



2023 Annual Security and Fire Safety Report

University of Health Sciences and Pharmacy in St. Louis Clery Report for the calendar year 2022.

Published by the Office of Public Safety.

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Introduction

Thank you for spending time reviewing our annual crime and fire safety report. University of Health Sciences and Pharmacy in St. Louis publishes this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as updated by the Violence Against Women Reauthorization Act of 2013 (VAWA), Campus Sexual Violence Elimination Act (Campus SaVE Act) and the Higher Education Opportunity Act of 2008.

This report includes statistics for the previous three years concerning reported crimes that occurred on campus or property owned or controlled by the University, in certain off-campus buildings, and on public property within or immediately adjacent to and accessible from the campus. The report also includes policy statements on fire safety policies and statistics, emergency notification procedures, timely warnings, campus safety and security reporting, missing persons procedures, title IX, and alcohol and drug abuse.

The Office of Public Safety works diligently with other departments and agencies to compile the necessary information for this report. The Offices of Campus Life, Human Resources and the Department of Athletics, along with the St. Louis Metropolitan Police Department, Washington University in St. Louis Protective Services, Barnes-Jewish Hospital, and the Central West End Neighborhood Security Initiative are just a few of the “key players” that assist us in providing important information for this report.

I encourage all community members to take a few minutes and review this report. If you have any questions, please feel free to contact me at any time.

Sincerely,

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Part A: ANNUAL CLERY CRIME STATISTICS REPORT

Preparation of the Annual Disclosure of the Crime Statistics

The University of Health Sciences and Pharmacy in St. Louis Office of Public Safety prepares an annual report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as updated by the Violence Against Women Reauthorization Act of 2013 (VAWA), Campus Sexual Violence Elimination Act (Campus SaVE Act). The report is reviewed by several University officials each year before it is published.

Campus crime, arrest and referral statistics include those reported to the Office of Public Safety and supporting law enforcement agencies within the St. Louis Metropolitan area. Each year the report is completed and posted in the base station of the Office of Public Safety, and an email notification is sent to all enrolled students, faculty and staff. In that email is a hyperlink that takes the individual directly to the most current Annual Security and Fire Report. A copy may also be requested during weekdays at the security base located in the UHSP garage. Prospective students can access this report on the Student Consumer Information page located on the UHSP public website. Prospective employees can access this report on the Employment Opportunities page located on UHSP public website.

For questions or to request a copy of the report, contact:

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University of Health Sciences and Pharmacy in St. Louis Public Safety Authority

The University's public safety officers have the authority to ask people for identification, enforce University policies and regulations, issue parking tickets billed to financial accounts of students, faculty, and staff, to determine whether individuals have lawful business at University of Health Sciences and Pharmacy in St. Louis. A public safety officer may make a custodial arrest or prevent the escape of a person who has committed a criminal offense, and when the arrest or detention is immediately necessary to arrest the offender or prevent his or her escape from custody. Public safety officers do not possess arresting powers off campus as a commissioned Missouri police officer. However, failing to comply with a lawful request by an officer may subject one to arrest by the St. Louis Metropolitan Police Department. The Office of Public Safety maintains a highly professional working relationship with all local law enforcement. Public safety staff members are on duty 24 hours a day monitoring CCTV and communications and patrolling the Campus and are always available to provide support, assistance, or information as required.

The University of Health Sciences and Pharmacy in St. Louis Office of Public Safety does not have any written memorandum of understanding agreements with local and state law enforcement agencies for response to or investigation of crimes. We maintain a strong working relationship with the St. Louis Metropolitan Police Department, Missouri Highway Patrol, and local federal authorities. The University of Health Sciences and Pharmacy in St. Louis Office of Public Safety does have a written memorandum of understanding approved by the Private Security Licensing Office with neighboring security forces from Washington University Protective Services and Barnes-Jewish Hospital which authorizes mutual aid and collaboration to deliver security and public safety services on all campuses during an emergency. We also work with the Central West End Neighborhood Security Initiative.

Reporting Crimes and Notifications

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to the University of Health Sciences and Pharmacy in St. Louis Office of Public Safety in a timely manner. To report a crime or an emergency on campus, call Public Safety at ext. SAFE (7233) or, from off-campus, call 314.446.SAFE (314.446.7233).

In the event of an immediate or critical threat or danger, the appropriate emergency agency will be contacted by dialing 911. In addition to Public Safety, crimes may be reported to University's Campus Security Authorities (CSAs). The preferred CSAs for reporting crimes are:

- Eric Knoll, vice president, chief operations officer
- Isaac Butler, vice president, campus life and chief diversity officer
- Dan Bauer, assistant vice president of human resources
- Ja-Maal Davis, director of public safety
- AJ Friedhoff, director of student engagement and leadership
- Open, residence life coordinator

A minimum of two to three public safety officers are on campus, 24 hours a day, 365 days a year. The two public safety officers are either monitoring and or patrolling campus.

During an emergency, public safety will respond to your location. Response times may be affected by various factors, such as the number and location of available personnel or their involvement at the time a report is received. Response to an incident may also involve other personnel (i.e., Campus Life staff in an incident involving a student, Counseling Center staff in the case of a sexual assault, etc.).

All public safety officers are trained in first aid and CPR, AED usage, along with meeting the requirements of the St. Louis Metropolitan License. Officers carry two-way radios to stay in constant communication with both University Office of Facilities Services personnel and Washington University in St. Louis Protective Service Officers.

Reporting Crimes on a Voluntary, Confidential Basis

The Office of Public Safety encourages anyone who is the victim or witness to any crime to promptly report the incident to Public Safety personnel and St. Louis Metropolitan Police. Because police reports are public records under state law, the Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to a campus security authority such as Public Safety, faculty managers and other University officials, see page 27 for additional obligations of a Campus Security Authority. Additional information regarding CSA's can be found [Clery Act Policy - Campus Safety and Security Reporting](#).

Timely Warning

In situations where an on- or off-campus crime occurs that, in the judgment of University of Health Sciences and Pharmacy in St. Louis management, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through multiple communication channels, including the University's emergency alert system, to students, faculty, and staff. Depending on the particular circumstances of the crime(s), especially in all situations that could pose an immediate threat to the community and individuals, the chief operations officer, emergency management coordinator or Office of Public Safety may also post an email notice providing the campus community with more immediate notification.

Crime Alerts are usually distributed for Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications including arson, criminal homicide, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Office of Public Safety. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other University community members and a timely warning notice would not be distributed. Timely warnings are distributed for the above crimes if they occur on University-designated property (on campus, non-campus, public property) and the incident constitutes an ongoing serious or continuing threat to community members. The chief operations officer, emergency management coordinator and director of public safety work to collect this information by requesting all CSAs, local law enforcement agencies and neighboring institutions to report the above-mentioned crimes in a timely fashion so a warning can be issued.

Examples of the type of information that may be contained in a public notification related to crime include:

- A succinct description of the incident and type of crime including location, date and time of occurrence
- A physical description of the suspect including gender, age, height, weight, hair color, etc., and race if available and accompanied by other descriptive characteristics
- A composite drawing of the suspect or photograph if available
- A description to an apparent connection to previous incidents if applicable
- Race of the victim, but only if there is an apparent bias motive
- Sex of the victim, if relevant
- Injuries sustained by the victim
- Notice to the campus community to use caution and provide safety tips
- Other relevant and pertinent information such as weapons involved

As an email is not immediately accessible via computer by all faculty, staff and students, anyone with information warranting a timely warning should report the circumstances to the security base station in person or by calling 314.446.SAFE (7233). The Office of Public Safety may also use additional methods to distribute the crime alert or safety bulletin, including using the University's emergency alert system, postings in north and south residence halls or using the University's phone system (see diagram and Table 1 on pg. 7) below for specific information about who develops message content and initiates distribution).

It should be noted that an institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. Roles and responsibilities of pastoral or professional counselors can be found on page 10.

Emergency (Immediate) Notification

Several public safety officers, supervisors and administrators are trained to respond to a serious incident should it arise and threaten the safety of the campus. The first responders to the scene are typically the University personnel from the Office of Public Safety, as well as members of the St. Louis Metropolitan Police Department and St. Louis Fire Department, when their assistance is necessary. These agencies typically respond and work together to manage the incident. Depending on the nature of the incident, other University departments and other local or federal agencies could also be involved in responding to the incident. The University has general evacuation guidelines, if a segment of the campus needs to be evacuated. The plan would be affected by a myriad of factors, including the type of threat, the occupancy of the other buildings and areas of the campus at the time of the incident, etc. Therefore, specific information about a multi-building or area evacuation cannot be shared with the campus community in advance.

The University expects members of its community to follow the instructions of first responders on the scene, as this type of evacuation would be coordinated on-site. If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors to limit potential exposure risks. In these cases, University personnel may be instructed to "shelter-

in-place.” To “shelter-in-place” means to make a shelter of the building in which you are located. With a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside. This means if an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access cards, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit and use the stairs instead of the elevators). Once you have evacuated, quickly seek shelter at the nearest University building. If first responders are already on the scene, follow their directions. Additional information about the emergency response and evacuation procedures and updates to the plans for the University of Health Sciences and Pharmacy in St. Louis is available on [Emergency Management Framework](#) .

University community members are encouraged to notify the Office of Public Safety of any situation or incident on campus that involves an emergency or dangerous situation that may involve an immediate threat to the health and safety of students and/or employees on campus. The Offices of Public Safety and Emergency Management have the responsibility of responding to and summoning the necessary resources, to mitigate, investigate and document any situation that may cause a significant emergency or dangerous situation. Per the letter of promulgation found in the University's Emergency Management Framework, the Office of Public Safety have a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the community. However, other offices such as Facilities, Campus Life, etc. may be involved in the confirmation process, depending on the nature of the potential threat.

If a potential threat to the community is identified, the institution is required to notify the campus community or the appropriate segments of the community that may be affected by the situation. If the Office of Public Safety confirm there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the community, the University has several forms of communication that may be utilized to deliver a timely warning or emergency notification (see diagram pg.9). The chief operations officer, emergency management coordinator, director of public safety, as well as other public safety personnel and members of the University administration, will collaborate to determine the content of the message. They will initiate some or all the systems listed below to communicate the threat to the University community or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population.

UHSP Alerts

Threat Level Communication Schematic



Table 1: Alert Administrators

#	System	Administrators
1	VOIP Phone System	Office of Public Safety designee* Chief Operations Officer** Emergency Management Coordinator** Director of Public Safety (or designee) **
2	Building Public Address	Building Automated Notification Maintenance or public safety personnel**
3	UHSP Alerts RAVE (text and email)	Emergency Management Coordinator* Director of Public Safety (or designee) ** Chief Operations Officer**
4	UHSP Alerts Alertus (beacons and IP devices)	Emergency Management Coordinator* Director of Public Safety (or designee) ** Chief Operations Officer**
5	Campus Email	Chief Operations Officer* Emergency Management Coordinator* Vice President of Marketing and Enrollment Services (or designee)** Director of Public Safety (or designee) **
6	Campus Safety Bulletins and Fliers	Director of Public Safety (or designee) ** Emergency Management Coordinator Chief Operations Officer** Office of Campus Life personnel**
7	Bullhorn	Director of Public Safety (or designee) ** Emergency Management Coordinator**

**Indicates primary system administrator **Indicates secondary system administrator*

After the initial communication, the primary means of providing follow-up information to the community will be on the University's institutional website (<https://uhsp.edu/>). The University may also use any of the systems listed above to provide follow-up information, as deemed appropriate. During the emergency, the institutional website will display information regarding the situation, and it will be updated throughout the emergency. Due to limited characters available with text messaging, the emergency alert system would typically be used to provide limited safety information that is critical such as areas to avoid, shelter in place, all clear, etc. The larger community, including parents, neighbors and other interested persons can obtain information about an emergency on campus via the main webpage or the local or national media.

