

2018 – 2019 Missouri Western State University Relationship Agreement for the Recognition Of Social Fraternity and Sorority Life Organizations

I. Introduction

Fraternalities and Sororities have been an influential and important component of the undergraduate student experience at Missouri Western State University since their initial chartering. This Agreement serves as a commitment by the University to support the Fraternity and Sorority Council system as it continues to enhance the quality of student life by making a significant contribution to present and future student generations. Likewise it serves as a commitment by the chapters, as well as the University, to adhere to the conditions set forth. This Agreement affirms the relationship between the Missouri Western State University, its recognized chapters/colonies, and their respective inter/national organizations. When Fraternity and Sorority Life organizations function in accordance with their stated missions and values, the entire University community received positive benefits from their student leadership, involvement, service, and the various positive developmental benefits from individual members. Fraternities and sororities are legal corporations, existing independently and externally from the University. Their chapter corporations, alumni corporations and international, national, regional and local organizations are also incorporated separately from the University.

II. Rights of Recognition

Recognition accords fraternities and sororities all the rights, privileges and resources available under this Agreement, as follows:

1. Access to create and maintain a Fraternity and Sorority Life brand identity on campus.
2. Use of University's personnel and programming resources; facilities for official chapter functions; and the official name and logos.
3. Participation in an official membership recruitment program as promoted and monitored by each governing council, and participation in the educational, social and recreational programs and activities of the University which are provided for Fraternities and Sororities, including programs/training on Risk Management for those chapters operating residences.
4. Access to University Alumni Relations to identify and communicate with individual chapter alumni.
5. Participation in sports programs and leagues through the intramural office.
6. Training and support to alumni advisors on University policies, procedures, and Fraternity and Sorority Life advisement.

7. Access to leadership training, educational programs, and participation in the RSO Leadership Summit will be offered to all chapters. Each chapter must have 70 percent of their active members in attendance. If a chapter does not meet the attendance requirement, an appropriate consequence will be assigned and determined by the Council Advisory Board. The consequence will be applied to the chapter members who did not attend the workshop and were not excused.
8. Assistance in communicating with the inter/national organization and appropriate advisors.
9. In the case of probationary status and suspended recognition, assistance of the Assistant Dean of Student Development in developing a corrective course of action for the chapter.

III. Responsibilities of the University

Missouri Western State University shall commit to the following for all fraternities and sororities that are in good standing with the University. These responsibilities also extend to their alumni and inter/national organizations:

1. Provide for the advisement of fraternities and sororities as the primary contact and liaison between collegiate members of fraternities and sororities, the Inter-Fraternity Council, the Panhellenic Council, and the National Pan-Hellenic Council and the faculty and staff of the University. When a vacancy occurs in an advisor position, the University will consult with council representatives in the assignment of Advisor positions.
2. Recognize the governance of the IFC, NPC, and NPHC, and provide training for officers of these organizations by providing transition meetings.
3. Provide assistance in marketing Fraternity and Sorority Life to prospective and incoming University students by
 - (a) allowing University mailing/printing rates for all governing councils, with each respective councils' member chapters being provided access to these mailing/printing rates; and
 - (b) participating in New Student Orientation in order to promote membership in fraternities and sororities.
4. Communicate with the inter/national sponsoring a fraternity or sorority and/or local sponsoring corporation board regarding the status of the chapter on campus.
5. Promote open communication among the University chapters, local alumni and inter/national organizations. A Student Services Representative who works directly with Fraternity and Sorority Life must meet with the student Presidents of each Fraternity and Sorority Life organization on a regular basis.

The Assistant Dean of Student Development or designee will visit with Chapter Presidents at a minimum of one of the Presidents' Roundtables each year. Additionally, the council advisors will attend the Presidents' Roundtable meetings throughout the year to maintain communication and understanding of chapter activities and needs. Advance notice of these meetings will be sent to all presidents.

