

# **CLEVELAND UNIVERSITY–KANSAS CITY**

## **ANNUAL SECURITY REPORT**

October 1, 2018

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended (“Clery Act”). It provides students and employees of Cleveland University-Kansas City (“Cleveland” or “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. University has formed a Campus Safety and Security Committee that is responsible for writing policies, implementing processes for record-keeping and reporting campus crimes, and identifying and promoting programs to encourage crime prevention and personal safety.

Belief in the myths “it can’t happen to me” or “it can’t happen here” causes a serious lack of awareness about the possibility of crime occurring on campus. All higher education institutions, especially urban ones, reflect the society of which they are a part. In essence, universities operate as small “cities,” with the same crime problems that occur outside the boundaries of campus. The solutions to such problems start with students and employees working together by promoting cooperation, communication and accountability.

The whole campus community must work together as a team to increase awareness and prevent crime. A proactive approach to campus safety is required to create an environment conducive to personal and academic growth.

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

This report is prepared by the Campus Safety and Security Committee in cooperation with local law enforcement authorities and includes information, such as reports of criminal activity, provided by them as well as by the University’s Campus Safety Committee, campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students that provide the web site to access this report. Faculty and staff receive similar notifications. Hard copies of the report may also be obtained at no cost by contacting the Office of Student Services 913.234.0681 or the Office of Human Resources at 913.234.0612.

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.

### **Policies Concerning The Law Enforcement Authority of Campus Security Personnel**

University's Campus Security Staff is responsible for campus safety at the University. Its jurisdiction covers all campus property. The Campus Security Staff patrols the campus with routine building and parking lot checks. The Campus Security Staff are commissioned law enforcement officers and do carry weapons and or have arrest authority. The Campus Security Staff has a working relationship with local law enforcement agencies, including the Overland Park Police Department, which assists the Campus Security Staff when necessary, however, no written memoranda of agreement pursuant to which local law enforcement investigate alleged campus criminal offenses is in place.

Campus Security can be contacted at 816-204-6074.

### **Other Officials to Whom Crimes May Be Reported**

The University also has designated other officials to serve as additional campus security authorities. Reports of criminal activity can also be made to these officials. They in turn will ensure that they are reported to the Campus Security Staff for collection as part of the University's annual report of crime statistics. These additional campus security authorities are:

- Dr. Clark Beckley, Vice President of Campus and Alumni Relations  
(913) 234-0609 x 1609  
Clark.beckley@cleveland.edu
- Mr. Dale Marrant, Vice President of Human Resources and Organizational Development  
(913) 234-0612 x1612  
Dale.marrant@cleveland.edu
- Mr. Frank Haney, Director of Facilities  
(816) 365-5671  
Frank.haney@cleveland.edu
- Ms. Jalonna Bowie, Director of Student Services  
(913) 234-0681 x1681  
Jalonna.bowie@cleveland.edu

### **Policies on Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, accidents, injuries, or other emergencies occurring on campus to the Campus Security Staff and appropriate police agencies even when the victim of a crime elects not to do so or is unable to make such a report. Such reports should be made as follows:

- Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling **911**. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred. After making the 911 call, also make a report to one of the campus security authorities identified above.
- Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of the University staff will assist a student in making the report to the police.
- Anonymous incident reports can also be made.

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. Moreover, the University will withhold the identity of victims in publicly available records (including the statistical disclosure of crimes required by the Clery Act), to the extent permitted by law.

Any victim of a crime 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. With the victim's permission, a report of the details of the incident can be filed 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 students, 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 institution has no pastoral or professional counselors.

The University has no officially recognized student organizations with off-campus locations. However, if criminal activity occurs while students are attending school sponsored events or training off campus, the reporting procedures are the same as those stated above.

Additionally, 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 a crime or offense. If the alleged victim is deceased as a result of such a crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

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

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. A description of those programs and their frequency of presentation follows:

- Students and employees are briefed on security protocols during orientation. The campus Emergency Action Plan is made publically available on the Cleveland website at [www.cleveland.edu](http://www.cleveland.edu). Periodic supplemental activities such as digital signage, guest speakers, etc. may be utilized to enhance campus security awareness.
- Security and safety procedures are discussed with new students and staff. This includes encouraging students to be alert to security situations and to assist the school in preventing crimes from occurring through awareness and communication. Students are highly encouraged to develop and present their own crime prevention programs to other students and staff.
- Periodic seminars to promote personal safety are provided at no cost to employees and students. Examples of such programs which have been done in the past include: Citizens Against Crime presentations, municipal car registration and personal self-defense.