It should be noted that unlike the Timely Warning requirement, emergency notification is not restricted just to Clery reportable crimes. Incidents such as a serious gas leak, hazmat spill, etc., could warrant the use of this protocol. The chief operations officer, emergency management coordinator, director of public safety and other University officials 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 judgment of the first responders (St. Louis Metropolitan Police, St. Louis City Fire Department, etc.), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Annual Notification and Testing

The University will annually test and publicize their emergency response and evacuation procedures. Throughout the year, University officials and critical personnel will meet and train on the University's response to a critical incident through a variety of discussions and exercises, including tabletop and functional exercises. These tests may be announced or unannounced depending on the type of exercise and the impact on day-to-day operations/availability. University community members are encouraged to review the emergency response plans and evacuation procedures for each area they frequent throughout their typical workday.

The University's Emergency Operation Plan, Building Emergency Action Plans and Emergency Notification Procedures include information about management of emergency response and operations, Emergency Operations Center (EOC), and communication responsibilities. Individual University units and departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University conducts announced and unannounced emergency response drills and exercises each year and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. To aid with the documentation of drills, the University utilizes a formalized electronic inspection checklist using a computer program called SafetyCulture formerly known as iAuditor™.

The results from exercises are reported on the University After-Action Report template, which includes a list of corrective actions to be taken. In addition to drills and exercises, the University also use actual responses to events and After-Action Reports to assess, evaluate, and improve responses and procedures. The Emergency Action Plans for all buildings on campus are updated on an annual basis and published at [https://campusweb.uhsp.edu/ICS/Campus_Safety_\(new\)/](https://campusweb.uhsp.edu/ICS/Campus_Safety_(new)/). Each year, a campus-wide reminder is distributed to faculty, staff and students that includes the location of the plans.

The emergency response plans and evacuation procedures can be found online at [https://campusweb.uhsp.edu/ICS/Campus_Safety_\(new\)/](https://campusweb.uhsp.edu/ICS/Campus_Safety_(new)/).

***The annual testing of UHSP Alerts was conducted on 06.04.2022 at approximately 11:28 a.m.
The annual testing of the University's Emergency Operations Plan was conducted on 08.09.2022 from 9:00 a.m. - 12:00pm.***

Policies and Procedures Encouraging Accurate and Prompt Reporting

All crime victims and witnesses are strongly encouraged to immediately report crimes to the public safety office who will contact the appropriate police agency. Prompt reporting will assure timely warning notices, help protect the campus community, and assure timely disclosure of crime statistics. Public safety may issue trespass warnings to any individual deemed a threat to the campus community and to visitors who refuse to comply with the reasonable requests of University officials. These warnings may be verbal or written. Violations of the trespass warning may result in a formal complaint to the St. Louis Metropolitan Police Department and the arrest of the individual.

If assistance is required from the St. Louis Metropolitan Police Department or neighboring institutions, public safety will contact the appropriate unit to request assistance or information.

This publication contains information about on-campus and off-campus resources. That information is made available to provide the University community members with specific information about the resources that are available in the event that they become the victim of a crime. The information about "resources" is not provided to infer that those resources are "reporting entities" for the University.

Crimes should be reported to the Office of Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to the St. Louis Metropolitan Police Rape Crisis Center would not be included in the University crime statistics. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the University's security in a timely manner. To report a crime or an emergency on campus, call the Office of Public Safety at ext. SAFE (7233) or, from outside the University call 314.446.SAFE (7233). All University of Health Sciences and Pharmacy in St. Louis incident reports generated by the Office of Public Safety are forwarded to the chief operations officer and director of the Office of Public Safety. The Office of Public Safety will investigate a report when it is deemed appropriate.

Additional information obtained via the investigation will also be forwarded to the vice president for campus life or to the University's designated Title IX Coordinator/Deputy Coordinator for incidents that involve students. For further information refer to the [Clery Act Policy - Campus Safety and Security Reporting](#).

Pastoral and Professional Counselors (Crime Reporting)

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus pastoral counselors and campus professional counselors, when acting as such, are not considered to be a campus security authority and are not required to report crimes for the inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

- **Pastoral Counselor:** An employee of the institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. University of Health Sciences and Pharmacy in St. Louis does not currently have any pastoral counselors.
- **Professional Counselor:** An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Security Awareness, Crime Prevention and Safety Programs

All members of the community are continually reminded they must be responsible for their own security and the security of others. This message is reinforced through security awareness programs offered by numerous departments, the annual disclosure form, and in the "timely warnings" distributed to the campus community. During COVID-19, in person presentations were discontinued. Some programs were implemented by virtual means. In the spring 2021, most programming pertaining to the Clery Act was put on hold due to the COVID-19 pandemic. Staffing shortages and role of public safety was to manage the COVID-19 response.

During fiscal year 2022, the University offered approximately ten crime prevention and security awareness programs. Topics such as personal safety, campus safety, clery reporting, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of topics covered. The University continues to offer these programs during current the fiscal year.

Student Information at Orientation

During orientation for new students prior to the fall semester, students are informed about a variety of services offered by public safety. Crime prevention programs, safety and security awareness and sexual assault prevention programs are offered on a continual basis. Periodically during the academic year, public safety, in cooperation with other departments, such as the Office of Campus Life, present awareness presentations and campaigns on emergency preparedness, sexual assault, stalking, bystander intervention, alcohol abuse, date rape drugs, theft prevention, etc.

Employee Information at Orientation

When a new employee is hired, the Office of Human Resources provides information on how to obtain a copy of the annual disclosure form. The Office of Public Safety conducts a new hire orientation segment that covers information pertaining to campus security services, procedures, practices and crime prevention programs. All employees are encouraged to participate in new hire orientation and any other safety and security programming.

Resident Hall Fire Prevention Information

All residence hall rooms, and common areas have smoke detectors that are hardwired and when activated will send an alarm to a third-party monitoring company who will dispatch the St. Louis Fire Department. Both residence halls have a fire sprinkler system installed. The Office of Public Safety works in conjunction with facilities and residence life to conduct fire drills (evacuations) from the residence halls during the academic year. The University requires complete evacuation of buildings during a fire alarm. Individuals who ignore fire alarms and required evacuations may face disciplinary action. Fire evacuation drills were administered for the South Residence Hall only during the 2020 calendar year due to COVID-19.

Campus Health and Safety Escort Program

The Office of Public Safety is available 24 hours a day to provide safety and health escorts to and from any location on the University campus. Officers will provide walking escorts in the immediate and adjacent properties such as the University Medical Complex and MetroLink Station. University personnel and students are advised to be patient when calling as officers may be busy handling other calls.

Campus Safety Tip of the Month

Typically, during the first of the month, the Office of Public Safety emails various safety tips of the month out to the campus community. Examples are fire safety/prevention, UHSP Alerts, vehicle safety, and National Preparedness Month topics.

Campus Panic Buttons

The system is tested on a monthly basis by the Office of Public Safety. Virtual panic buttons are in all classrooms at the desktop teaching areas. These virtual panic buttons are also in dedicated offices, department suites and front desk areas on campus. There are various physical panic buttons strategically placed near lab spaces, fitness, recreational/gymnasium and key areas of operation.

In-Person Training for Select Personnel

Departments and personnel of the University, such as athletic coaches and resident assistants, receive specialized, in- person training regarding Clery, Title IX and how to respond to incidents of crime or sexual assault, relationship violence and stalking. Student groups have requested such training. Members of the department are available to assist any individual or group in planning, presenting, and coordinating programs of interest or concern. To get more information or a list of these trainings, please contact the director of public safety at 314-446-8382.

Campus CERT

The University has members of the campus community that have been trained in federal/state recognized program called Community Emergency Response Team for all hazard events on campus.

Welcome Back BBQ and Student Resource Fair

Each year, the emergency management coordinator and the director of public safety talks with students, faculty and staff about the Clery Act, campus safety, security and emergency management services and procedures. There are also brochures and flyers available to all attendees that cover services, procedures, on- and off-campus crime prevention awareness and techniques.

RA and Desk Attendant Training

The emergency management coordinator and the director of public safety annually provide an overview of the services that are provided by both departments. The focus of the desk attendant training was on access control, building security, emergency evacuation procedures, Clery Act and reporting. As for the residence assistant training, a brief overview of how to write reports to identify Clery Act reportable incidents. Role-playing and situational briefings are conducted for these student workers.

Access and Maintenance Considerations for Campus Facilities and Residence Hall

During business hours, the University (excluding certain residence hall, laboratory, and classroom facilities) will be generally open to students, parents, employees, contractors, guests and invitees. During non-business hours, access is by keycard, if issued, or by admittance via public safety or other authorized University personnel. Some campus facilities may have individual hours, which may vary at different times of the year. An example of this is the library. In these cases, the facilities will be secured according to schedules developed by the department responsible for that facility. Emergencies, campus closings, and special events may necessitate changes or alterations to any posted schedules.

The University will make every reasonable effort to respect the privacy of students and give prior notice of entry into student rooms. The University reserves the right of entry without notice for such purposes as may be necessary to assure compliance with policies of the University and federal, state, and local laws; to verify occupancy; to maintain the premises; and to meet emergencies. Work orders are placed by members of the

community to repair facilities issues in a system called IssueTrak. Campus inspections by public safety and facilities employees are conducted on a regular basis. Key and card access management responsibility is a shared responsibility by the Office of Public Safety and Facilities. See the [Key and Card Access Management Policy](#) for further information.

Keycard Access

Access to the Academic Research Building (ARB) is by card reader after 5 p.m. and before 8:00 a.m., Monday through Friday. Floors 5-7 have restricted access.

Access to Jones Hall is by card reader after 5 p.m. and before 8:00 a.m., Monday through Friday.

Students have card access to Jones Hall and ARB for study purposes 24 hours a day.

Access to the South Residence Hall is by card reader after 5 p.m. and before 8 a.m., Monday through Friday. Access to the South Residence Hall dorm floors is by card access only (Floors 2-8).

Access to the Recreational and Student Center/North Residence Hall is by card reader after 5 p.m. and before 8 a.m., Monday through Friday. Access to the North Residence Hall dorm floors is by card access only (Floors 5-7).

Access to the fitness centers located in South Residence Hall and North Residence Hall are card access 24 hours a day.

Access to the Duncan Avenue, UHSP garages' and Kingshighway Lot are by keycard to registered parkers and pedestrians. The UHSP garage is monitored 24 hours a day by the University of Health Sciences and Pharmacy in St. Louis Office of Public Safety. BJC HealthCare Security and Washington University in St. Louis Protective Services monitor the Duncan Avenue garage and Kingshighway Lot.