6. Provide guidance, assistance and leadership in the area of appropriate educational, cultural and scholastic programming as defined by this Agreement.
7. Upon a chapter's request, provide support for chapter development activities, including providing an evaluation of individual chapter progress for the chapter's members, alumni board, and national/international offices.
8. The University will allow, but not guarantee, fraternities and sororities to access campus resources for use in their chapter.
9. Chapter membership on a Fraternity or Sorority Council will be determined between the chapter, the Fraternity and Sorority Council and the University, with the chapter's preference for alignment supported whenever possible. Should a chapter lose its respective council recognition, the University has the right, but not the obligation, to remove that chapter's University recognition.
10. The University will provide support for all officially recognized Fraternity and Sorority Life organizations in their use of campus services and facilities.
11. The University will allow any/all Fraternity and Sorority Life financial accounts to operate independently from the MWSU student organization financial accounts.
12. Provide guidance, assistance and leadership in planning and executing large programmed events, such as All Fraternity and Sorority Ball and the Fraternity and Sorority Life Awards process.

IV. Responsibilities of the Fraternity and Sorority Chapters

In return for recognition, fraternity and sorority chapters shall:

1. Not discriminate in membership selection, as well as other programs and activities, based on race, religion, color, disability and sexual orientation.
2. Sponsor only those social activities that do not encourage alcohol abuse, illegal drug use, sexual assault or any other activity that puts individuals at risk.
3. Contribute to the advancement of scholarship through the maintenance of a scholarship program for members. The fraternities and sororities will establish and maintain minimum grade point standards for officers and maintain a

group membership cumulative Missouri Western GPA of 2.5 (does not include transfer credits; not overall) or higher.

4. Chapters will submit a grade verification form to the Student Development Office, Blum 207. Potential new members (PNM) will need a 2.5 cumulative High School or Missouri Western GPA (does not include transfer credits; not overall) or higher to join a MWSU fraternity or sorority chapter. If the PNM is found to be on university/housing probation they are deemed to not be in good standing and considered ineligible to participate in Recruitment.
5. If an individual or organization falls below the required cumulative GPA required, they will be placed on social probation for one semester. If the GPA doesn't rise to the required academic standard the organization or individual will become inactive until the required academic GPA is met.
6. Provide continuing opportunities for its members to develop social, intellectual, and leadership skills through participation in the activities of the sorority or fraternity, the individual councils and the institution.
7. Provide the Assistant Dean of Student Development or designee with a complete, accurate roster of all collegiate and new members, including student ID numbers, by September 15th and February 15th each year or within five working days of a new member's affiliation with the undergraduate chapter.
8. Provide the Assistant Dean of Student Development or designee with contact information for each of its executive officers by September 1st and February 1st each year, and within five working days following a change in leadership.
9. Each fraternity/sorority chapter will maintain a complete advisory board consisting of at least three persons. Each fraternity/sorority chapter will provide the Assistant Dean of Student Development or designee with contact information for each of its advisors by September 1st and February 1st of each year. An exception to this three-member requirement for the advisory board shall be approved by the Assistant Dean of Student Development.
10. Accept organizational responsibility for violation of University standards by individual members of the chapter, related to chapter activity, when the individual member(s)' violation(s) have been reviewed and agreed upon as directly related to chapter functions and chapter standards for member behavior.
11. Comply with all standards of conduct as stated in the University Student Code of Conduct.
12. Promote and adhere to all policies of the Missouri Western State University. In particular, Fraternity and Sorority Life organizations shall familiarize themselves with the following policies:
 - a. Hazing and Initiation Policy
 - b. Substance Abuse Regulations – Alcohol Beverage Policy

c. Sexual Assault

13. Participate in an annual chapter evaluation program conducted by a University representative.
14. All Fraternity and Sorority Life/NPHC organizations who plan to host a probate show must have said show pre-approved and viewed by the Assistant Dean of Student Development no later than 48 hours before the performance is set to occur. No profanity or use of derogatory language allowed at any point of the show.
15. All NPHC Organizations—If two or more NPHC organizations request to have a party/function (on or off campus) on the same weekend, the organization with the highest Missouri Western GPA will have the option to choose a date first and the other organizations will be required to choose a different weekend.

