

DRURY UNIVERSITY COMPLAINANT RIGHTS & OPTIONS FOR RECIPIENTS OF SEXUAL MISCONDUCT

Eff 6-1-15, Rev. 9-1-16, Rev. 8-1-18

- * SEXUAL HARASSMENT
- * SEXUAL VIOLENCE
- * DOMESTIC VIOLENCE
- * DATING VIOLENCE
- * STALKING

This handout explains what rights and options are available if you or a friend is a victim of sexual assault; rape; dating or domestic violence; sexual harassment; or stalking. Contact information for various on-and off- campus resources for support are provided below. Drury's Title IX – Sexual Misconduct Policy may be accessed at: <http://www.drury.edu/hr/Title-IX-Sexual-Misconduct-Policy/>

Please contact the Title IX Coordinator or a Deputy Coordinator if you have any questions about the content of this document or if you want to request more information about the investigation and resolution process that is used at Drury when there is a complaint of sexual misconduct. Their contact information can be found later in this document.

UNIVERSITY OBLIGATIONS

The university is required by federal law to investigate allegations of sexual misconduct and take any remedial action deemed necessary to preserve your safety and that of the university community, whether or not you wish to make a formal complaint. The university is obligated to conduct its investigation, regardless of whether or not external law enforcement is investigating the incident. You will be informed of whatever action is taken.

WHAT ARE MY RIGHTS?

You have the right to request confidentiality.

The university respects your confidentiality and recognizes the importance of empowering community members to make the decisions that are best for them. If you file a complaint and want to request confidentiality, you can talk with the Title IX Coordinator or Deputy Coordinator, who may consult the appropriate university officers and make a decision based on available information. The university may not be able to ensure complete confidentiality. The university will honor your request to keep reports confidential:

- * to the extent permitted by law;
- * to the extent consistent with the university's obligation to investigate allegations of sexual misconduct to the extent possible; and

- * to the extent that maintaining such confidentiality would not impair the ability of the college to provide accommodations or protective measures.

If you proceed with a complaint, your privacy will be respected to the fullest extent possible and the complaint information will only be shared with members of the university community with a need to know, such as those involved in investigating the incident, those responsible for providing necessary resources, remedies and interim measure; and those responsible for ensuring the safety of the university community.

You have the right to contact law enforcement.

You have the right to contact law enforcement at any time. You also have the right to decline to notify law enforcement. The university will not contact law enforcement unless you request their assistance in doing so, or unless a threat of imminent danger exists.

You have the right to request accommodations and other protective measures.

Whether or not you choose to file a formal complaint, you have the right to request academic, housing, and other accommodations or protective measures to improve your safety and reduce your contact with the accused student. Examples of some accommodations and protective measures are:

- * **A “no contact” order.** A campus “no-contact” order is offered whether or not you request that the university fully investigate the incident. “No-Contact” orders are coordinated by the Title IX Coordinator and the appropriate Deputy Coordinator. This orders parties to refrain from having in-person or electronic contact with each other. Campus safety and security can also provide assistance to those interested in filing for a protective order from a judge. If you have a valid protective order, or similar lawful order, please inform Drury Safety & Security to receive appropriate services.
- * **Academic accommodations.** Short-term, interim, or long term accommodations can be arranged by the Title IX Coordinator and the appropriate academic dean if the parties have classes in common.
- * **Residential, Transportation, and Employment Accommodations.** The Dean of Students will assist with room changes or emergency relocation options when the parties live in close proximity. The Safety & Security office will assist with safety escorts and safety planning.

The University will make such accommodations or provide other protective measures upon request if they are reasonably available, regardless of whether you choose to report the incident to local law enforcement.

Also, if you have obtained a temporary restraining order or other no contact order against the accused from a criminal, civil, or tribal court, you may provide such information to the Title IX Coordinator, and the University will take all reasonable and legal action to implement the order.

You have the right to decline to participate in the investigation process.

You have the right to a fair and impartial internal investigation process.