Lighting and Landscape

The University is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. Members of the Offices of Facilities and Public Safety periodically conduct security surveys to ensure campus lighting is adequate and the landscape appropriately controlled. Public safety officers conduct routine checks of lighting on campus during regular assigned patrol duties. If they observe some lights are out or very dim, they will initiate a service request for facilities to repair the problem. We encourage community members to report any deficiency in lighting to Facilities at 314.446.8385 or Public Safety at 314.446.SAFE (7233). Facilities personnel are also available to respond to calls for service regarding unsafe facility conditions. These conditions may include unsafe steps and handrails, unsafe walkways on campus, and unsecured equipment, etc. Public safety officers, routinely check the University's fire extinguishers, sprinkler valves, panic alarms, ADA doors, CCTV systems, etc., and document their findings by completing a checklist and completing a work order for any problems they find while checking the equipment.

Monitoring Off-Campus Criminal Activity

University of Health Sciences and Pharmacy in St. Louis subleased apartments to students as part of an off-campus housing arrangement to supplement existing University housing from January 1st through May 31st in 2021 due to COVID-19. UHSP does not operate any off-campus student organization facilities that would require the University or local police agencies to monitor off-campus criminal activity. Any student who is in an off-campus rotation for their course of study will be instructed to get an overview of that site's emergency operations plan and to report to the University any crimes that have been committed against them during their rotation. UHSP does monitor criminal activity in the areas associated with all off campus athletic agreements or contracts.

Drug and Alcohol Abuse Prevention Programs and Policies

Communication and Distribution of Policy

The entire text of the University of Health Sciences and Pharmacy in St. Louis Drug and Alcohol Abuse Prevention Handbook as well as the University's penalties for possession or distribution of controlled substances by students on University premises or at institutionally sponsored activities off campus, are located in Appendix A of this document. This information is also included in the Student Code. In addition, each year University of Health Sciences and Pharmacy in St. Louis renews its commitment to the federal Drug-Free Schools and Communities Act of 1989 by notifying students and employees of its policies.

Alcohol Awareness Programming

Annually the Student Organization for Drug and Alcohol Awareness (SODAA) sponsors a week of awareness activities each spring semester during Alcohol Awareness Week. Other activities include camp seminars, "Tripping the Threshold" "jail and bail" and "mocktails" events to draw attention to having fun without alcohol. Most of the content is how to make good decisions, consent and drinking responsibly.

Possession, Use and Sale of Alcoholic Beverages

The use, sale, delivery, possession and consumption of alcoholic beverages in or on any property owned or controlled by the University are strictly prohibited except as specifically stated in University policy. The University enforces all city, state and federal laws pertaining to the illegal use of alcoholic beverages, particularly the laws that prohibit the sale to or possession of alcoholic beverages by person(s) under the age of 21. Any groups or persons violating the alcohol/substance policies or laws may be subject to arrest by the St. Louis Metropolitan Police Department and/or disciplinary sanctions by the University.

Possession, Use and Sale of Illegal Drugs

The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws and prohibited by University policies. Such laws are strictly enforced by the University. Violators are subject to arrest by the St. Louis Metropolitan Police Department and/or disciplinary sanctions by the University.

Alcohol and Drug Policies

University of Health Sciences and Pharmacy in St. Louis is committed to maintaining a safe, healthful, and efficient environment, which enhances the welfare of our faculty, staff and students. University of Health Sciences and Pharmacy in St. Louis believes that chemical dependency is a disease that can endanger the health and well-being of students, staff and faculty and can have a negative effect on the public that they serve. University of Health Sciences and Pharmacy in St. Louis advocates treatment and rehabilitation for affected students, staff and faculty in a manner that first protects the public, while allowing a reasonable opportunity for recovery and re-entry into the workplace/classroom. University of Health Sciences and Pharmacy in St. Louis does not discriminate against individuals who are in recovery from chemical dependency in its academic programs or employment practices.

University of Health Sciences and Pharmacy in St. Louis is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. The University enforces compliance with local and state alcoholic beverage laws on campus and at University-sponsored activities. The University affirms its adherence to the following principles:

- The misuse and/or abuse of alcoholic beverages and related behavior, such as disorderly conduct, illness due to excessive consumption of alcohol, and destruction of property, pose a danger to individual members of the University community and to the community at large.
- The promotion of alcoholic beverage consumption as the primary focus of on- and off-campus activities is inappropriate because it invites members of the University community to violate University regulations and Missouri law.
- Consumption of alcoholic beverages should only be by persons of legal age and by personal choice.
- Those who choose to consume alcoholic beverages should do so responsibly and in moderation.
- Consumption of alcoholic beverages should not be the focus of an event or the only means of refreshment at an event.
- The responsibility for proper consumption of alcoholic beverages and for compliance with laws of Missouri rests with each individual member of the University community.

The University does not condone violations of those laws prescribing possession, use, or sale of alcoholic beverages and possession, use, sale, manufacture, or distribution of illegal drugs. Members of the University community should know that law enforcement and administrative action, which may include eviction from the residence halls, revocation of other privileges, or suspension or expulsion from the University, may be taken in order to protect the interests of the University and the rights and safety of others. Please refer to the University of Health Sciences and Pharmacy in St. Louis Drug and Alcohol Abuse Prevention [Handbook](#) listed in this document for further information.

Resources for Alcohol and Drug Abuse

Faculty or Staff

- Employee Assistance Program (EAP) for employees 314.845.8302 or 800.832.8302

Students

- Campus Counseling Service for students 314.446.8338

Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking

University of Health Sciences and Pharmacy has established policies prohibiting sexual harassment, sexual assault, dating violence, domestic violence, and stalking both on- and off-campus. It is also a violation of University policies to intimidate or retaliate against any person filing a complaint or taking part in an investigation or proceeding. The University conducts annual training and education programs for students, faculty, and staff intended to promote awareness and prevent sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Definitions of Prohibited Conduct:

Violence Against Women Act Definitions

The University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking as set forth in the Clery Act. Below are relevant definitions adopted by the U.S. Department of Education pursuant to the Reauthorization of the Violence Against Women Act:

“Dating Violence”: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) 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. (ii) For the purposes of this definition (A)

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence.

“Domestic Violence: (i) 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 co-habiting with, or has co-habited 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.

“Stalking”: (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) Fear for the person’s safety or the safety of others; or (B) Suffer substantial emotional distress. (ii) For the purposes of this definition (A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

“Sexual Assault”: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.” “Rape” is defined as 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. “Fondling” is defined as the touching of the private parts of another person for the purposes 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. “Incest” is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. “Statutory Rape” is defined as sexual intercourse with a person who is under the statutory age of consent.

Missouri Statutory Definitions and Criminal Provisions

Below are relevant definitions and provisions under Missouri criminal law:

“Incest”. A person commits the offense of incest if he or she ... engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood. RSMO 568.020.

“Rape in the First Degree”: A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim’s knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. Mo. Rev. Stat. § 566.030.

“Rape in the Second Degree”: A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person’s consent. Mo. Rev. Stat. § 566.031

“Sodomy in the first degree”: A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered

without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. Mo. Rev. Stat. § 566.060.1

"Sodomy in the second degree": A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent. Mo. Rev. Stat. § 566.061.1

"Sexual Misconduct in the first degree": A person commits the offense of sexual misconduct in the [second] first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person. Mo. Rev. Stat. § 566.093.1

"Sexual Misconduct in the second degree": A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm. Mo. Rev. Stat. § 566.095.1

"Sexual abuse in the first d

"Sexual abuse in the first degree": A person commits the [crime] offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Mo. Rev. Stat. § 566.100.1

"Sexual abuse in the second degree": A person commits the [crime] offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent. Mo. Rev. Stat. § 566.101.1

Under section 566.010, RSMO, the following definitions apply to the above criminal provisions:

(1)"Deviate sexual intercourse": any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(2)"Sexual conduct": sexual intercourse, deviate sexual intercourse, or sexual contact;

(3)"Sexual contact": any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim;

(4)"Sexual intercourse": any penetration, however slight, of the female genitalia by the penis.

Under section 556.061, RSMo, the following definitions are provided:

"Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

- (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
- (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- (c) It is induced by force, duress, or deception;

“Forcible compulsion” means either: (a) Physical force that overcomes reasonable resistance; or (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of such person or another person;

“Incapacitated” means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person’s conduct, or unable to communicate unwillingness to an act.

Missouri section 455.010 provides the definition of domestic violence and other relevant provisions:

“Domestic violence” is defined as abuse or stalking committed by a family or household member, as set forth below.

“Abuse” includes but is not limited to the occurrence of any of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

- (a) “Assault”: purposely or knowingly placing or attempting to place another in fear of physical harm;
- (b) “Battery”: purposely or knowingly causing physical harm to another with or without a deadly weapon;
- (c) “Coercion”: compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;
- (d) “Harassment”: engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to: a. Following another about in a public place or places; b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
- (e) “Sexual assault”: causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;
- (f) “Unlawful imprisonment”: holding, confining, detaining, or abducting another person against that person’s will;

“Stalking” is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person’s situation to have been alarmed by the conduct. As used in this subdivision: (a) “Alarm” means to cause fear of danger of physical harm; (b) “Course of conduct” means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact; and (c) “Repeated” means two or more incidents evidencing a continuity of purpose.

“Family or household member” is defined by Missouri law as “spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.” Mo. Rev. Stat. § 455.010.

The state of Missouri does not have a separate definition in its criminal code for dating violence.

While some Missouri statutes are gender or body-part specific, any person can be a perpetrator or victim of various forms of sexual violence. The University considers all of these criminal acts to also be violations of University policies.

Immediate Assistance for Sexual Assault, Dating Violence, Domestic Violence, & Stalking

If you are a victim of sexual assault, dating violence, domestic violence, or stalking, please contact the Office of Public Safety immediately by calling 314.446.SAFE (7233) and/or the St. Louis Metropolitan Police Department at 314.444.5385.

The University's priority response is to address the safety of the complainant. If the complainant is uncomfortable contacting the Office of Public Safety or the St. Louis Metropolitan Police Department, they can notify a staff member of Campus Life, Residential Life or Counseling Center for assistance. University personnel in these departments will assist the victim in notifying the appropriate law enforcement authorities upon request. However, a victim has the option to decline to notify law enforcement authorities without waiving his or her right to file a report or receive support services provided under University policies. Victims will receive information regarding counseling opportunities on and off campus. Students can contact the Counseling Center at 314.446.8338 for further information. Faculty and staff can contact the Employee Assistance Program H&H Health Services at 314.845.8302 or 800.832.8302.

It is strongly recommended that a victim report any incident to public safety and/or St. Louis Metropolitan Police Department, even if the victim does not want to press charges. This will allow the authorities to gather important evidence should the victim later change his/her mind. The victim may choose to pursue the investigation through the criminal justice system and/or the University conduct/discipline system or decline to pursue external or internal proceedings.

The Office of Public Safety will help the complainant get to a safe place and assist the person in seeking immediate medical treatment at a facility equipped to respond to medical issues related to sexual assault. Victims will be instructed on getting medical treatment in order to preserve potential evidence by completing a Sexual Assault Forensic Examination (SAFE). Victims should make every effort to save anything that might assist in proving the commission of a crime such as the perpetrator's DNA. Therefore, a victim should not: bathe or shower, use the restroom, change clothes, comb hair, clean up the crime scene or move or destroy anything that may have been touched.

Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date. A victim does not have to give his/her name to receive the exam.

Coordination with Law Enforcement

University of Health Sciences and Pharmacy in St. Louis encourages complainants to pursue criminal action for incidents of Sexual Misconduct and Stalking that may also be crimes under Missouri or federal law. The University will also assist a complainant in making a criminal report and will cooperate with law enforcement agencies to pursue the criminal process to the extent permitted by law.

The University's policy, definitions and burden of proof may differ from Missouri and Federal law. A complainant may seek resolution through the University's complaint processes, may pursue criminal action, may choose one but not the other, or may choose both. Law enforcement's determination whether or not to prosecute, or the outcome of any criminal prosecution, are not determinative of whether a violation of University's policy has occurred. Proceedings under the University's policies may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

Reporting Complaints and Confidentiality

The University has initiated a complaint procedure designed to encourage any faculty, staff, student or visitor to report any instance of Sexual Misconduct and Stalking that violates these policies. A complainant does not have to decide whether to request criminal reporting, or pursue University conduct processes, to make a complaint.

The University encourages victims of Sexual Misconduct and Stalking to talk to somebody about what happened – so they can get the support they need, and so the University can respond appropriately. Different employees on campus have different abilities to maintain a complainant’s confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” An example would be a campus psychologist or mental health counselors.
- All other employees are considered “Responsible employees” and are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator, if given) to the Title IX coordinator. A report to a responsible employee constitutes a report to the University. The complainant will be informed of available resources and have options explained to him/her including choosing to file or not file a complaint of violation of campus policy or notifying law enforcement. Without reports to responsible employees, the University cannot investigate the incident or take appropriate steps to address the situation.
- This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of Sexual Misconduct and Stalking. The University encourages complainants to talk to someone identified in one or more of these groups.

The options for reporting:

- **Privileged and Confidential Communications**
Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the University community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission. Counselors in the University of Health Sciences and Pharmacy in St. Louis Student Counseling Center are examples of professional counselors. For more information about counseling services at the University call 314.446.8338 or email michelle.hastings@uhsp.edu. The University currently does not have any pastoral counselors.
- **Reporting to “Responsible Employees”**
A “responsible employee” is a University employee who has the authority to redress Sexual Misconduct and Stalking, who has the duty to report incidents of Sexual Misconduct and Stalking or other student misconduct (see Section G titled “Clery Requirements, Timely Warning and/or Emergency Notification”), or who a student could reasonably believe has this authority or duty (e.g. coaches, athletic directors, residence assistants, residence life staff, student activities staff, advisors to student organizations, faculty, administrators).

When a victim tells a responsible employee about an incident of Sexual Misconduct and Stalking, including sexual violence and files a complaint, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged Sexual Misconduct and Stalking shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report except for instances of mandated

reporting in Missouri, such as professionals reporting suspected child abuse or neglect. Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to do so.

All faculty and staff, whether they are full-time or part-time, are responsible for supporting and assisting in the administration of this policy. Any employee, with the exception of a professional counselor, is required to contact the Title IX Coordinator immediately if Sexual Misconduct and Stalking is reported to that employee. Public Safety staff made aware of complaints will share them with the Title IX Coordinator immediately.

- Title IX Coordinator
If you have questions about the policy, if you believe that you are being harassed or retaliated against in violation of the Retaliation and Intimidation section of this policy, or if you observe someone else being subjected to such conduct, report this conduct to the Title IX Coordinator. The Title IX Coordinator enables the University to best assess, respond and investigate complaints to eliminate events, prevent their recurrence and address effects.

University of Health Sciences and Pharmacy in St. Louis's Title IX Coordinator and Deputy Title IX Coordinator are:

Daniel Bauer, assistant vice president of human resources and title IX coordinator
314.446.8308
daniel.bauer@uhsp.edu

Rebecca Jones, assistant vice president, campus life
314.446.8352
rebecca.jones@uhsp.edu

The University does not disclose personal identifiable information about victims and alleged suspects in the daily crime and fire log and the campus crime statistics reported in the Annual Security and Fire Report.

Requesting Confidentiality from the University and how the University will weigh the request and respond

If a complainant discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, faculty, staff and visitors, including the victim. If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the University may not be able to honor a victim's request in order to provide a safe environment for all students, faculty, staff and visitors.

The University has designated individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual misconduct and stalking – Title IX Coordinator, Deputy Title IX Coordinators, and Title IX Investigators.

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX team will consider a range of factors, including the following:

- The legal obligations of the University
- The increased risk that the alleged perpetrator will commit additional acts of Sexual Misconduct and Stalking or other violence, such as:
 - Whether there have been other complaints about the same alleged perpetrator
 - Whether the alleged perpetrator has a history of arrests or records from a prior institution indicating a history of violence
 - Whether the alleged perpetrator threatened further Sexual Misconduct and Stalking or other violence against the victim or others
 - Whether the Sexual Misconduct and Stalking was committed by multiple perpetrators
- Whether the Sexual Misconduct and Stalking was perpetrated with a weapon
- Whether the victim is a minor
- Whether the University possesses other means to obtain relevant evidence of the incident (e.g., security cameras or personnel, physical evidence)
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the victim's request for confidentiality.

Even if the request for confidentiality is granted the University may take steps to limit the effects of the alleged misconduct and prevent its occurrence without initiating a formal action against the alleged perpetrator or revealing the identity of the student. This may include increased monitoring, security or additional training or communication efforts for students or employees.

If the University determines it cannot maintain a victim's confidentiality:

The University will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or University employees, will not be tolerated.

The University will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these)
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests
- Inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so

The University may not require a victim to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of Sexual Misconduct and Stalking campus-wide, reports of Sexual Misconduct and Stalking (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported Sexual Misconduct and Stalking occurred; increasing education and prevention efforts, including to targeted groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines it can respect a victim’s request for confidentiality:

If the University determines that it can respect a victim’s request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.

Educational and Prevention Programs Policy Statement

University of Health Sciences and Pharmacy in St. Louis engages in comprehensive educational programming to prevent Sexual Misconduct and Stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees as well as ongoing awareness and prevention campaigns for students and faculty that identify and define Sexual Misconduct and Stalking, identify and define Consent for Sexual Harassment, Sexual Abuse, and Relationship Violence, provide safe and positive options for bystander intervention, provide risk reduction information, and provide information regarding the Clery Act and the Annual Security and Fire Report.

University of Health Sciences and Pharmacy in St. Louis has developed an annual educational campaign consisting of several media to reach the intended audiences including presentations and distribution of educational materials to new students; presentations during new employee orientation and annual policy updates for faculty and staff; continuing speaker series, awareness weeks and web-based training for faculty, staff, and students throughout the school year.

The University recognizes that at times many community members may put themselves in dangerous or risky situations and encourages all community members to offer help and assistance to others in need by taking reasonable and prudent actions to prevent or stop an act of discrimination, harassment, sexual misconduct, or relationship violence from occurring.

Anonymous Reporting

The University encourages victims to talk to someone. The University encourages parties who believe they’ve experienced sexual assault, dating violence, domestic violence, or stalking to file a complaint anonymously over the phone or online through the University’s [Ethics And Compliance Hotline](#). Reports through the hotline will be forwarded to the Title IX coordinator and deputy coordinator for students.

Report online

[Submit an Online Report](#)

Submit a Report by Phone

To submit a report by phone, use the contact numbers below.

- 866.770.0009 for English speaking callers in the USA and Canada (not available from Mexico)
- 800.216.1288 Spanish speaking callers North America
- 01.800.681.5340 for Spanish speaking callers from Mexico

Submit a Report by Email

Email reports should be submitted to reports@lighthouse-services.com. You must include the company name "UHSP" with report.

The University encourages victims to talk to someone. Currently the University does not provide an online form for anonymous reporting, but a person may contact public safety at 314.446.SAFE (7233) or secuser@uhsp.edu 24 hours a day, seven days a week.

Reporting to Confidential Counselors

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the University community (including those who act in that role under the supervision of a licensed counselor) are generally not required to report any specific information about an incident to University personnel without a reporting party's permission. The University's Office of Public Safety encourages its professional counselors to provide victims and witnesses information on reporting crimes on a voluntary, confidential basis to the office, if and when the counselor deems it appropriate, for the purpose of reporting statistics in the University's annual security report.

Interim Protective Measures

Upon receipt of a report, the complainant or respondent may request or the University may impose reasonable and appropriate interim measures to ensure the safety of all parties, the University community, and/or the integrity of the process. Interim protective measures will be considered by the Title IX Coordinator and appropriate administrators (University Services, Campus Life for students, Human Resources for staff, and appropriate Dean for faculty).

Potential interim measures include:

- A University of Health Sciences and Pharmacy in St. Louis "no contact" order
- Access to counseling services and assistance in setting up the initial appointment
- Rescheduling of exams and assignments
- Change in class schedule or transferring section including late withdrawal from a class without penalty
- A change in work schedule or job assignment
- Change in Residence Hall assignment
- Providing an escort to ensure safe movement between classes and activities
- Academic support such as tutoring
- Leave of absence'
- Assistance with filing an order of protection

A victim may obtain an order of protection by contacting the St. Louis City Circuit Court (Civil Courts Building, 9th Floor, Adult Abuse Office, 10 N. Tucker, St. Louis, MO) or other appropriate jurisdiction.

Accommodations Interim Protective Measures

Upon receipt of a report, a victim may request accommodations in academic, living, transportation, or work assignments if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or law enforcement. Interim protective measures should be submitted to the University's Title IX Coordinator or appropriate administrators (University Services, Campus Life for students, Human Resources for staff, and appropriate Dean for faculty).

Potential interim measures include:

- A University of Health Sciences and Pharmacy in St. Louis "no contact" order

- Access to counseling services and assistance in setting up the initial appointment
- Rescheduling of exams and assignments
- Change in class schedule or transferring section including late withdrawal from a class without penalty
- A change in work schedule or job assignment
- Change in Residence Hall assignment
- Providing an escort to ensure safe movement between classes and activities
- Academic support such as tutoring
- Leave of absence
- Assistance with filing an order of protection

Orders of Protection

A victim may obtain an order of protection by contacting the St. Louis City Circuit Court (Civil Courts Building, 9th Floor, Adult Abuse Office, 10 N. Tucker, St. Louis, MO) or other appropriate jurisdiction. The University will enforce interim measures through applicable student and employee conduct policies and comply with any lawful order of protection, restraining order, or similar order issued by a criminal or civil court. Individuals needing assistance may contact the University's Director of Human Resources and Title IX/EEO Coordinator, Dan Bauer (employees or students), or Deputy Title IX Coordinator, Rebecca Jones (students).

Notice of Rights and Protections

In order to assist victims of sexual assault, dating violence, domestic violence, or stalking, the University will provide them with a written notice explaining the victim's rights and options with respect to reporting crimes to law enforcement or campus authorities, obtaining assistance from the Office of Public Safety, support services available from University and external resources, accommodations, interim measures, and orders of protection or no contact orders issued by the courts, confidentiality, and internal University policies and procedures.