- Employees and students are informed about the prevention of crimes through written communication from school management.

### **Building Security and Access**

University is a private institution and reserves the right to restrict access and movement on its grounds to staff, students, patients, visitors, and others who are conducting business on site. Campus buildings are generally open at 6:30 a.m. Monday through Friday. Closing times vary according to after-hours activities, but doors are locked approximately 15 minutes after scheduled activities have ceased. Personnel requiring entrance door keys are placed on an authorized access list. Entrance door keys are of the registered type and cannot be duplicated at hardware stores or unauthorized lock shops.

The 10850 Lowell building has security coverage the entire time the building is open. In all campus buildings, periodic security patrols are made.

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 that 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.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and the filing of charges with law enforcement authorities.

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 Maintenance of Campus Facilities**

Members of the University community report problems to maintenance staff for correction. Campus Security Staff conduct periodic inspections and monitoring of campus night and security lighting, night lighting, and sidewalk and trip hazard surveys to minimize trip and fall hazards. Seasonal grounds keeping is provided by outside contractors. Lawns are mowed and shrubs are trimmed on a continual basis. For all campus buildings, maintenance staff is on call 24 hours a day, seven days a week.

### **Parking and Security**

Parking on campus is by permit only. All lots are monitored by security guards on a regular basis Monday through Friday. When needed, snow and ice removal is accomplished prior to 7:00 a.m. if possible.

Exterior lighting includes flood lights strategically located to provide parking lot illumination.

### **Some Tips to Keep Your Property and Yourself Safe**

- Do not leave belongings where they are visible in your car—lock them in the trunk.
- Keep track of your belongings – don’t leave them where someone could easily pick them up.
- Put your driver’s license number and state on your property with an engraving tool or indelible marker, but don’t put identifying information on your keychain.
- Carry insurance on all valuable property and keep an inventory of possessions.
- Avoid working or studying late on campus alone. Avoid using stairs in remote sections of the building. Never prop outside doors open.
- Walk confidently and be constantly aware of persons and things around you. Walk in pairs when possible. Stay in well-lit areas, walk mid-point between curbs and buildings and away from alleys and bushes.
- When using elevators, get on with a group of people and stand near the control panel to hit the alarm button if needed.
- If you suspect you are being followed, run toward lights and people or scream “FIRE” to attract quick attention. Turn to look at the suspicious person so he/she knows you won’t be taken by surprise and so you can provide an accurate description.
- Report all suspicious activity on campus to help make Cleveland University-Kansas City a safe place to learn and work.
- Remember - you can do all the “right things” and still be a victim of crime. Do not blame yourself or other victims.

### **Timely Warnings**

In the event of criminal activity occurring either on campus or off campus that in the judgment of Dr. Clark Beckley, Vice President of Campus and Alumni Relations, or his designee constitutes a serious or continuing threat, a campus-wide “timely warning” will be issued. Examples would be a rash of motor vehicle thefts or sexual assaults in the area that merit a warning because they present a continuing threat to the campus community. This warning will be communicated to students and employees by text messaging, email, PA system, news media, and/or social media outlets. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to Dr. Clark Beckley, Vice President of Campus and Alumni Relations, or his designee, a member of the Campus Safety and Security Committee, or a campus Security Officer.

The University has communicated with local law enforcement requesting their cooperation in informing the University about crimes reported to them that may warrant timely warnings.

### **Emergency Response and Evacuation Procedures**

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, or armed intruders. Cleveland 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 Dr. Clark Beckley, Vice President of Campus and Alumni Relations, at 913.234.0609 or his designee, a member of the Campus Safety and Security Committee, or a campus Security Officer of any situation that poses such a threat.

Dr. Clark Beckley, Vice President of Campus and Alumni Relations, or his designee, a member of the Campus Safety and Security Committee, or a campus Security Officer 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 University's response and for marshaling 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, the University community, or appropriate segments of it, will be notified. Dr. Clark Beckley, Vice President of Campus and Alumni Relations, or his designee, a member of the Campus Safety and Security Committee, or a campus Security Officer 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.

