threatening the safety of the targeted person or a member of such person's immediate family; (B) Following, approaching or confronting the targeted person or a member of such person's immediate family; (C) Appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family; (D) Causing damage to the targeted person's residence or property or that of a member of such person's immediate family; (E) Placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person; (F) Causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family; (G) Utilizing electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns; and (H) Any act of communication.</li> <li>• "Immediate Family" means: (A) father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; (B) any person residing in the household of the targeted person; or (C) any person involved in an intimate relationship with the targeted person.</li> </ul>
Sexual Assault	The institution has determined, based on good-faith research, that Kansas law does not define the term sexual assault.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Kansas law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Kan. Stat. Ann. § 21-5503): (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</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>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.</p> <ul style="list-style-type: none"> <li>• Fondling: The institution has determined, based on good-faith research, that Kansas law does not define the term fondling.</li> <li>• Incest (Kan. Stat. Ann. § 21-5604(a)): Incest is marriage to or engaging in otherwise lawful sexual intercourse or sodomy, as defined in K.S.A. 21-5501, and amendments thereto, with a person who is 18 or more years of age and who is known to the offender to be related to the offender as any of the following biological relatives: Parent, child, grandparent of any degree, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.</li> <li>• Aggravated Incest (Kan. Stat. Ann. § 21-5604(b)): Aggravated incest is (1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or (2) engaging in the following acts with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece: (A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 21-5501, and amendments thereto; or (B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 21-5506, and amendments thereto.</li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Kansas law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Kansas law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Criminal Sodomy (Kan. Stat. Ann. § 21-5504(a)): Criminal sodomy is: (1) Sodomy between persons who are 16 or more years of age and members of the same sex* [this provision was found unconstitutional as applied by <i>State v. Franco</i>, 319 P.3d 551 (2014) and thus unenforceable with regard to any intercourse between consenting adults of the same sex conducted in private; (2) sodomy between a person and an animal; (3) sodomy with a child who is 14 or more years of age but less than 16 years of age; or (4) causing a child 14 or</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>more years of age but less than 16 years of age to engage in sodomy with any person or animal.</p> <ul style="list-style-type: none"> <li>• Aggravated Criminal Sodomy (Kan. Stat. Ann. § 21-5504(b)): Aggravated criminal sodomy is: (1) Sodomy with a child who is under 14 years of age; (2) causing a child under 14 years of age to engage in sodomy with any person or an animal; or (3) sodomy with a victim who does not consent to the sodomy or causing a victim, without the victim's consent, to engage in sodomy with any person or an animal under any of the following circumstances: (A) When the victim is overcome by force or fear; (B) when the victim is unconscious or physically powerless; or (C) 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.</li> <li>• Sexual Battery (Kan. Stat. Ann. § 21-5505(a)): 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.</li> <li>• Aggravated Sexual Battery (Kan. Stat. Ann. § 21-5505(b)): Aggravated sexual battery is sexual battery, as defined in subsection (a), 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.</li> <li>• Indecent Liberties with a Child (Kan. Stat. Ann. § 21-5506(a)): Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age: (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.</li> <li>• Aggravated Indecent Liberties with a Child (Kan. Stat. Ann. § 21-5506(b)): Aggravated indecent liberties with a child is: (1) Sexual intercourse with a child who is 14 or more years of age but less than 16 years of age; (2) engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age and who does not consent thereto: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>another; or (3) engaging in any of the following acts with a child who is under 14 years of age: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.</p> <ul style="list-style-type: none"> <li>• Unlawful voluntary sexual relations (Kan. Stat. Ann. § 21-5507): Unlawful voluntary sexual relations is: <ul style="list-style-type: none"> <li>○ (1) Engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age: <ul style="list-style-type: none"> <li>▪ (A) Voluntary sexual intercourse;</li> <li>▪ (B) voluntary sodomy; or</li> <li>▪ (C) voluntary lewd fondling or touching;</li> </ul> </li> <li>○ (2) when the offender is less than 19 years of age;</li> <li>○ (3) when the offender is less than four years of age older than the child;</li> <li>○ (4) when the child and the offender are the only parties involved; and</li> <li>○ (5) when the child and the offender are members of the opposite sex.</li> </ul> </li> </ul>
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Kansas law does not define the term consent (as it relates to sexual activity).

### University Definition of Consent

The University uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred.;

"Consent" refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent.