V. Responsibilities of Alumni and Inter/National Organizations

The University recognizes the crucial role played by sorority and fraternity alumni as well as the inter/national organizations. Supporting the operations of a local chapter is multi-faceted and collaboration among the inter/national, alumni, the University and the chapter is crucial. Alumni and inter/national officers can expect open communication and cooperation from University officials. The University expects the following from inter/national organizations and alumni:

1. Support for the chapter's compliance with the conditions of recognition by the University.
2. Assistance and support for the chapter as an independent entity in the management of its housing-related finances and the maintenance of financial solvency.
3. Assistance and support for the chapter in securing and maintaining appropriate housing, if applicable.
4. Ensuring that the chapter housing meets local, state and federal zoning, health and safety regulations, if applicable.
5. Ensuring that chapters carry the appropriate level and type of insurance.
6. Communicating through meetings with the Fraternity and Sorority Life advisement staff at least annually and on an "as-needed basis", to discuss the chapter's performance and progress.
7. Assisting the University in the resolution of problems relating to the performance and conduct of the chapter and its members.

VI. Terms of this Agreement and Resolution of Failure to Uphold Agreement Related to Standards of Student Organizational Conduct

This agreement is effective for one calendar year from the beginning of its term, with the signing of this agreement by all parties. Further, upon report to the respective Fraternity and Sorority

Life Governing Council and Fraternity and Sorority Life Advisor, and based upon a finding that the chapter violated the standards of student organizational conduct in the Student Code of Conduct:

- a) The University reserves the right to give the chapter a warning and/or probation which may include conditions; or, to suspend or terminate this Agreement for cause.
- b) Such action may be taken in the following instances after the chapter has been afforded due process that is equivalent to the process as stated in Missouri Western State University, Student Code of Conduct.

VII. Administrative Complaints of the Relationship Agreement

Complaints regarding alleged violations of the Relationship Agreement by the University may be addressed with the Assistant Dean of Student Development or his designee. Upon investigation of the complaint and a determination that the chapter violated a material provision of the Agreement, a letter stating the violation and a recommended course of action for resolution of the violation shall be provided to the chapter.

VIII. End of Year Review

All Chapters and Governing Councils (IFC, NPC, NPHC) will review and have the option to update the Relationship Agreement with the University every year, commencing the semester prior to the initiation of the next year's agreement.

IX. Signature Document for Commitment & Recognition Process

University recognition of fraternities and sororities is on a year to year basis. Designated representatives from the chapters' leadership teams and the chapters' alumni advisors must sign the Relationship Agreement each year for the following year. The Agreement will be distributed at least twenty (20) days prior to the end of the term of the annual agreement. The Agreement must be returned to Assistant Dean of Student Development no later than the last day of the semester that it was distributed, unless the chapter has made special arrangements.

The chapter President must notify the Assistant Dean of Student Development of any changes in officers/advisors who sign this Agreement and must have new officers/advisors sign within 10 business days of their election/selection. Recognition will be suspended if the Relationship Agreement is not returned signed in this manner. University recognition covers the period of January 1 through December 31st of each year, unless otherwise specified.

Missouri Western State University
Substance Abuse Regulations

Missouri Western State University, Student Conduct Regulations for Alcohol and Illegal Drugs:

In general – nothing in FERPA or the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be construed to prohibit an institution of higher education from disclosing, to a parent or legal guardian of a student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records if:

- The student is under the age of 21; and
- The institution determines that the student has committed a disciplinary violation with respect to such use or possession.

Western will review each case on the individual circumstances in regard to releasing the above information.

Special Circumstances of Student Code of Conduct Violations

IMMEDIATE TEMPORARY SUSPENSION

The Dean of Students or his/her designee may temporarily dismiss a student from university facilities, including the residence halls, pending formal procedures when he/she finds or believes from information coming to his/her attention that the presence of the student would be seriously disruptive or would constitute a danger to the health, safety and welfare of the people present in said areas. It is only through consultation with the Vice President for Student Affairs that a student may be temporarily dismissed from campus. Although the temporary suspension will be imposed at an informal proceeding, the dismissal must be submitted in writing to the student when the decision is communicated to the student. The student will then have the right to appeal in writing the immediate temporary suspension within five (5) business days from the date of notification. After temporarily suspending a student, the Dean of Students or his/her designee will have up to three (3) business days to contact the student and arrange to adjudicate the case. Because they are considered to be particularly disruptive to the mission of the university, the following actions and similar actions could result in immediate temporary suspension until review has occurred:

1. Violating federal, state or local laws resulting in the student being charged with or found guilty of a felony crime.

2. Assaulting, striking, intimidating, threatening or endangering the wellbeing of another or sexual contact or sexual intercourse with a person without consent or when that person is incapacitated.
3. The brandishing or use of anything that can reasonably be construed as a weapon.
4. Efforts to intimidate individuals by groups of people.
5. The abuse of property including grossly negligent or irresponsible use of property whether it belongs to other individuals or Missouri Western State University.
6. Being in possession of enough illegal substances such as drugs including so-called party drugs or alcohol, as to warrant suspicion of intent to distribute.

In these occurrences, it is the responsibility of the Dean of Students in consultation with the Vice President for Student Affairs, acting on behalf of the best interests of the university, to implement the sanction of immediate temporary dismissal from the university. Because student conduct is the responsibility of the student, the university assumes no responsibility for any of the potential ramifications resulting from temporary or permanent disciplinary sanctions, such as inability to participate in regularly scheduled academic activities including examinations; extracurricular activities such as athletics events; loss of financial aid or employment; how a student is perceived by peers or others on- and off-campus; or whether a student is able to continue her or his educational endeavors at other institutions of higher education.

This policy supports the standards of risk management addressed in the Missouri Western State University Student Handbook of Rights and Responsibilities, with alcoholic beverages not approved for events in which minors will be present. (See the Student Code of Conduct and Guidelines & Policies, at this website: <http://www.missouriwestern.edu/handbook/index.pdf>)

Missouri Western State University
Hazing and Initiation Policy

Missouri Western State University requires all members of recognized student organizations, including fraternities and sororities, to comply with state law, University and system policies, and international/national fraternal policies regarding the prohibition of hazing.

Missouri State Hazing Law

578.360. Definitions

As used in sections 578.360 to 578.365, unless the context clearly requires otherwise, the following terms mean:

- (1) "Educational institution", a public or private college or university;
- (2) "Hazing", a willful act, occurring on or off the campus of an educational institution, directed against a student or a prospective member of an organization operating under the sanction of an educational institution, that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing shall include:
 - (a) Any activity which recklessly endangers the physical health or safety of the student or prospective member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance or forced smoking or chewing of tobacco products; or
 - (b) Any activity which recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress inducing activity; or
 - (c) Any activity that requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state.

§ 578.363. Colleges and universities to have written policy prohibiting hazing

Each educational institution in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution.

§ 578.365. Hazing--consent not a defense--penalties

1. A person commits the crime of hazing if he knowingly participates in or causes hazing, as it is defined in section 578.360.
2. Hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a class C felony.
3. Nothing in sections 578.360 to 578.365 shall be interpreted as creating a new private cause of action against any educational institution.
4. Consent is not a defense to hazing. Section 565.080, RSMO, does not apply to hazing cases or to homicide cases arising out of hazing activity.

Missouri Western State University Hazing Policy

Engaging in hazing, which is defined as any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization, constitutes a violation.

To report an allegation of hazing, please contact the Assistant Dean of Student Development in the Center for Student Involvement in Blum 207, reach the office by phone at (816) 271-4150, or report anonymously online at: <https://www.missouriwestern.edu/csi/hazing/>.

Missouri Western State University Sexual Assault Policy Sexual Misconduct Policy

I. POLICY STATEMENT

Missouri Western State University (the “University”) is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. The University considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated. Sex discrimination includes discrimination on the basis of pregnancy, gender identity, and failure to conform to stereotypical notions of femininity and masculinity.

Sexual harassment, whether verbal, physical, or visual, that is based on sex is a form of prohibited sex discrimination. Sexual harassment also includes sexual violence. The specific definitions of sexual harassment and sexual violence, including examples of such conduct, are set forth below.