Dr. Clark Beckley, Vice President of Campus and Alumni Relations, or his designee, a member of the Campus Safety and Security Committee, or a campus Security Officer will direct the issuance of emergency notifications, which will be accomplished using one or more of the following means, depending on the nature of the threat and the segment of the campus community being threatened:

- text messaging,
- email,
- PA system,
- news media,
- social media outlets

News outlets, social media channels, and the Cleveland website will be the primary mechanisms for providing emergency information to those outside the campus community. Text notification registration is publically available through the Cleveland website.

The University endeavors to tests its emergency response and evacuation procedures at least once a year. Also, at various times the Emergency Management Team will meet to train and test and evaluate the University's emergency response plan. Frank Haney, Director of Facilities, (816.365.5671) 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.

## **Policy, Procedures and Programs Related to Sexual Misconduct**

Consistent with the requirements of Title IX of the Education Amendments of 1972, the Clery Act, and the Violence Against Women Act (“VAWA”), the University prohibits discrimination based on sex in its educational programs and activities, including sexual harassment and sexual violence, and acts of domestic violence, dating violence, sexual assault and stalking (collectively, “sexual misconduct”). The University also prohibits any retaliation, intimidation, threats, coercion or any other discrimination against any individuals exercising their rights or responsibilities pursuant to these laws. A full statement of the University’s policy and the procedures for filing, investigating and resolving complaints of sexual misconduct may be found at <http://www.cleveland.edu/academics/university-catalogs> beginning on pages 106 and 116.

The following discusses the University’s educational programs to promote the awareness of sexual misconduct; provides information concerning procedures students should follow if they become a victim of one of these offenses; and advises students of services available in the event they do become a victim.

### Educational Programs to Promote Awareness and Prevention of Sexual Misconduct:

Cleveland conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. In it this audience is advised that the University prohibits the sexual misconduct, including the offenses of dating violence, domestic violence, sexual assault, and stalking. Its sexual misconduct educational programming includes relevant federal and Kansas state law definitions, describes safe and positive options for bystander intervention, provides risk reduction tips, and informs campus community members about the University’s policies and procedures related to sexual misconduct.

In that regard, the following definitions apply within the state of Kansas:

- ***Domestic Violence*** – Kan. Stat. Ann. § 21-5111

(i) “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. For purpose of this definition:

(1) “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.

(2) “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.

- **Domestic Battery** (also a form of domestic violence) – Kan. Stat. Ann. § 21-5414
  - (1) Knowingly or recklessly causing bodily harm by a family or household member against a family or household member; or
  - (2) Knowingly causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.
- **Dating Violence** – Based on good-faith research, dating violence is not specifically defined in the Kansas statutes but it is captured under the definition of domestic violence above where there is an act or threatened act of violence with whom the offender is involved or has been involved in a dating relationship.
- **Sexual Assault** – Based on good-faith research, sexual assault is not specifically defined in Kansas statutes and it is a broad term that can cover various types of sexual offenses. Below are the Kansas statutory definitions for Rape, Criminal Sodomy, and Sexual Battery, all of which could be classified as sexual assault.

Rape – Kan. Stat. Ann. § 21-5503

(a) Rape is

- (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 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.

Criminal Sodomy; Aggravated 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;
- (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 more years of age but less than 16 years of age to engage in sodomy with any person or animal.

(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.

Sexual Battery; Aggravated Sexual Battery – Kan. Stat. Ann. § 21-5505

(a) Sexual battery is the touching of a victim who is not the spouse of the offender, 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.

(b) Aggravated 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 and 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.

□ **Consent**--Based on good-faith research, consent, as it relates to sexual assault, is not specifically defined under Kansas law. Generally, consent refers to a person affirmatively agreeing to sexual contact pursuant to his or her own free will.

• **Stalking** – Kan. Stat. Ann. § 21-5427

(A) 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 protected order...that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f) (1) 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 such person's immediate family and the targeted person is actually placed in such fear.

...

(f) As used in [the definition of stalking]:

(1) “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) Any act of communication;

(2) “Communication” means to impart a message by any method of transmission, including, but not limited to: Telephoning, personally delivering, sending or having delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, including electronic transmissions generated or communicated via a computer

(3) “Computer” means a programmable, electronic device capable of accepting and processing data;

(4) “Immediate family” means father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; any person residing in the household of the targeted person; or any person involved in an intimate relationship with the targeted person.