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

1. If coercion, intimidation, threats, and/or physical force are used, there is no consent.
2. If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
3. If a person is asleep or unconscious, there is no consent.
4. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

5. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

“Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation. Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

1. Decision-making ability
2. Awareness of consequences
3. Ability to make informed judgments
4. Capacity to appreciate the nature of the circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated are slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

### Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

### Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

### Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through a presentation by the Office of Student Life and the Public Safety Department during orientation. All new employees are required to complete an online training module on these topics upon hire and are required to retake the online training each year.
- As part of its ongoing campaign, the University uses a variety of strategies, such as in-person presentations by sexual assault organizations, emails blasts with pertinent information, portal announcements, etc. While programming occurs throughout the year, the University also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

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

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Public Safety Department at 913-683-5201. You may also contact the University's Title IX Coordinator at 913-758-6111.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### **Preservation of Evidence & Forensic Examinations**

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash,



or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Saint Luke's Hospital at the Legends 10544 Parallel Parkway, Kansas City KS 913-222-8325.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

#### *Security/Law Enforcement & How to Make a Police Report*

- USM Public Safety Office 04 St Joseph's Dining Hall (Basement), Leavenworth, KS 66048 913-683-5201
- Leavenworth Police 601 South 3rd Street, Leavenworth, KS 66048 913-683-4411
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

#### *Information about Legal Protection Orders*

In Kansas, victims may obtain a Protection from Abuse Order, which provides protective relief for victims of dating violence, domestic violence, or sexual assault. Victims may also obtain a Protection from Stalking Order in cases of stalking. Information about Adult Orders of Protection May be found at <http://www.kansasjudicialcouncil.org/legal-forms/protection-orders/protection-abuse> and <http://www.kansasjudicialcouncil.org/legal-forms/protection-orders/protection-stalking-or-sexual-assault>.

A protection order may be obtained by filing a petition with the court. There are three main types of protection orders in Kansas:

1. Emergency (only applies to Protection from Abuse Orders) – expires at 5:00 p.m. on the first day when the court resumes business.
2. Temporary – remains in effect until a final order is served or until it is terminated by order of the court.
3. Final – will expire after one year or on the date stated in the order unless an extension or modification is requested and granted by the court before the order expires.

The District Court clerk's office can provide the necessary forms and may assist in completing the forms. 601 South 3<sup>rd</sup> Street Justice Center Suite 3051

- A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order. <http://www.kcsdv.org/>

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The institution will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a “no trespass warning” if the information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

### **University Resources**

- The University Counselor is located in Miega Hall room 112 or call 913-758-6267
- 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, he/she 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://www.stmary.edu/scholarships>

### **State/Local Resources**

- Saint Luke’s Hospital-Legends -10544 Parallel Parkway Kansas Kansas.913-222-8325
- Alliance Against Family Violence, Leavenworth, KS 913-675-7217 (Hotline)
- The Guidance Center 818 N 7th Street, Leavenworth KS 913-5118 (also for advocates)
- Kansas Coalition Against Sexual and Domestic Violence -785-232-9784
- Kansas Legal Services: 1-800-723-6953, <https://www.kansaslegalservices.org/>

### **National Resources**

- 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/>

### **Accommodations and Protective Measures:**

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 913-758-6111, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault, or stalking will be processed through the institution's Sexual Harassment Policy. The procedures are utilized whenever or

wherever a complaint is made, regardless of the status of the complainant and the respondent. This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the University's Education programs or Activities; such sexual misconduct may be prohibited by the Student Handbook if committed by a student or other University policies and standards if committed by an employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the University's Education Programs or Activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Handbook if committed by a student or other University policies and standards if committed by an employee.

The complaint resolution procedures are invoked once a report is made to:

**Title IX Coordinator**

Robert Schuchardt

Vice President for Student Life

913-758-6111

KLC First Floor

[Robert.Schuchardt@stmary.edu](mailto:Robert.Schuchardt@stmary.edu)

An electronic form available is available here: <https://www.stmary.edu/titleix>

The Title IX Coordinator will conduct a preliminary assessment, and if the conduct reported could fall within the scope of the policy, the Title IX Coordinator will contact the complainant. If a formal complaint is filed, the Title IX Coordinator will notify the parties within five (5) days. An investigator will conduct an investigation. The investigation should be completed within thirty (30) to forty-five (45) days. At the conclusion of the investigation, the investigator will share the collected evidence with the parties. The parties will have ten (10) days to submit a written response. The investigator will then prepare a written report. The parties will have the opportunity to respond to the written report.

If the matter proceeds to a hearing, a hearing will be conducted and the hearing officer will evaluate the evidence using a preponderance of the evidence standard. If the hearing officer determines that the respondent violated the policy, the hearing officer will consult with an appropriate University official regarding discipline. The hearing officer will then issue a written determination that will be transmitted to the parties within fourteen (14) days of the conclusion of the hearing.

In lieu of the hearing process, the parties may consent to administrative adjudication. If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The parties will meet separately with the administrative officer, and then the administrative officer will evaluate the evidence using a preponderance of the evidence standard to reach a determination regarding whether the policy was violated. The officer will consult with the appropriate University official regarding discipline, and then issue a written decision. Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the University strives to issue the administrative officer's written determination within twenty-one (21) days.

Either party may appeal the determination of an adjudication, or a dismissal. A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to the appeal officer. If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

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

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

At any time after the parties are provided written notice of the formal complaint and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in informal resolution. Each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the University. This type of informal resolution is not subject to appeal.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. Informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - o A prompt, fair and impartial process is one that is:

- Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
  - Conducted in a manner that:
    - Is consistent with the institution's policies and transparent to the accuser and the accused.
    - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
    - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
  - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- 

Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, Trauma Informed Care, and avoiding actual and perceived conflicts of interest.