University and Campus Counseling Resources

The University encourages victims of sexual harassment, sexual assault, dating violence, domestic violence, and stalking to seek counseling and support through University resources that are available to students, faculty, and staffing resources. Counselors in the Student Counseling Center in the Residence and Student Center (RAS) are examples of professional counselors. During business hours, students may contact the Counseling Center staff on the fourth floor of the Recreational and Student Center (RAS) or at 314.446.8338 or email at any time at counseling.center@uhsp.edu.

Spiritual advisors in the Spirituality Center are examples of confidential pastoral counselors. Student may contact advisors through the Spirituality Center in the Recreation and Student Center, Room 457.

Faculty and staff can contact Employee Assistance Program H&H Health Services at 314.845.8302 or 800.832.8302, <https://www.hhhealthassociates.com/>

Off-Campus Counselors and Advocates

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form. Confidentiality is maintained as long as it is within the limits of the law (i.e. no harm to self, others, and no current abuse of a child or other vulnerable persons).

See Appendix A for off campus resources.

Immediate Assistance for Sexual Misconduct and Stalking

If you are a victim of Sexual Misconduct and Stalking, please contact the Office of Public Safety immediately by calling 314.446.SAFE (7233) and/or the St. Louis Metropolitan Police Department at 314.444.5385.

If you have been a victim of any Sexual Misconduct and Stalking, but especially sexual assault, the University's priority response is to address the safety of the complainant. If the complainant is uncomfortable contacting public safety or the St. Louis Metropolitan Police Department, they can notify a staff member of Campus Life, Residential Life or Counseling Center for assistance. These University personnel will assist the victim in notifying the appropriate law enforcement authorities upon request. Students, faculty or staff who are victims of a Sexual Misconduct and Stalking will receive information regarding counseling opportunities on and off campus. Students can contact the Counseling Center at 314.446.8338 for further information. Faculty and staff can contact the Employee Assistance Program H&H Health Services at 314.845.8302 or 800.832.8302.

A complainant should report the incident to public safety and/or St. Louis Metropolitan Police Department, even if the victim does not want to press charges. This will allow the authorities to gather important evidence should the victim later change his/her mind. The complainant may choose to pursue the investigation through the criminal justice system and/or the University conduct/discipline system.

The Office of Public Safety will help the complainant get to a safe place and assist the person in seeking immediate medical treatment at a facility equipped to respond to medical issues related to sexual assault. Complainants will be instructed on getting medical treatment in order to preserve potential evidence by completing a Sexual Assault Forensic Examination (SAFE). Victims should make every effort to save anything that might assist in proving the commission of a crime such as the perpetrator's DNA. Therefore, a victim should not: bathe or shower, use the restroom, change clothes, comb hair, clean up the crime scene or move or destroy anything that may have been touched.

Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date. A victim does not have to give his/her name to receive the exam.

Clery Requirements, Timely Warning and/or Emergency Notification

Certain campus officials, known as Campus Security Authorities (CSA), have a duty to report any Clery reportable crime, as defined by applicable federal law, for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to public safety regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security and Fire Report. Mandated reporters include: student/conduct affairs, public safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities is a CSA. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category.

Victims should also be aware that University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other personal identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

The University does not disclose personal identifiable information about victims and alleged suspects in the daily crime and fire log or the campus crime statistics reported in the Annual Security and Fire Report.

Amnesty for Other Less Serious Policy Violations

University of Health Sciences and Pharmacy in St. Louis believes violations of this policy to be very serious offenses. The University will generally offer any student, whether the complainant or a third party, who reports 25 violations of this policy limited immunity from being charged for policy violations related to alcohol use and/or drug use, provided that such violation(s) did not and do not place the health and safety of any person at risk. The University may choose, however, to pursue educational interventions with those individuals.

False Reports

Due to the seriousness of these matters an individual who knowingly alleges a false claim against another will be subject to the full range of corrective action, up to and including termination or expulsion.

Written Explanation of Rights

Regardless of whether a victim elects to pursue a criminal complaint or pursue a University investigation, the University will assist victims of Sexual Harassment, Sexual Assault, Relationship Violence and Stalking with a written explanation of rights. Should an alleged perpetrator be named as respondent and a claim investigated, the respondent will receive a written copy of rights as well.

Resources

Campus and Community Resources

Number of campus and community resources are available to assist parties with Sexual Misconduct and Stalking issues. A list of resources will be provided to a complainant upon receipt of a complaint. A list is also included in Appendix A attached to this report.

Advisor in the Process

All of the individuals involved have the right to be assisted by an advisor provided by the University during the investigation and student conduct/employee disciplinary process. Parties have the right to consult a private attorney, at their own expense, regarding a complaint. Legal counsel may not participate in University conduct or disciplinary hearings but may observe.

Sanctions/Discipline for Policy Violations

University disciplinary proceedings, as well as guidelines for cases involving Sexual Misconduct and Stalking are detailed in internal procedures. For the purpose of this policy, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction/discipline that is imposed against the respondent. The responsible administrator will determine the appropriate sanction or disciplinary action based on the seriousness of the violations, the respective ages and positions of the complainant and the respondent, and whether there have been other complaints against the respondent. Note that while investigation records are private, sanctions become part of student records or personnel files.

- Faculty and staff disciplinary actions will be determined based on the policies and procedures governing discipline and appeals in the [Staff Handbook](#) and [Faculty Bylaws](#). Disciplinary action for offenses could include mandated counseling, written warning, suspension, and/or termination.
- Student sanctions for offenses may include, but are not limited to, formal warning, non- academic disciplinary probation, mandated counseling assessment, and denial of the right to hold an office in a student organization or to participate in University-sponsored extracurricular activities, campus restrictions, and/or other educational sanctions and non- academic suspension or dismissal from the University. Information outlining the disciplinary procedures, sanctions, and appeals can be found in the [Student Code of Conduct](#).

- If the offender is neither a student nor faculty or staff member and thus not subject to the University's direct control, the University will take such measures as it deems appropriate to remedy the matter. This may include barring the offender from University property.

Investigating and Adjudicating Complaints

The University's investigation policy provides a prompt, fair and impartial investigation and resolution process where the complainant and respondent are entitled to have the same opportunities to due process. The University approaches these investigations impartially and seeks to determine the facts and weighs those facts and evidence against the appropriate standards of evidence to determine violations of policy. The investigator will make a report to the Title IX Coordinator and appropriate administrator outlining the findings as to violations of this policy using a preponderance of the evidence standard (more likely than not).

- Individuals investigating complaints will receive annual training on issues related to Sexual Misconduct and Stalking. This training includes instruction on how to conduct an investigation and adjudication process that protects the rights of the complainant and respondent and promotes accountability.
- Both the complainant and the respondent have the opportunity to be advised as described in the resources section of this policy.
- The complainant and respondent will be notified simultaneously in writing of the outcome of any disciplinary proceedings, as well as any changes to those results or sanctions/disciplinary actions prior to the time that such results become final.
- The complainant and the respondent each have the right to appeal the outcome of any disciplinary hearing/determination and will be notified simultaneously in writing of the outcome after the appeal is resolved.

Human Resources is responsible for overseeing disciplinary proceedings involving staff members. The appropriate Dean is responsible for the disciplinary proceedings involving faculty. Office of Campus Life handles non-academic disciplinary proceedings involving students. In some instances, an appropriate administrator will be designated to assist.

Notification to Victims of Crimes of Violence

The University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders witness violence between others or witness conditions that contribute to violence. Although bystanders are not directly involved in the violence, they have the choice to intervene and do something. UHSP promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. You may not always know what to do even if you want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or in need of help, ask if they are okay. Use all of your available senses to observe behaviors and warning signs through the lens of a bystander. Know that you may be the most connected to the person who is the target of these behaviors, or to the person who is exhibiting the behaviors. Take a second look at concerning incidents. 3D's: Direct, Distract, Delegate: Use the 3 D's to interrupt and confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated. Speak up when someone discusses plans to take sexual advantage of another person. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.

Refer people to on- or off-campus resources listed in this document for support with health, counseling, or legal assistance.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce your risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, rainn.org): Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation. Try to avoid isolated areas. It is more difficult to get help if no one is around. Walk with purpose. Even if you don't know where you are going, act like you do. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. Try not to load yourself down with packages or bags as this can make you appear more vulnerable. Make sure your cell phone is with you and charged and that you have cab money. Don't allow yourself to be isolated with someone you don't trust or don't know. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.

Educational and Prevention Programs

University of Health Sciences and Pharmacy in St. Louis engages in comprehensive educational programming to prevent sexual assault, dating violence, domestic violence, and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees as well as ongoing awareness and prevention campaigns for students and faculty that identify and define sexual assault, dating violence, domestic violence, and stalking, and consent, provide safe and positive options for bystander intervention, provide risk reduction information, and provide information regarding the Clery Act and the Annual Security and Fire Report.

University of Health Sciences and Pharmacy in St. Louis has developed an annual educational campaign consisting of several media to reach the intended audiences through presentations and distribution of educational materials to new students; presentations during new employee orientation and annual policy updates for faculty and staff; continuing speaker series, awareness weeks and web-based training for faculty, staff, and students throughout the school year.

The University recognizes that at times many community members may put themselves in dangerous or risky situations and encourages all community members to offer help and assistance to others in need by taking reasonable and prudent actions to prevent or stop an act of discrimination, harassment, sexual misconduct, or relationship violence from occurring.

Sexual assaults continue to be a very serious problem facing many campuses today as the crime often goes underreported. The University offers the following programs dealing with issues of sexual assault prevention.

Sexual Assault Prevention and Health Programs

Sexual assaults continue to be a very serious problem facing many campuses today as the crime often goes underreported. The University offers programs dealing with issues of sexual assault prevention.

Stalking and Sexual Assault Awareness Months

The Office of Public Safety partners with Counseling, WHIG and BSA student groups to bring awareness to the campus community through informational booths, emails, flyers and presentations during the months of January and April.

Orientation Presentation on Sexual Assault, Consent, Responsible Drinking

During orientation for new students (traditional and transfer) Office of Campus Life and Public Safety staff lead an in-person presentation discussing sexual assault awareness, what consent means, and methods to help protect friends as a bystander, as well as signs of abusive relationships.

Tripping the Threshold

Tripping the Threshold is conducted during the orientation. It is a block of activities and information that show students how to enjoy University life without “tripping over the threshold” where things cease to be fun and become problem behaviors. The emphasis is on bystander intervention, healthy relationships, safe sex, and responsible partying. Emphasis is put upon knowing where the threshold/line is on issues like consensual sex vs. sexual assault, healthy relationships vs. interpersonal violence, responsible drinking vs. binge drinking/alcoholism, and avoiding drug use altogether. Several University departments have partnered with five campus fraternities to bring the message to students, particularly those who live on campus.

Welcome Back BBQ /Resources Fair

Campus Life staff host a booth at the annual Welcome Back BBQ and Resources Fair providing materials and highlighting services available to our students. Topics include recognizing signs of distress, suicide and unhealthy relationships and stalking, confidential counseling services available on campus and off campus.

Red Flag Campaign

The Red Flag campaign is a weeklong campaign that discusses domestic, dating violence and bystander intervention. Posters, emails to students, faculty and staff, as well as presentations open to the entire campus community highlight the week.

Suicide Prevention Week

The Campus Counseling Center sponsors a weeklong focus on suicide prevention, distributing materials to entire campus community at a booth and via email. In addition, speakers present on a pharmacist’s role in recognizing and assisting patients at risk.