II. SCOPE

This policy applies to administrators, faculty, and other University employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the University’s educational programs and activities, including third-party visitors on campus (the “University Community”). This policy prohibits sex discrimination, sexual harassment, and sexual violence even when the complainant and alleged perpetrator are members of the same sex, and it applies regardless of national origin, immigration status, or citizenship status. The University’s prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

The University has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official University program or activity (regardless of location), or off campus when the conduct creates a hostile environment on campus. The University will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

III. TITLE IX STATEMENT

It is the policy of the University to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the University’s educational programs and activities. Title IX and its implementing regulations also prohibit

retaliation for asserting claims of sex discrimination. The University has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Adam McGowan
Title IX Coordinator
Blum Union 231
4525 Downs Drive
St. Joseph, MO 64507
816-271-4557
amcgowan@missouriwestern.edu

The University has also designed the following Deputy Title IX Coordinator (“Deputy Student Coordinator”) to assist the Title IX Coordinator in carrying out his/her duties in situations involving students:

Sara Freemyer
Director of Human Resources
117 Popplewell Hall
4525 Downs Drive
St. Joseph, MO 64507
816-271-4587
sfreemyer1@missouriwestern.edu

A person may also file a complaint of sex discrimination with the United States Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

A. Definition of Sexual Harassment

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual’s employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment
- decisions affecting that individual, or
 - Such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating
- what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment

B. Examples of Sexual Harassment

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, or humor
- Making sexual gestures
- Displaying sexual graffiti, pictures, videos or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail and Internet use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails or text messages
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Sexual violence (as defined below)
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C. Sexual Violence

1. The Definition of Sexual Violence

Sexual violence is a form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because of his or her youth, or because of his or her incapacitation due to the use of drugs and/or alcohol.

2. Examples of Sexual Violence

Some examples of sexual violence include:

- Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent

- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
- Knowingly transmitting a sexually transmitted disease to another
- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person's vagina or anus with an object
- Use of the "date rape drug" to effect sexual intercourse or some other form of sexual contact with a person
- One partner in a romantic relationship forcing the other to have sexual intercourse without the partner's consent
- Exceeding the scope of consent by engaging in a different form of sexual activity than a person has consented to
- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Coercing someone into having sexual intercourse by threatening to expose their secrets
- Secretly videotaping sexual activity where the other party has not consented
- Prostituting another student

D. Sexual Misconduct

Collectively, sex discrimination, sexual harassment, and sexual violence will be referred to as "sexual misconduct" through the remainder of this policy and the complaint resolution procedures.

E. Definition of 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.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- 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.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

- 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.

F. Domestic Violence, Dating Violence, and Stalking

The crimes of domestic violence, dating violence and stalking can also constitute sexual misconduct when motivated by a person's sex. These crimes, no matter the motivation behind them, are a violation of this policy.

1. Domestic Violence

“Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction [...], or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- Missouri's definition of domestic violence can be found at Mo. Rev. Stat. § 455.010.
- Under Missouri law, domestic violence also includes the crime of “domestic assault” which can be found at Mo. Rev. Stat. §§ 565.072-565.074.

2. Dating Violence

“Dating violence” means violence committed by a person:

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.
- Missouri law does not specifically define dating violence, but conduct of this nature is covered by Missouri's definitions of domestic violence and domestic assault.

3. Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

- Missouri's definition of stalking can be found at Mo. Rev. Stat. § 455.010 and § 565.225.

IV. ROLES AND RESPONSIBILITIES

A. Title IX Coordinator

It is the responsibility of the Title IX Coordinator to: (1) receive complaints under this policy; (2) coordinate dissemination of information and education and training programs; (3) assist members of the University Community in understanding that sexual misconduct is prohibited by this policy; (4) answer questions about this policy; (5) appoint investigators and ensure that they are trained to respond to and investigate complaints of sexual misconduct; (6) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct; and (7) to implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures.

B. Administrators, Deans, Department Chairs, and Other Managers

It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Work with the Title IX Coordinator to implement education and training programs for employees and students
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

C. All Employees

It is the responsibility of all employees to review this policy and comply with it.

D. Students

It is the responsibility of all students to review this policy and comply with it.