The PPAP includes information on measures one can take to reduce the risk of being a victim, which is generally described in the following advice. The majority of sexual misconduct offenses that occur on campus communities are committed by people known by their victims. Often, these types of assaults are not reported to police or campus authorities because people do not think this unwanted sexual contact constitutes sexual assault since they know the assailant. These assailants, however, are able to continue to exploit people by manipulating that trust. By reporting these incidents, you will significantly decrease the likelihood that this individual can subject another person to this type of victimization.

- 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.
  - 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; hypersensitive; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.
- 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.

The PPAP also includes information on bystander intervention. Individuals are encouraged to take safe and positive steps to prevent harm or intervene when there is a risk of sexual misconduct against another person. This includes reporting such incidents to appropriate authorities. Other steps that can be taken include:

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or 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.

The University’s PPAP is carried out by various means. The following is a description of them:

- Campus safety bulletin given to new students on the Day of Welcome
- Review of security information in Employee Handbook

The University also provides Ongoing Prevention and Awareness Campaign for all students and employees. The OPAC contains programming and initiatives sustained over time that focus on increasing understanding of topics related to and skills for addressing dating and domestic violence, sexual assault, and stalking. It uses a range of strategies aimed at various audiences throughout the university covering many of the topics as explained above in the PPAP. The following is a description of them:

- Periodic meetings are held with employees and/or students to provide updated information.

### Restraining Orders

Any student or employee who has a restraining order, order of protection, no contact order or any other such order issued by a criminal, civil, or tribal court against another individual (whether or not that individual is also a student or employee of the University) is highly encouraged to notify a campus security authority of the threat and to provide a copy of the restraining order so that it is kept on file with the Campus Security Staff and can be enforced, if necessary.

### Procedures to Follow if You are a Victim of Sexual Misconduct that Constitutes a Crime:

If you are a victim of a sexual assault, dating violence, domestic violence, or stalking, go to a safe place and call 911 or the Campus Security Staff. You can also contact the University's Title IX Coordinator J. Dale Marrant, Vice President of Human Resources and Organizational Development at 913.234.0612. Victims of one of these offenses will be notified in writing of the procedures to follow, which notification will include:

The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action, or in obtaining a protection order. This will include being provided information on where to get a forensic examination. Victims should follow these guidelines:

- Do 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.
- Options for pressing charges can be deferred, if you will go to the local hospital emergency room and ask for an exam and for evidence of a sexual assault to be collected and sealed.
- Evidence in electronic formats (e.g., text messages and social media posts) should also be preserved.

Victims of stalking should also preserve evidence of the crime to the extent possible. 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.

- To whom and how the alleged offense should be reported.
- The following options regarding notification to law enforcement:
  - The option to notify either on-campus security or local police;
  - The option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses; or
  - The option to decline to notify such authorities.

- 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.

### 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: Counseling resources for students through a partnership with the University of Missouri-Kansas City, counseling services for employees through the University’s Employee Assistance Program, and referral to the appropriate campus office for additional assistance with financial aid or immigration assistance by the Office of Student Services.

- UMKC Community Counseling and Assessment Services - 816-235-2725 - [www.umkc.edu/ccas](http://www.umkc.edu/ccas)
- Kansas Resources – Kansas Coalition Against Sexual and Domestic Violence - 1-888-363-2287 - [www.kcsdv.org](http://www.kcsdv.org)
- Missouri Resources – Missouri Coalition Against Domestic and Sexual Violence - 1-800-799-7233 or 1-800-656-4672 - [www.mocadsv.org](http://www.mocadsv.org)
- Forensic Exam – COVERSA Sexual Assault Outreach Center - 1-855-717-1136

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, to the extent the University has control over those environments, and how to request protective measures (such as a “no contact” order or a change in classroom or workplace assignments). If victims request these accommodations and they are reasonably available they will be provided, regardless of whether the victim chooses to report the crime to campus security or local law enforcement. Moreover, 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. If the University believes it is necessary to disclose personal information in order to provide an accommodation, it will attempt to advise the victim before making the disclosure. In addition, the University will protect confidentiality by not including identifying information about the victim in publicly available recordkeeping to the extent that doing so is permitted by law.