Policy Distribution

At the beginning of the semester the University’s policy against sexual assault, relationship violence and stalking is distributed via email to all faculty, staff and students.

Annual Policy Review

On an annual basis Human Resources distributes and provides a presentation to all faculty and staff defining and describing what to do in cases of sexual harassment, sexual assault, relationship violence and stalking. The presentation includes confidential and non-confidential reporting mechanisms as well as the obligations of responsible employees.

Campus Sex Crimes Prevention Act

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes against Children and Sexually Violent Offender Act.

Under the Campus Sex Crimes Prevention Act, persons required to register under a state offender registration program must notify the state concerning each post-secondary school at which the offender works or is a student. The State of Missouri has developed a statewide registry list. I have attached the link below to further assist you in your search. The Revised Statutes of Missouri, Sections 589.400 to 589.425 and 43.650, RSMo., mandate that

the Missouri State Highway Patrol shall maintain a sex offender database and a web site on the Internet that is accessible to the public. The information on the web site refers only to persons who have been convicted of, found guilty of or plead guilty to committing or attempting to commit sexual offenses and may not reflect the entire criminal history of a particular individual. Offenders required to register for crimes of kidnapping, felonious restraint or child abuse may not be listed.

State of Missouri Sex Offender Registry

Located online at <https://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html> the CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

University Policies and Procedures Governing Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Alleged violations of sexual assault, dating violence, domestic violence, and stalking involving University students and employees will be handled consistent with the mandatory policy and procedures required by Title IX of the Higher Education Act Amendments of 1972, as amended, and the University's *Policy Against Sexual Harassment in Educational Programs and Activities (Title IX)* ("Title IX Policy"). A copy of the University's Title IX Policy can be accessed at [Policy Against Sexual Harassment in an Educational Program or Activity Title IX](#)

Reports involving students that are not covered under the University's Title IX policy will be reviewed under the University's *Non-Academic Code of Student Conduct*. A copy of the policy can be found at [Student Code of Conduct](#). Reports involving faculty and staff that are not covered under Title IX will be administered under the University's *Policy Against Discrimination, Harassment, and Relationship Violence*. A copy of this policy is available at [Policy Against Discrimination, Harassment, Sexual Assault and Relationship Violence](#).

The University's policies and procedures are intended to provide a prompt, fair, and impartial investigation and resolution of Title IX and non-Title IX covered reports of sexual assault, dating violence, domestic violence, and stalking. All individuals appointed to serve as Title IX Coordinator, Deputy Title IX Coordinator for Students, investigators, hearing officers, members of disciplinary hearing or appeals panels, and advisors are trained to understand and apply the University's policies and conduct fair and impartial investigations, hearings, and appeals. Additionally, the training covers definitions of sexual assault, dating violence, domestic violence, stalking, and consent, the preponderance of evidence standard, recognizing and avoiding conflicts of interest and bias, permissible cross-examination, relevant evidence including how to handle evidence of the alleged victim's sexual history and the accused's prior bad acts, and rules of decorum for disciplinary hearing participants.

Under the University's policies, the accuser and the accused are entitled to the same opportunity to have an advisor of their choice present during disciplinary proceedings. Advisors may be present at all meetings, interviews, and proceedings with a party. The advisor may not be a fact witness or otherwise have any conflicting role in the process. With the exception to cross-examination at hearings in Title IX cases, advisors may participate in meetings in an advisory capacity only. If a party wishes to speak privately with their advisor during a meeting, they may request a brief recess from the meeting. Title IX regulations require that advisors be allowed to provide advice to a party and to cross-examine opposing parties and witnesses during a hearing. Advisors are not permitted to make statements, present witnesses, or participate in any other manner.

Both the accuser and accused will be simultaneously informed in writing of the outcome of any disciplinary proceeding involving an allegation of sexual assault, dating violence, domestic violence, or stalking; the procedures and grounds for appeal; any change to the results of a disciplinary hearing finding, and when the results become final. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall receive the required notice from the University.

The standard of review for determining whether or not a violation of University policies governing sexual assault, dating violence, domestic violence, or stalking has occurred is the preponderance of evidence or “more likely than not” that the accused committed the alleged offense.

Any student or employee found to have committed a violation of University policy governing sexual harassment, sexual assault, dating violence, domestic violence, or stalking will be disciplined up to and including separation from the University.

Sanctions for a violation of University policies governing sexual assault, dating violence, domestic violence, or stalking can be found in the Student Code for Non-Academic Conduct, and include, but are not limited to: formal warning, non-academic disciplinary probation, mandated counseling assessment, denial of the right to hold an office in a student organization or to participate in University-sponsored extracurricular activities, restrictions on campus housing or participation in student activities, community service and or campus restrictions, notation of non-academic conduct issue on transcript, and/or other educational sanctions and non-academic suspension or dismissal from the University.

Sanctions for a violation of University policies governing sexual assault, dating violence, domestic violence or stalking by an employee can be found in Staff and Faculty Handbooks, Faculty Bylaws, and University’s policies. The sanctions may include leave with pay, leave without pay, termination, change in job responsibilities or duties, relocation of assignment, mandated counseling or anger management assessment, and mandated training, such as sexual harassment training.

Procedures for Sexual Assault, Dating Violence, and Domestic Violence (Title IX)

Alleged violations against students, faculty, and staff involving the University’s educational programs or activities in the United States are governed by the procedures set forth in the University’s Title IX Policy. This includes incidents involving off-campus physical locations, activities, events, and circumstances over which the University has substantial control, and any buildings owned or controlled by student organizations officially recognized by the University. A summary of the procedures has been attached as Appendix B.

The University reserves the right to proceed under other applicable policies and procedures in instances where the University’s Title IX Policy does not apply. A summary of the procedures for resolving non-Title IX reports of dating violence, domestic violence, and stalking against students under the University’s Non-Academic Code of Student Code has been provided as Appendix C. For cases involving faculty and staff, please refer to the summary of procedures for non-Title IX complaints under the University’s *Policy Against Discrimination, Harassment, and Relationship Violence* listed in Appendix D.

Contacts for University Policies and Procedures Prohibiting Sexual Assault, Dating Violence, Domestic Violence, and Stalking

The University’s Director of Human Resources has been designated as the institution’s Title IX Coordinator and EEO/Section 504 Coordinator to administer our policies and procedures applicable to faculty, staff, and students. Additionally, the University has appointed the Assistant Vice President, Campus Life, to serve as the Deputy Title IX Coordinator for Students. These individuals are available to consult with you on your options for pursuing internal complaints alleging a violation of University policies governing sexual assault, dating violence, domestic violence, and stalking.

Contact information for the Title IX coordinator and deputy coordinator for students is listed below:

Title IX coordinator
Daniel Bauer, PHR
Assistant Vice President, Human Resources
314-446-8308
South Residence Hall, Room 2140B

Daniel.bauer@UHSP.edu

Deputy Title IX coordinator for Students
Rebecca Jones
Assistant Vice President, Campus Life
RAS, Room 410
314-446-8352
Rebecca.Jones@UHSP.edu

Missing Students Who Reside in On-Campus Housing

If a member of the University community has reason to believe that a student who resides in on campus housing is missing, he or she should immediately notify public safety at 314.446.SAFE (7223). All University of Health Sciences and Pharmacy in St. Louis officials are required to notify public safety immediately upon being notified about a missing student. Public safety will generate a missing person report and initiate an investigation. You may also complete a missing person's report at [Missing Person Report Form](#)

After investigating the missing person report, should public safety determine the student is missing and has been missing for more than 24 hours, Public safety will notify the St. Louis Metropolitan Police Department and the student's confidential contact. Even if the student has not registered a contact person through residence life, the University will contact the police department. Contact will be made no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the University will notify the student's parent or legal guardian immediately after public safety has determined that the student has been missing more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University in the event the student is determined to be missing more than 24 hours. Students who wish to identify a confidential contact can do so by contacting the Residential Life office. This information is confidential, accessible by authorized campus officials and law enforcement only, and will not be disclosed outside of a missing person investigation. Should the investigation determine the student is missing prior to 24 hours, these procedures will be implemented immediately. For further information on missing persons reporting please go to the [Missing Persons Reporting Policy](#).

Clery Crimes and Definitions

Part 1: 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 Offense Forcible (F):** 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: forcible rape; forcible sodomy; sexual assault with an object; forcible fondling and attempted rape.
- **Sex Offense Non-forcible:** Unlawful, non-forcible sexual intercourse: incest, statutory rape.
- **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 is usually 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 weapon 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. Carjacking is not included in this category it is considered a robbery.)
- **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.

Part 2: Alcohol, Drug and Weapon Violations

- **Disciplinary Referrals:** Incidents in which a student was not arrested but was referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession. Do not include disciplinary referrals for violation of university policy if there was no violation of the law. For example, if a student of legal drinking age violates a “dry campus” policy and is referred for disciplinary action, this statistic should not be included in the crime statistics.
- **Liquor Law Violation:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still, furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; any attempts to commit any of the foregoing violations. This list does not include public drunkenness and driving under the influence.
- **Drug Law Violation:** Violations of State and local laws related to the possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include; opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Weapon Law Violation:** The violation of laws or ordinances regulating weapons.

Part 3: Hate Crimes

- **Hate Crimes:** Any crime that manifests evidence that the victim was intentionally selected because of the victim’s actual or perceived race; religion; gender; sexual orientation; ethnicity or physical/mental disabilities. The following crimes only apply to hate crime reporting:
- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: Constructive possession is defined by Black’s Law Dictionary, 6th ed. as “where one does not have physical custody or possession but is in a position to exercise dominion or control over a thing.”)

- Pocket-picking – The theft of articles from another person’s physical possession by stealth where the victim usually does not become immediately aware of the theft.
 - Purse-snatching – The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person. Shoplifting: The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.
 - Theft from Building – A theft from within a building that is either open to the public or where the offender has legal access.
 - Theft from Coin/Card Operated Machine or Device – A theft from a machine or device that is operated or activated by the use of coins/card.
 - Theft from Motor Vehicle (Except "Theft of Motor Vehicle Parts or Accessories") – The theft of articles from a motor vehicle, whether locked or unlocked.
 - Theft of Motor Vehicle Parts or Accessories – The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner that would make the item an attachment of the vehicle, or necessary for its operation.
 - All Other Larceny – All thefts that do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.
- **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
 - **Intimidation:** To intentionally say or do something which would cause a person of ordinary sensibilities to be fearful of bodily harm.
 - **Destruction/Damage/Vandalism of Property (Except "Arson"):** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
 - **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss consciousness

Part 4: Violence Against Women Act (VAWA) Crimes

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - (1) 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.
 - (2) For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed:

- (1) By a current or former spouse or intimate partner of the victim.
 - (2) By a person with whom the victim shares a child in common.
 - (3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
 - (4) 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.
 - (5) 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.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (1) Fear for the person's safety or the safety of others; or
 - (2) Suffer substantial emotional distress.
 - (3) For the purpose of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - (4) Report the location as where a perpetrator engaged in the stalking course of conduct or where a victim first became aware of the stalking.
 - (5) Report any additional behaviors that meet the above definition of Stalking if they occur or continue to occur after an official intervention has been put in place, including, but not limited to, an institutional disciplinary action or the issuance of a no contact order, restraining order or any warning by the institution or a court.

