

How to Report an Incident

Lindenwood University

<https://www.lindenwood.edu/files/resources/lindenwood-title-ix-policy.pdf>

The university encourages all university members to promptly report all incidents of Sexual Harassment as soon as possible in order to maximize the university's ability to respond promptly and effectively. The university does not, however, limit the time frame for reporting.

After receiving a report under “Reporting Sexual Harassment,” the Title IX Coordinator will conduct a preliminary assessment to determine:

Whether the conduct, as reported, falls or could fall within the scope of this policy (see “Scope”); and **Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.**

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter under this Policy. The Title IX Coordinator will evaluate the conduct as possible violations of other university policies contained in the Student Handbook or Employee Guidebook. The Title IX Coordinator will consult with the Dean or Students and/or the Vice President of Human Resources (or their designees) to determine a course of action consistent with other universities policies. **If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.** If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see “Supportive Measures”); to discuss and consider the Complainant's wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with

or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's Education Programs or Activities. The Title IX Coordinator will provide the Formal Complaint form to the Complainant. The Complainant must sign the Formal Complaint to begin the investigation phase.

A Complainant may choose to make a report to the university and may choose to make a report to law enforcement. The Complainant may pursue either or both of these options at the same time. The university will encourage the Complainant to report sexual misconduct to law enforcement. However, the Complainant will not be required to do so. If the Complainant chooses to file a complaint with law enforcement, the university will do its best to assist law enforcement where possible and, if the Complainant wishes, the university can help him, her, or them in notifying law enforcement. However, should the matter be subject to both the Formal investigation process and law enforcement, the university will complete its own independent investigation and will not rely solely upon law enforcement investigations and/or conclusions.

Reporting Contacts

These designated reporting contacts have been trained to make the reporting party aware of available options and alternatives, to aid the reporting party in making an informed decision as to a course of action, and to enable the reporting party to follow through in that decision. The reporting contacts are private – but not confidential – resources, as defined above. The designated reporting contacts are

- Title IX Coordinator. Kelly R. Moyich, J.D., Library and Academic Resource Center (LARC), Room 209, 209 S. Kingshighway, St. Charles, MO 63301, Ph: 636.255.2275, kmoyich@lindenwood.edu

- Equity Officer. Library and Academic Resource Center (LARC) Room 209, 209 S. Kingshighway, St. Charles, MO 63301, Ph: (636)255-2278, titleix@lindenwood.edu
- Dean of Students. Dr. Shane Williamson, Office of Student Life and Diversity, Evans Commons Room 3030, 209 S. Kingshighway, St. Charles, MO 63301, 636.949.4728, swilliamson@lindenwood.edu
- Associate Director of Residential Life. Mr. Jesus Lopez, Evans Commons Room 3010, 209 S. Kingshighway St. Charles, MO 63301, 636.949.4312, jlopez@lindenwood.edu
- Director of Public Safety & Security. Mr. Ryan Anderson, Spellmann Center, 4th floor, 209 S. Kingshighway, St. Charles, MO 63301, 636.949.4911, randerson1@lindenwood.edu
- Vice President for Human Resources (for employees). Dr. Deb Ayres, Stumberg Hall, 209 S. Kingshighway, St. Charles, MO 63301, Ph. 636.949.4405, dayres@lindenwood.edu

Although certain individuals or entities are designated reporting contacts, all employees, including but not limited to faculty and staff, who are aware of sexual misconduct are required to report the information to the Title IX coordinator unless otherwise designated as a confidential resource.

Amnesty

To encourage reporting and participation in the processes under this Policy, individuals who in good faith report Sexual Harassment, participate in an investigation or hearing process, either as a Complainant, Respondent, reporting party, witness, or bystander, will not be subject to disciplinary action by the university for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk. The university may, however, initiate an education discussion or pursue other educational remedies regarding alcohol or other drugs.

Retaliation

The university will not tolerate retaliation against any student, employee, or third party who makes a report of sexual misconduct, participates in an investigation related to a report of sexual misconduct, or participates in a hearing or appeal process relating to such a report. Any incidents of retaliation should be reported to the Title IX coordinator or a designated reporting contact and may be subject to the same investigation, hearing, and appeal process set forth below. The university will take prompt and corrective action against all acts of retaliation.