To request an accommodation described above or any other protective measure, the victim should contact: J. Dale Marrant, Vice President of Human Resources and Organizational Development at 913.234.0612.

### Procedures for Disciplinary Action Related to Sexual Misconduct:

Allegations of sexual misconduct – including domestic violence, dating violence, sexual assault, and stalking – will be processed through the University’s Sexual Misconduct Policy and Procedures, available at: <http://www.cleveland.edu/academics/university-catalogs> beginning on pages 106 and 116.

The Sexual Misconduct Policy and Procedures are utilized whenever a complaint is made, regardless of the status of the complainant and respondent. The complaint resolution procedures are invoked once a complaint is made to the Title IX Coordinator, and all University employees have a duty to report such incidents when they become aware of them. Once a complaint is made, the Title IX Coordinator, or designee, will commence an investigation as soon as practicable but not later than seven (7) days after the

complaint is made. During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. Upon completion of the investigation, the Title IX Coordinator, or designee, will make a decision and issue a written report to the complainant and respondent with findings and, if necessary, attach an addendum with sanctions and remedial measures that will be implemented. The University strives to complete investigations of this nature within sixty (60) calendar days.

Both parties have an equal opportunity to appeal decisions of the Title IX Coordinator or designee to the President. The President will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision.

Both the victim and the individual accused of the offense are entitled to:

- A prompt, fair and impartial investigation and resolution, with any extension of timeframes being only for good cause and with written notice to both parties of the delay and the reason for it.
- A proceeding conducted by officials who do not have a conflict of interest or bias for or against either party and who, at a minimum, receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and on how to conduct an investigation that protects the safety of victims and promotes accountability.
- Timely notice of meetings at which one or the other or both may be present.
- Timely access, along with appropriate officials, to information that will be used after the fact-finding investigation, but during any informal or formal disciplinary meetings or hearings.
- The same opportunities to have others present during any meeting or proceeding, including the opportunity to be accompanied by the advisor of their choice. The University 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.
- Have the outcome determined using a preponderance-of-the-evidence standard based on the totality of the evidence presented.
- Simultaneous, written notification of the results of the proceeding, any procedures to appeal the result, any change to the result and when the result becomes final. "Result" means any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters. The notification will include the rationale for the result and any sanction imposed.

#### Possible Sanctions and Protective Measures that the University May Impose for Sexual Misconduct:

Following a final determination in the University's disciplinary proceeding that sexual misconduct – including dating violence, domestic violence, sexual assault, and stalking – has been committed, the University may impose a penalties depending on the mitigating and aggravating circumstances involved. They include, any combination of the following: assessment of financial penalties, suspension, probation or termination/expulsion.

Also following such a determination, the University may provide the victim with a range of protective orders. These include such things as:

- Separation of alleged victim perpetrator on campus, including but not limited to shared classes, and public meeting areas.
- No-Contact order.

## 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 sexual misconduct – including domestic violence, dating violence, sexual assault, and stalking – and 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, including available resources, protective measures, and a description of the University’s policies and procedures for addressing sexual misconduct.

## **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 Dr. Clark Beckley, Vice President of Campus and Alumni Relations, at 913.234.0609 or his designee. The Kansas Bureau of Investigation maintains a general registry of sex offender information, which may be accessed at the following link: <http://www.accesskansas.org/kbi/ro.shtml>.

## **Drug and Alcohol Policy**

The University prohibits the possession, use and sale of alcoholic beverages on campus or at any University sponsored activity. The University also enforces state underage drinking laws.

The University also prohibits the possession, use and sale of illegal drugs on campus or at any University sponsored activity. The University enforces federal and state drug laws.

Detailed information about the physical effects of alcohol and drug, penalties for convictions, and substance abuse prevention education programs and resources is available on page 102 at the following link: <http://www.cleveland.edu/academics/university-catalogs>.