The University Title IX team and others involved in investigating, adjudicating, and responding attend annual training through industry experts. Additionally, the team also attends conferences concentrating on Sexual Assault, Domestic Violence, Dating Violence and Stalking.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

### **Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

Following a final determination in the institution's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved.

The possible sanctions include warning; reprimand; probation; restitution; fine; loss of privileges; housing probation; suspension or expulsion/termination, and restriction on eligibility to represent the University at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year.

An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Vice President for Student Life or designee (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

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

### **Publicly Available Recordkeeping:**

The 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.

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

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Public Safety Supervisor at 913-683-5201 or [security@stmary.edu](mailto:security@stmary.edu). State registry of sex offender information may be accessed at the following link: <https://www.kbi.ks.gov/registeredoffender/>

### **Timely Warnings and Emergency Response**

#### *Timely Warnings*

In the event of criminal activity occurring either on campus or off campus that in the judgment

of the Public Safety Officer on Duty, Vice Presidents in the absence of the President, Dean of Students, Public Safety Supervisor, and University President. constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Office of the President, 913-758-6102
- Public Safety (24 Hours), 913-683-5201
- Vice President, 913-758-6111

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

### Emergency Response

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Public Safety at Public Safety of any emergency or potentially dangerous situation.

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 institution’s response and notify 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 is 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.

The Public Safety Officer on duty in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

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.

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

At the direction of the Vice President for Student Life, the University's Public Safety Supervisor will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

#### Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

Method	Sign-Up Instructions
Social Media	Follow the University's official Social Media platforms
University Phone System	All University Phones have a built in PA
Outdoor Warning System	Sign Up Not required
University Email	All Students and Staff are signed up automatically
Text Alerts	University Community Members can sign up for text alerts through Text Caster Website <a href="https://my.textcaster.com/asa/Default.aspx?ID=b66fd356-57d5-4fbe-917f-0e3d514ff515">https://my.textcaster.com/asa/Default.aspx?ID=b66fd356-57d5-4fbe-917f-0e3d514ff515</a>

#### Testing & Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train, test, and evaluate the University's emergency response plan.

The Public Safety Supervisor maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

#### Missing Student Policy

If a member of the University of Saint Mary community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify **Public Safety** 24 hours at **913- 683-5201**. The report can also be made to any member of the University of Saint Mary faculty or staff. Any member receiving such a report shall immediately notify Public Safety. University of Saint Mary Public Safety will generate a missing person report and initiate an investigation. If the student is missing for more than 24 hours or circumstances warrant a determination that the person is missing before that, University of Saint Mary Public Safety will notify the Leavenworth Police Department and the student's emergency contact no later than 24 hours after that determination.

**Residence Life at 913-758-6174 or USM Public Safety at 913-683-5201.**

## Crime Statistics

[illegible]

**Hate crimes:**

2022: No hate crimes reported.

2021: No hate crimes reported.

2020: No hate crimes reported.

**Crimes unfounded by the University:**

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

**Statistics for unfounded crimes provided by law enforcement agencies:**

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

**Data from law enforcement agencies:**

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

**Annual Fire Safety Report****Housing Facilities and Fire Safety Systems**

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: University of Saint Mary, 4100 S 4th St Trafficway, Leavenworth, KS 66048-5082

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Berkel Hall, 4100 South 4th Street Leavenworth, KS 66048	X	X		X	X	X	2
Maria Hall, 4100 South	X	X		X	X	X	2

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
4th Street Leavenworth, KS 66048							

### **Policies on Portable Appliances, Smoking and Open Flames**

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Only surge-protected extension cords are permitted. Only the following portable cooking appliances are permitted to be used in campus housing: Microwave and Coffee Brewers. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

The University reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

### **Fire Evacuation Procedures**

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

### **Fire Education and Training Programs**

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire, and inform them of the University's fire safety policies. Information distributed includes maps of each facility's evacuation route and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a "buddy" assigned to assist him or her.

### **Reporting Fires**

The University is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Public Safety Department at 913-683-5201 or [security@stmary.edu](mailto:security@stmary.edu). When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements**

The University periodically reviews its fire safety protections and procedures. At this time, it has no plans for future improvements. Not Applicable

### **Fire Statistics**

#### **University of Saint Mary**

##### **2022**

No fires were reported in 2022.

##### **2021**

No fires were reported in 2021.

##### **2020**

###### *Reported Fires*

<b>Residential Facility</b>	<b>Total Number Fires</b>
Maria Hall	1

###### *Additional Information about Reported Fires*

<b>Residential Facility</b>	<b>Cause of Fire(s)</b>	<b>Number of Injuries that Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire</b>
Maria Hall, 4100 South 4th Street Leavenworth, KS 66048	Unintentional Fire/A candle caught a flag on fire in a dorm room. Staff was quickly notified and the fire was extinguished without major incident.	0	0	\$0-99