Location Definitions

- **Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).
- **Affiliated/Non-Campus:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) any building or property owned or controlled by an institution that is used in direct support of, or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Include in this category repeated use of a non-campus location. For example, if every year students in the debate club take a trip to Washington, DC and stay at the same hotel, you must report any Clery crimes occurring in certain portions of the hotel such as hotel rooms rented to students, elevators, lobbies, etc.

Note: A revision of the Clery Act requires inclusion of the above crimes committed at non-campus locations that are repeatedly used by student groups. For example, if every year students in the debate club take a trip to Washington, DC and stay at the same hotel, any Clery crimes occurring during their stay in certain portions of the hotel such as hotel rooms rented to students, elevators, lobbies, etc. must

be reported. Faculty and staff members accompanying these students must report the Clery crimes committed at the non-campus locations to their departmental CSAs.

- **Housing:** Residence halls or other university-owned residences.
- **Public Property:** "Public property" is defined by the Clery Act regulations as all public property including thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus. Include the sidewalk across the street from the campus, but do not include public property beyond the sidewalk.

Crime Log

The Office of Public Safety maintains a daily crime log that records, by the date the incident was reported, all crimes and other serious incidents that occur on campus, on or in a non-campus building or property, on public property, or within the patrol area of public safety. The Daily Crime Log is online at <https://www.uhsp.edu/safety/clery/log.html>. Our process for maintaining and posting the Daily Crime Log complies with the Jeanne Clery Disclosure of Campus Security Policy as updated by the Violence Against Women Reauthorization Act of 2013 (VAWA), Campus Sexual Violence Elimination Act (Campus SaVE Act) and Campus Crime Statistics Act (as amended in October 1998).

The Daily Crime Log includes:

- The nature, date, time, and general location of each crime reported to us
- The disposition of the complaint, if the disposition is known at the time the log is created

The public safety posts specific incidents in the Daily Crime Log within two business days of receiving a report of an incident. We reserve the right to exclude crime report information from the log under these circumstances:

- If posting the information jeopardizes an on-going investigation
- If posting the information would cause a suspect to flee or evade detection
- If posting the information could result in the destruction of evidence relating to the crime

Once these factors are no longer present, and/or there is no longer a chance that posting the information would adversely affect an on-going investigation, we will post the information. We make available the most recent 60 days of crime logs during normal business hours. If you wish to view Daily Crime Logs older than the most recent 60 days, please contact the Director of Public Safety at 314.446.8382. Information on the fire log can be found on page 47.

Crime Statistics

The following pages contain crime statistics for the last three reporting years categorized by type of crime and whether the occurrence was on campus, non-campus or public property.

The charts also specifically separate statistics for on-campus residential areas.

2020, 2021 and 2022 Crime Statistics for University of Health Sciences and Pharmacy in St. Louis

OFFENSE	YEAR	ON CAMPUS OTHER	ON CAMPUS RESIDENTIAL HALL	NON- CAMPUS	PUBLIC PROPERTY	TOTAL*
MURDER, NON- NEGLIGENT MANSLAUGHTER	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
RAPE	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
FONDLING	2020	0	0	0	0	0
	2021	0	1	0	0	1
	2022	0	1	0	0	1
INCEST	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
STATUTORY RAPE	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
ROBBERY	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
AGGRAVATED ASSAULT	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
BURGLARY	2020	2	6	0	0	8
	2021	7	1	1	0	9
	2022	3	0	0	0	3
MOTOR VEHICLE THEFT	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
ARSON	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

2020, 2021 and 2022 Arrests and Referrals for Disciplinary Action for University of Health Sciences and Pharmacy in St. Louis

OFFENSE	YEAR	ON CAMPUS OTHER	ON CAMPUS RESIDENTIAL HALL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL*
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
DISCIPLINARY ACTION: DRUG ABUSE VIOLATIONS	2020	0	0	0	1	1
	2021	0	2	0	0	2
	2022	1	1	0	0	2
ARRESTS: LIQUOR LAW VIOLATIONS	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
DISCIPLINARY ACTION: LIQUOR LAW VIOLATIONS	2020	0	32	0	0	32
	2021	0	6	0	0	6
	2022	0	6	0	0	6

2020, 2021 and 2022 Violence Against Women Act Crimes (VAWA) for University of Health Sciences and Pharmacy in St. Louis

OFFENSE	YEAR	ON CAMPUS OTHER	ON CAMPUS RESIDENTIAL HALL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL*
DATING VIOLENCE	2020	0	0	0	0	0
	2021	0	4	0	0	4
	2022	0	0	0	0	0
DOMESTIC VIOLENCE	2020	1	0	0	0	1
	2021	0	0	0	0	0
	2022	0	0	0	0	0
STALKING	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

2020, 2021 and 2022 Hate Crimes for University of Health Sciences and Pharmacy in St. Louis

2020: No hate crimes were reported for 2020.
2021: No hate crimes were reported for 2021.
2022: No hate crimes were reported for 2022.

Part B: ANNUAL FIRE SAFETY REPORT

Preparation of the Annual Fire Safety Report

University of Health Sciences and Pharmacy in St. Louis has an overall fire protection policy that is designed to provide a place of employment that is free from recognized hazards that cause or are likely to cause death or serious physical harm to employees, students or the public. Therefore, all campus facilities have fire protection equipment to minimize the results from fire hazards. When fire hazards exist that cannot be eliminated, then engineering practices, administrative practices, safe work practices, and proper training regarding fire protection has been implemented. These measures have been implemented to minimize those hazards in order to ensure the safety of students, employees and the public.

Fire Definitions and Policies

Definitions:

Fire is divided into five classes (A, B, C, D and K) that are primarily based on the fuel that is burning. This classification system helps to assess hazards and determine the most effective type of extinguishing agent.

- **Class A:** Fires that involve ordinary combustible solids or “surface burning fires.” Examples of Class A fires include wood, clothing, plastics, paper, and asphalt.
- **Class B:** Fires that involve gases, greases, and flammable combustible liquids. Examples of Class B fires include gasoline, kerosene, alcohol, and lubricating oils and greases.
- **Class C:** Fires that involve electrical circuits of electrical equipment or fires near such equipment. Examples of Class C fires include electrical motors, switch boxes, junction boxes, transformers, and energized or live wires.
- **Class D Fires:** Fires that involve electrical circuits of electrical equipment or fires near such equipment. Examples of Class C fires include electrical motors, switch boxes, junction boxes, transformers, and energized or live wires.
- **Class K Fires:** Class K Fires are technically a subclass of class B flames, since it involves flammable liquid. However, because of some unique characteristics related to this type of fire, it was designated separately and requires a distinct battling method. Class K fires burn a specific type of fuel, namely cooking fat and oils, and can spread quickly, causing damage and potential injury.

Policy Statements on Smoking, Open Flames, and Cooking Fuels

Smoking is only allowed in designated outdoor areas located on University of Health Sciences and Pharmacy in St. Louis property. Open flame lighted candles or other open flames are NOT permitted in any University facility (outside of specific labs) unless under special supervision of properly authorized personnel trained in fire safety. No candles are allowed in dorm rooms or offices. In laboratories, no flame should be left unattended! Sterno type gel fuel may be used for food warming at approved events, as long as the criteria outlined in the overall fire protection policy are adhered to. Only small amounts of Sterno gel type fuel shall be stored in closed containers in a cool dry place (40-120°F) away from sources of heat or open flame. If large amounts of Sterno gel type fuel need to be stored in a University building, the users must contact the Emergency Management and EH&S Office to determine appropriate storage requirements. See [Fire Safety Policy](#) for further.

Policy Statement on Holiday and Other Decorations

The following regulations concerning Christmas and holiday decorations have been established because of the extreme dangers of fire present during the holiday season:

- No live Christmas trees will be permitted in any University building for decorative purposes.
- Noncombustible artificial trees will be acceptable if wiring for lights and decorations meet UL requirements and have been approved by Facilities.
- No evergreen or cedar branches, combustible cotton, combustible angel hair or other combustible materials are permitted to be used on the doors, bulletin boards or other exit hallway locations for decorations.

Any decorations on campus shall meet the following requirements:

- Be of fire-resistant material, preferably noncombustible material such as foil, metal or glass.
- No decorations shall obstruct any exits, smoke detectors, fire alarms, pull stations (alarms), fire extinguishers or sprinklers.
- Outdoor decorations shall be self-supporting and be placed as far away from buildings or additions as possible. In no case shall decorations be less than 10 feet from a building or addition. "No Smoking" shall be observed in the vicinity of any outdoor decoration during construction, use, and demolition.
- All decorations shall be removed within 48 hours following the event for which they are used.

For further information see the [Fire Safety Policy](#).

Policy Statement on Electrical Wiring and Appliances

All extension cords, wiring, and space heaters must be approved by Facilities before power is authorized. Access to all electrical breaker panels should be clear and open at all times. The use of extension cords, power strips, surge protectors and similar devices shall be limited should be review by Facilities and/or Environmental Health & Safety. Under no circumstances shall "daisy chaining" of surge protectors or power strips be permitted as a permanent solution to satisfy power requirements. Double or triple plugs to expand capacity are not permitted and extension cords must be UL listed and a minimum of 16-2 cord.

Only those persons who are qualified and authorized may install, fabricate, repair, test, calibrate, or modify electrical wiring, devices, systems, or equipment. Qualification and authorization to perform electrical or electronics work is based on a combination of formal training, experience, and on-the-job training. The qualified individual has had sufficient, documented training and experience and can demonstrate appropriate knowledge and skills to be able to work on electrical equipment, whether energized or de-energized.

Cooking appliances with an open flame heating element are not allowed in students' rooms. Community microwaves are furnished in the floor kitchenette at the east end of each hallway. The above items are permitted in the South Residence Hall apartment style dorms.

Immediately report malfunctioning electrical devices to resident assistants, resident manager or Facilities. See the [Fire Safety Policy](#) for further.

Basic Fire Procedures

Fires are categorized as either small- or large-scale fires regardless of source or type. A small fire is considered to be something the size of a standard office trash can or less and can be handled with one fire extinguisher.

The procedure for handling a small fire is as follows:

1. Notify public safety
2. Obtain backup
3. If trained, extinguish the fire with the appropriate extinguisher
4. If the fire is not extinguished with one fire extinguisher or with in 1 minute, then exit the area, close the door, activate the fire alarm and tell others as you evacuate the building.

A large fire is considered to be anything greater than a standard office trash can or requires the use of more than one fire extinguisher.

The procedure for handling a small fire is as follows:

1. Notify public safety
2. Close the door, activate the pull station and tell others as you evacuate the building.
3. Evacuate to emergency assembly point and report to the building emergency coordinator (BEC). The BEC will notify public safety or the Fire Department of the number and location of missing persons. Do not return to the building.
4. Wait at the assembly point for further instructions and follow directions explicitly.

The use of the fire extinguisher to put out a fire is voluntary. Do not use the fire extinguisher, unless you have been trained and feel comfortable, have backup, and have called public safety to notify the fire department. Leave the area if the fire is not extinguished with one fire extinguisher or in one minute.

Suggestions for the use of a fire extinguisher can be remembered by the acronym **PASS**.