E. The University

When the University is aware that a member of the University Community may have been subjected to or affected by conduct that violates this policy, the University will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sexual misconduct. The University will act in accordance with its Complaint Resolution Procedures.

V. COMPLAINTS

A. Making a Complaint

1. Faculty and Employees

All University faculty and employees have a duty to promptly report sexual misconduct to the Title IX Coordinator when they observe such conduct or a report of sexual conduct is made to them. This does not apply to the employees who may maintain confidentiality as described in Section VI.A.3 of this policy.

2. Students

Students are encouraged to file a report under this policy when they experience or witness sexual misconduct. Students who wish to report sexual misconduct should file a complaint with the Title IX Coordinator or Deputy Student Coordinator. Students should be aware that all faculty and employees at the University, except those who may maintain confidentiality as described in Section VI.A.3 of this policy, have an obligation to report sexual misconduct to the Title IX Coordinator if they observe such conduct or receive a report of such conduct.

Students may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in Section III above.

3. Confidential Reports

If a victim desires to talk confidentially about his or her situation, s/he may contact: Missouri Western State University Counseling Center, located at 203 Eder Hall; 816-271-4327. Hours are 8am-4:30pm, Monday through Friday; or Missouri Western State University Esry Health Center, located at 203 Blum Union; 816-271-4495; health@missouriwestern.edu. Hours are 8am-4:30pm, Monday through Friday. They are available to assist you and will not report your circumstances to the University for investigation without your permission. Notwithstanding, Missouri Western State University Counseling Center, (203 Eder Hall; 816-271-4327) or Missouri Western State University Esry Health Center,(203 Blum Union; 816-271-4495; health@missouriwestern.edu) will report a crime to the appropriate University personnel for inclusion in the University's annual crime statistics disclosure, though your name will be withheld from this report.

4. Content of the Complaint

So that the University has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the University may follow up appropriately.

5. *Conduct that Constitutes a Crime*

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime—including sexual violence, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, the University will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

6. *Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking*

If you are the victim of sexual violence (including sexual assault), domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. When physical violence of a sexual nature has perpetrated against you, the University recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement (911 if emergency), in addition to making a prompt complaint to the Title IX Coordinator or Deputy Student Coordinator. You may also wish to call the National Sexual Assault Hotline at 800-656-HOPE.

If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting that no further action be taken

A complainant who makes a claim related to sexual violence, domestic violence, dating violence, or stalking will be given a copy of the document titled “Explanation of Rights and Options After Filing a Complaint of Sexual Violence, Domestic Violence, Dating Violence, or Stalking.”

7. Vendors, Contractors, and Third-Parties

This policy applies to the conduct of vendors, contractors, and third parties. If any of these people believe they have been subject to sexual misconduct in violation of this policy should make a report to the Title IX Coordinator. They may also file a complaint with the United States Department of Education’s Office for Civil Rights, as set forth in Section III above.

Likewise, members of the University Community can file complaints under this policy against vendors, contractors, and third parties.

8. Retaliation

It is a violation of this policy to retaliate against any member of the University Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

9. Protecting the Complainant

Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, the University will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If a complainant has obtained an order of protection, temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator or Deputy Student Coordinator. The University will take all reasonable and legal action to implement the order.

B. Timing of Complaints

There is no statute of limitations for complaints under the Sexual Misconduct Policy. However, the University encourages persons to make complaints of sexual misconduct as soon as possible because late reporting may limit the University’s ability to investigate and respond to the conduct complained of.

C. Investigation and Confidentiality

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures, and the University will take disciplinary action where appropriate. The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. The University reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality.

D. Resolution

If a complaint of sexual misconduct is found to be substantiated, the University will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects. Students, faculty, and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from University programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

E. Bad Faith Complaints

While the University encourages all good faith complaints of sexual misconduct, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

VI. ACADEMIC FREEDOM

While the University is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression nor the proper exercise of academic freedom.

VII. EDUCATION

Because the University recognizes that the prevention of sexual misconduct, as well as domestic violence, dating violence, and stalking, is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

Organization Name

Date: _____

Chapter President

Date: _____

Chapter Advisor

Date: _____

Assistant Dean of Student Development

Date: _____