Response Protocol

The university will respond to all reports of sexual misconduct in a timely and effective manner consistent with this policy. In addition

- All university employees who are aware of sexual misconduct, through first-hand knowledge, receipt of a disclosure, or other indirect means, are required to immediately report all known information to the Title IX coordinator (unless otherwise designated as a confidential resource), including the names of the individuals involved, the date and location of the alleged incident, the nature of the report and any supporting evidence and/or documentation, if known.
- The reporting contact will assist the Complainant in getting to a safe place, if necessary. In doing so, the reporting contact will coordinate with Public Safety or the Title IX coordinator as needed.
- The Title IX coordinator will make notifications to appropriate university officials, and, where possible, limit the information provided to such officials by taking the Complainant's preferences into consideration (consistent with the section on privacy and confidentiality).
- The reporting contact, Public Safety, and/or the Title IX coordinator will encourage the reporting party to seek immediate medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the reporting party agrees to such treatment.

- Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking. If a Complainant is a victim of relationship violence or sexual assault, in particular, time and preservation of evidence may be a critical factor for criminal prosecution or for obtaining an order of protection. If a Complainant is a victim of relationship violence or sexual assault, his, her, or their first priority should be to get to a place of safety. In addition, in order to preserve evidence, do not (a) wash, clean, or change clothes, (b) shower, (c) use sanitary products, (d) use the restroom, (e) touch anything that the accused party may have touched, and/or (f) cover up injuries, if any, with make-up, lotions, or creams.
- The Title IX coordinator will make notifications to appropriate university officials, and, where possible, limit the information provided to such officials by taking the Complainant's preferences into consideration (consistent with the section on privacy and confidentiality). Including informing Public Safety consistent with the University's Clery Act obligations.
- The Complainant will be given the option to file a criminal report with the St. Charles Police Department or another appropriate jurisdiction. A reporting party's decision not to notify the police at the time of the initial report does not preclude the reporting party from filing a criminal report at a later date, provided the conduct is within Missouri's applicable statute of limitations.
- The reporting contact and/or Title IX coordinator will provide the reporting party a copy of available resources both on and off campus, including coordinating with a campus or off-campus counselor.
- The Title IX Coordinator will review the processes and procedures contained in Lindenwood's Title IX Sexual Harassment Policy, including whether the Complainant wishes to file a Formal Complaint.

- If the Complainant files a Formal Complaint, the Title IX coordinator shall provide written notice to the Complainant and the Respondent. The notice shall contain the following:
 - a statement of allegations with sufficient detail; and that the Complainant and the Respondent have a right to an advisor of their choosing throughout the process. The university will appoint an advisor at the end of the investigation phase if the party does not have an advisor of choice; and
 - that the university prohibit knowingly making false statement or knowing submitting false information; and
 - that the parties will have the opportunity to review and inspect evidence; and
 - that the Respondent is presumed not responsible of any allegations.

After written notice is provided to the Respondent, he, she, or they shall have sufficient time to prepare to respond to the allegations before any initial interview.

REQUESTS FOR ANONYMITY OR THAT NO REPORT BE PURSUED

Recognizing that sexual misconduct can include criminal acts that violate the security of the entire campus community, there may be instances where the university has a responsibility to investigate or disclose information regarding the circumstances related to a specific incident, despite a reporting party's request to the contrary. The university will balance individual and community safety considerations with a reporting party's request, the privacy interests and autonomy of a Complainant, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

The university's ability to act to protect the interests of the Complainant and other students is limited by the information provided to it.

Where a Complainant chooses not to file a Formal Complaint, the Title IX coordinator, with input from whatever administrators he or she deems

advisable, may file a Formal Complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community.

Factors the Title IX Coordinator may consider include (but are not limited to):

- The seriousness, persistence, or pervasiveness of the sexual misconduct;
- The respective ages and roles of the Complainant and Respondent;
- Whether the Respondent has been arrested and/or charged with a crime;
- Whether there have been other reports of sexual misconduct against the Respondent;
- The right of the Respondent to receive notice and relevant information before disciplinary action is sought;
- Whether the circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual misconduct;
- Whether the Respondent has a history of arrests or prior conduct violations (at the university or elsewhere) indicating a history of violence or sexual misconduct;
- Whether the Respondent threatened further acts of sexual misconduct or other violence against the Complainant or others;
- Whether the sexual misconduct was committed by multiple individuals;
- Whether a weapon was involved in the incident;
- Whether the Respondent is faculty, staff, and/or under the control of the university;
- Whether the circumstances suggest there is an increased risk of future acts of sexual misconduct; and
- Whether the university possesses other means to obtain relevant information (e.g., security cameras, witnesses, physical evidence, etc.).

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation and proceed to adjudicate the matter. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.