- * If you file a complaint with the university and ask that the incident(s) be investigated or if the university undertakes an investigation based on other circumstances, you have a right to a prompt, impartial, and equitable investigation and resolution of your complaint.
- * The Title IX Coordinator will ensure both the complainant and accused receive equal treatment. Both parties have a right to provide witnesses and evidence as part of the investigation.
- * Both the accuser and accused are entitled to have a support person/advisor of their choice present during an internal disciplinary proceeding as well as any related meeting. A support person/advisor does not serve as an advocate and may be dismissed if he or she becomes disruptive. If you desire to have a support person/advisor but cannot find someone that you are comfortable with, please contact the Title IX Coordinator for assistance in doing so.
- * The investigation and adjudication will be conducted by officials who receive annual training on issues related to sexual misconduct and stalking as well as how to conduct an investigation process that protects victim safety and promotes accountability.
- * At any time during the investigation, the University may impose interim remedies or protections for the parties or witnesses and to ensure equal access to the University's educational programs and activities. These may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative living, class-placement, or workplace arrangements.
- * If there is a finding that violation of the University's Sexual Misconduct Policy has occurred, sanctions may include counseling or training, separation of the parties, and/or discipline of the accused, including written reprimand, probation, suspension, demotion, termination, or expulsion.
- * For information and details on the complaint resolution process, please refer to the Title IX – Sexual Misconduct Policy at: <http://www.drury.edu/hr/Title-IX-Sexual-Misconduct-Policy/>

You have the right to be free from retaliation.

Under no circumstances will Drury University tolerate any retaliation against an individual for making a complaint of sexual misconduct or for participating in an investigation.

You have the right to written notification of the outcome of the process.

You and the accused will both be notified simultaneously in writing of the outcome of the investigation. The complainant also has a right to know what sanctions that directly relate to the complainant have been imposed. The determination is based on a “preponderance of the evidence” standard; meaning that the decision was based on whether it was “more likely than

not” that the violation occurred. The notice will also contain an explanation of the parties’ rights to appeal the decision.

The complainant has the right to file an appeal of the determination, to the same extent as the person being accused.

Should an appeal be filed, both parties will be notified in writing of the final outcome after the appeal is resolved.

WHAT CAN I DO IMMEDIATELY AFTER THE INCIDENT?

OPTIONS FOR SEEKING MEDICAL ATTENTION IF NECESSARY

Medical attention may be necessary to prevent infections or prevent pregnancy. Timely medical evaluation may also be crucial to obtain evidence in criminal or civil procedures. The care you receive after a sexual assault is as confidential as any other health care and will not be reported to the police or University unless you want it reported. Receiving medical services in no way obligates you to proceed further.

Emergency: 911

Non-Emergency:

- * Panther Clinic – Drury Campus, Weiser Gym
417-873-6300
- * Cox North Emergency Room
1423 N. Jefferson
Springfield, MO 65802
417-269-3393

It is important to preserve evidence for proof of sexual assault, dating and domestic violence, and stalking, or for obtaining a protection order. Save any texts, phone messages, or other communications from the accused. Another method of preserving evidence is obtaining an evidence collection kit and medical exam at an emergency room. University Safety and Security can provide transportation for this exam. It can be performed within 120 hours of the assault but should be performed as soon after the incident as possible. An exam can take four or more hours. You are encouraged not to bathe, brush your teeth, use the toilet, or douche. Preserve all physical evidence of the assault (including the clothes you were wearing) and bring to the medical exam in separate plastic bags. “Date rape” drug testing may also be requested. This would need to be administered within 72 hours of the assault.

OPTIONS FOR CONFIDENTIAL CRISIS COUNSELING AND SUPPORT

On-Campus:

There are two resources at Drury where you can seek confidential counseling and support to help you navigate this difficult time. Talking to one of these resources does not

constitute a formal report. The counseling staff and the university chaplain are not required to make a report using personally identifiable information.

- * Drury Student Counseling Center
Findlay Student Center, Room 114
417-873-7418

- * Drury University Chaplain
Burnham Hall, Room 211
417-873-7231

Off-Campus:

In addition to the above resources, there are a number of off-campus resources and crisis “hotlines” you may call for confidential advice, support and information in the immediate aftermath of sexual violence.