## **Crime Statistics**

The Clery Act requires institutions of higher education to disclose crime statistics covering the previous three calendar years on various crimes and offenses. The definitions of these offenses, consistent with FBI guidelines and VAWA regulations, are as follows:

### Primary Crimes

- *Murder and non-negligent manslaughter:* The willful (non-negligent) killing of one human being by another.
- *Negligent manslaughter:* The killing of another person through gross negligence.
- *Sex offenses*

Prior to the publication of this Annual Security Report, sex offenses were categorized as follows:

1. *Sex Offenses—Forcible*: Any sexual act directed against another person forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. This category included forcible rape, forcible sodomy, sexual assault with an object and forcible fondling.
2. *Sex Offenses—Non-Forcible*: Unlawful, non-forcible sexual intercourse. This category included statutory rape and incest.

Now sex offenses are to be categorized as follows:

1. *Rape*: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  2. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  3. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  4. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.
- *Robbery*: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
  - *Aggravated assault*: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapons is used which could and probably would result in serious personal injury if the crime were successfully completed.)
  - *Burglary*: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
  - *Motor vehicle theft*: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)
  - *Arson*: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### Hate Crimes

Hate crimes involve those crimes motivated by the following biases: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. Hate crimes include those defined



above (except for negligent manslaughter) that were motivated by one or more of these biases. They also include the following crimes and offenses:

- *Larceny-theft* (except Motor Vehicle Theft): The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- *Simple assault*: An unlawful physical attack by one person upon another where the offender neither displays a weapon nor the victim suffers obvious severe or aggravated bodily injury, such as apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- *Intimidation*: Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- *Destruction/damage/vandalism of property*: Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

#### Arrests and Disciplinary Referrals for Violations of Laws Related to Weapons, Liquor, and Drugs

Statistics must also be disclosed related to arrests and referrals for disciplinary action for violations of law relating to weapons, drugs or liquor. For this purpose, the following definitions apply:

- *Arrest*: A person processed by arrest, citation or summons.
- *Referral for disciplinary action*: The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.
- *Weapons (Carrying, Possessing, Etc.) Violations*: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- *Drug Abuse Violations*: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- *Liquor Law Violations*: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

#### VAWA Crimes

VAWA also requires the disclosure of statistics for the following crimes:

- *Domestic violence:* A felony or misdemeanor crime of violence committed (A) by a current or former spouse or intimate partner of the victim; (B) by a person with whom the victim shares a child in common; (C) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (E) 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 in which the crime of violence occurred.
- *Dating violence:* Violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- *Stalking:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or to suffer substantial emotional distress.

The statistical summary of the above crimes and offenses for this campus over the past three calendar years follows:

<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>
Arson	2015	0
	2016	0
	2017	0
Criminal Homicide: Manslaughter by Negligence	2015	0
	2016	0
	2017	0
Criminal Homicide: Murder and Non- negligent Manslaughter	2015	0
	2016	0
	2017	0
<b>Sex Offenses</b>		
Forcible	2015	0
	2016	0
	2017	0
Non-Forcible	2015	0
	2016	0
	2017	0
Rape	2015	0
	2016	0
	2017	0
Fondling	2015	0
	2016	0
	2017	0
	2015	0

Incest	2016	0
	2017	0
Statutory Rape	2015	0
	2016	0
	2017	0
Robbery	2015	0
	2016	0
	2017	0
Aggravated Assault	2015	0
	2016	0
	2017	0
Burglary	2015	0
	2016	1
	2017	0
Motor Vehicle Theft	2015	1
	2016	0
	2017	0
Domestic Violence	2015	0
	2016	0
	2017	0
Dating Violence	2015	0
	2016	0
	2017	0
Stalking	2015	0
	2016	0
	2017	0
Arrests: Weapons (Carrying, Possessing, etc.)	2015	0
	2016	0
	2017	0
Disciplinary Referrals: Weapons (Carrying, Possessing, etc.)	2015	0
	2016	0
	2017	0
Arrests: Drug Abuse Violations	2015	0
	2016	0
	2017	0
Disciplinary Referrals: Drug Abuse Violations	2015	0
	2016	0
	2017	0
Arrests: Liquor Law Violations	2015	0
	2016	0
	2017	0
Disciplinary Referrals: Liquor Law Violations	2013	0
	2014	0
	2015	0

*The campus had no hate crimes for the years 2015, 2016, or 2017.*

- Cleveland does not have on-campus student housing facilities, public property, or noncampus buildings or property, as those terms are defined by the Clery Act.
- No crime reports were determined to be “unfounded” and subsequently removed from the summary of crime statistics chart above.