- * Missouri Coalition Against Domestic & Sexual Violence:
<http://www.mocadsv.org/>

- * Victim’s Center Hotline
417-864-7233

- * National Sexual Assault Hotline
800-656-4673

- * National Domestic Violence Hotline
800-799-7233

- * Gay and Lesbian National Hotline
800-843-4564

- * Stalking Resource Center
800-304-2255

- * Please contact the Title IX Coordinator if you would like to discuss other resources that are available in the community.

OPTIONS FOR REPORTING

There are several options for making a report of sexual misconduct: anonymous report, confidential report, non-confidential report, and external law enforcement report. These options are described below. Faculty and staff who observe or receive information regarding an incident of sexual misconduct are mandated to make a report to the Title IX Coordinator or a Deputy Coordinator, even when the complainant requests that no action be taken. They must report names and details of any incident of sexual misconduct that has been brought to their attention.

Confidential Reporting Options on Campus:

The counseling staff and university Chaplain have privileged communication under the law. They do not file reports to the Title IX Coordinator, however they must make a “Jane Doe” report to the Safety & Security office for the gathering of crime data the university is required to track and report. They will keep your information and name confidential unless it is determined that you and/or the campus are in imminent danger.

* Drury Student Counseling Center:
Findlay Student Center, Room 114
417-873-7418

* Drury University Chaplain
Burnham Hall, Room 211
417-873-7231

Anonymous Reporting Option:

Link to web tip form: <http://falkor.drury.edu/forms/inforeport/inforeport.cfm>

The link above offers an anonymous reporting site for all violations of Drury University policy, including sexual harassment, sexual assault, stalking, domestic partner violence, and dating violence. Names are optional. This report is provided to the Director of Safety and Security, and if applicable, the Title IX Coordinator. If substantial information and/or names are provided to the Title IX Coordinator, and investigation will be conducted, depending on the information provided. It is possible that a timely warning to the campus will be issued if deemed necessary by the Title IX Coordinator in consultation with the Director of Safety and Security. The university is obligated to investigate every report and will do so to the degree possible with the information available. The university’s ability to investigate and respond to the report may be very limited, depending on the information provided.

Non-Confidential Internal Complaint Option:

The University encourages you to file a complaint for formal adjudication. The Title IX Coordinator, a Deputy Title IX Coordinator, or the Director of Safety & Security can help you understand the process and see that any interim measures such as a no-contact order, change of room, employment, or classroom accommodation are put in place. The University will conduct an investigation of the complaint. You may seek either formal or informal resolution. The standard of proof used in making the determination of whether there has been a policy violation is “a preponderance of the evidence”. Possible sanctions for the accused, if found responsible, range from restorative justice measures, a formal warning, required educational outcomes and/or counseling, probation, suspension, to expulsion (students) or termination of employment (employees). Reports may be made to any of the following:

- * Drury Safety and Security
417-873-7400
Emergency: 417-873-7911
- * Title IX Coordinator
Director of Human Resources
417-873-7854
- * Deputy Title IX Coordinators:
Dean of Students, 417-873-7215
Assoc. V.P. for Academic Affairs, 417-873-7473
Associate Director of Athletics, 417-873-7363
Dir. – MA Comm Program, 417-873-7391
- * Any faculty, staff, coach or supervisor

External Law Enforcement Report Option:

You may file a criminal complaint by contacting the police department. Upon request, the University will assist you in making such a report and will provide support throughout this process. A criminal complaint is governed by applicable criminal statutes; the standard of proof is “beyond a reasonable doubt” and potential sanctions include all applicable criminal sanctions, up to and including incarceration.

- * Springfield Police Department
417-874-1810
Emergency: 911

OTHER RESOURCES

- * Drury University Student Financial Aid Information:
<https://www.drury.edu/financial-aid>
- * Legal Assistance, Visa and Immigration Assistance
 - Legal Services of Missouri: <http://www.lsmo.org/>
 - Immigration Advocates Network:
<http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
 - U.S. Citizenship and Immigration Services:
https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office_type=ASC&OfficeLocator.statecode=MO