PASS:

1. Pull the pin
2. Aim the extinguisher at the base of the flame
3. Squeeze the trigger
4. Sweep from side to side at the base or source of the fire, and approach the fire slowly, keeping an exit behind your back
5. Fire extinguisher must be held in an upright, vertical position

Any employee, student, or visitor that becomes aware of a fire that requires activation of the building systems shall immediately activate the building fire alarm system. The fire alarm system will in turn notify all building occupants that a fire emergency exists. This is accomplished through sounding an audible alarm and a visual flashing light. All employees, students and visitors will regard any activation of a fire alarm as a true fire emergency unless there has been previous notification of a test being conducted.

All fires regardless of size must be reported to the Office of Public Safety at ext. SAFE (7233) for proper investigation.

Fire Drills

The Office of Public Safety, building emergency coordinators, floor leaders, residential life and facilities work together to conduct unannounced fire drills for each building throughout the calendar year. During the drills, the alarms are sounded and staff members make a check of all rooms to verify all faculty, staff and students have exited the buildings. All faculty, staff and students are instructed to congregate at the evacuation sites as instructed in the Building Emergency Action Plan for each individual building.

Students not leaving the buildings during a fire alarm drill are referred to residential life for judicial sanctions. Faculty and staff not leaving the building are reported to the appropriate supervisor.

Fire Drill Results for 2022

Date	Location	Evacuation Time (min)
04/19/2022	South Residence Hall, 4576 Parkview Pl. St. Louis, MO 63110	5 minutes
04/19/2022	Academic and Research Building, 2 Pharmacy Pl. St. Louis, MO 63110	6 minutes
04/19/2022	Jones Hall, 4588 Parkview Pl. St. Louis, MO 63110	4 minutes
04/19/2022	Recreation and Student Center, 1 Pharmacy Place St. Louis, MO 63110	7 minutes

Evacuation Procedures

In the event of a fire in the buildings, the University community members should contact public safety immediately, quickly shut the door/windows to their room and proceed to the nearest exit where they can leave the building safely. If the alarm has not sounded, please activate the nearest pull station if you can do so safely. Do not use an elevator while the alarm is activated. Upon exiting the building, personnel are to proceed to the emergency assembly points listed below and await further instructions.

Emergency Assembly Points

Building Name	Location
Residence Hall/Cafeteria	Southern end of the Quad
UHSP Garage	Southern end of the Quad
Jones Hall	Lawn East of Jones Hall
RAS	North end of the Quad
ARB	East end of the Quad

Fire Safety Education and Training

Fire extinguishers are located in each of the buildings on campus and may only be used in case of a fire. Fire extinguisher safety training is provided at the beginning of the academic year and to faculty, staff and RAs in the fall and spring. Additional fire safety training is available upon request by contacting the Office of Public Safety.

Campus Fire Safety Systems Testing

All fire safety systems and ancillary components are tested on an annual basis by an outside service contractor. All horns, strobes, panels, smoke detectors, pull stations and duct detectors are tested and documented and all necessary repairs/adjustments are coordinated with the service contractor. The service contractor also both kitchen suppression systems and all fire extinguishers on campus.

Dining Facilities

University of Health Sciences and Pharmacy in St. Louis currently has two residence halls with an attached dining hall on campus. Each room has hard-wired detector that upon activation, horns and strobes will activate and an alarm will be sent to the monitoring company who will dispatch the fire department. The buildings also have sprinkler systems and fire extinguishers throughout. Kitchen

extinguishing systems are also considered fixed extinguishing systems. They are used in areas that contain cooking equipment (e.g. fryers) that uses oil or grease and could be highly susceptible to fire. These systems are designed to saponify the oils/grease and cool the entire mass of oil below its auto-ignition point thus extinguishing the fire, will be inspected every 6 months by an approved outside contractor to ensure their operation is sufficient. UHSP signed a lease agreement with 3949 Lindell LLC for additional (16) residence hall/apartment spaces off campus until May 31st, 2021.

Programs and Improvements

Microwave Sensor Program

All microwaves in the North Residence Hall and Cafeteria have been outfitted with a Safe-T-Sensor™ which prevents anyone from overheating food in the microwave and causing smoke/fire which to be produced. In years past, the addition of these devices, we are able to cut down on the amount of false alarms in the residence hall and cafeteria that were related to the overcooking of food items.

Future Improvements

As we continue to add and upgrade our facilities, the University will continue to look at ways to improve our fire safety, including providing additional training opportunities to our community members.

Fire Log

The daily fire log is done in conjunction with our daily crime log. You can also obtain a hard copy of the log by stopping by the Office of Public Safety. There is no charge for the document. The Fire Log is online at <https://www.uhsp.edu/safety/clery/log.html>.

Fire Statistics

The Higher Education Opportunity Act, enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contain information about campus fire safety practices and standards of the institution.

2022 Fire Statistics for On-campus Student Housing and Dining Hall Facilities

Residence Hall	No. of Fires	Cause	Injuries/Deaths	Property Damage Value (\$)
South Residence Hall	0	N/A	0	\$0
North Residence Hall	1	Mechanical	0	\$0

2021 Fire Statistics for On-campus Student Housing and Dining Hall Facilities

Residence Hall	No. of Fires	Cause	Injuries/Deaths	Property Damage Value (\$)
South Residence Hall	0	N/A	0	\$0
North Residence Hall	0	N/A	0	\$0

2020 Fire Statistics for On-campus Student Housing and Dining Hall Facilities

Residence Hall	No. of Fires	Cause	Injuries/Deaths	Property Damage Value (\$)
South Residence Hall	0	N/A	0	\$0
North Residence Hall	0	N/A	0	\$0

Part C: APPENDICIES

APPENDIX A: Summary of Procedures Off Campus for Counselors, Advocates and Health Care Provider Resources Students, Faculty, Staff

Students: UHSP Counseling Center (314.446.8338)
 ENI Balance Works (800.327.2255 or <https://www.nexgeneap.com/>)

Faculty and Staff: H&H Health Associates (314.845.8302, 800.832.8302)

Organization/Resource	Services	Contact Information
ALIVE: Alternative to Living in Violent Environments	Providing a safe shelter for women and children victimized by domestic violence; emergency transportation; and counseling.	314.993.2777
Crime Victim's Advocacy Center of St. Louis (Legal Advocates for Abused Women ("LAAW"))	Providing resources, counseling, advocacy and referrals with specialized services related to domestic violence.	314.652.3623 314.535.5229
Life Crisis Services	Providing a 24-hour hotline; crisis intervention and suicide prevention.	314.647.4357
RAINN (Rape, Abuse, and Incest National Network)		800.656.4673
Safe Connections		314.646.7500 2165 Hampton Ave., St. Louis, MO 63139
St. Louis Metropolitan Police Department		911 Emergency 314.231.1212 Non-emergency 314.444.5385 Domestic Abuse Division 314.444.5385 Sex Crimes Division
UMSL Center for Trauma Recovery	Day and Evening appointments are available.	314.516.6737
Woman's Place		314.645.4848 8300 Morganford, St. Louis, MO 63123 (in the back of St. Mark's Church)
Women's Safe House	Providing safe shelter to battered women.	314.772.4535 24-hour crisis hotline
YWCA Women's Resource Center		314.726.6665 314.531.7273 24-hour crisis hotline 140 N. Brentwood Ave., Clayton, MO 63105

APPENDIX B: Summary of Procedures for Title IX Complaints Sexual Assault, Dating Violence, Domestic Violence, and Stalking Students, Faculty, Staff

The Higher Education Act Amendments of 1972 and implementing regulations define the term “sexual harassment” to include sexual assault, dating violence, domestic violence, and stalking involving students, faculty, and staff. Reports involving these offenses are processed under the University’s Policy Against Sexual Harassment in Educational Programs and Activities (Title IX).

How and to whom to make a report

A report to University officials (responsible employees, public safety, and Title IX coordinator/deputy coordinators) provides the institution with actual notice of an incident and requires follow up with a Complainant to discuss supportive measures, resources, and rights under this policy.

A “responsible employee” is a University employee who has the authority to institute corrective measures in response to prohibited conduct or an individual who has a duty to report incidents of sexual harassment. The University has designated **all** employees, other than those employed as professional or pastoral counselors, as a responsible employee under this policy.

When a reporter tells a responsible employee about an incident of sexual harassment the responsible employee must report to the Title IX coordinator or deputy coordinator for students all relevant details about the alleged prohibited conduct shared by the party – including the names of the Complainant, Respondent, witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report except for instances of mandated reporting in Missouri, such as professionals reporting suspected child abuse or neglect.

Responsible employees will not pressure a party to make formal complaint if the party is not ready to do so.

All faculty and staff, whether they are full-time or part-time, are responsible for supporting and assisting in the administration of this policy. Public Safety staff and any employee, with the exception of professional or pastoral counselors, is required to immediately contact Title IX coordinator or deputy coordinator for students if prohibited conduct is reported to them or they become aware of information indicating that such conduct has occurred.

Timing of Reports

There is no limit on the amount of time that a Complainant may have to file a report. However, the greater the time between the date the incident occurred and date a complaint is filed impacts an investigation. Time may limit the availability of parties involved, witnesses, and evidence and ability to adjudicate the complaint under this policy if a party is no longer a covered person.

Cross-reports and cross-complaints

A cross complaint occurs when a Respondent files a complaint against the original Complainant. Each complaint will be evaluated on its own merits. Complaints that are determined to be knowingly false, filed in bad faith may be determined to be retaliation under this policy.

Opportunity for Informal Resolution

After a formal complaint has been filed, the University may offer the parties an informal process to afford them with an opportunity to resolve the complaint without an investigation or formal hearing. Informal resolution may include mediation or restorative justice or any other process mutually agreed to by the Complainant, Respondent, and University.

Either party may withdraw from the informal resolution process at any time and proceed with the formal grievance procedure under the Title IX policy.

If the parties elect to proceed with the informal resolution process, the University will obtain their consent and provide them with a written notice disclosing the allegations in the formal complaint, a description of the informal resolution process, range of sanctions, the right to withdraw and resume the formal grievance process at any time prior to entering into a binding written agreement, and that any records maintained or shared by the parties during informal resolution may be used in the formal grievance process.

The facilitator will work with parties to find agreed upon outcomes to adequately address the harm to the Complainant, educate the Respondent, and prevent the recurrence of future violations. This could include additional actions to address the impact of a policy violation on others such as, but not limited to, counseling and awareness training or programs.

The facilitator will record the outcome of the informal process and simultaneously notify both writing within five (5) business days of the outcome.

Preliminary Conference

The Title IX coordinator or deputy coordinator for students or designee, such as the student conduct administrator or trained Title IX investigator, will take the following steps with a person filing a complaint under the policy.

- Contact the Complainant identified in the report or formal complaint to confirm receipt. If the reporter is a third party, they will also be notified.
- Request to meet with the Complainant to discuss the report or formal complaint in detail and examine any evidence provided.
- Discuss supportive measures and the availability of measures irrespective of whether the Complainant chooses to file a formal complaint. Consideration will be given to the Complainant's wishes with respect to supportive measures.
- Explain the process for filing and/or processing a formal complaint, the investigation, hearing, and appeal process as well as potential outcomes. No outcome will be promised or predicted. Care will be taken so as not to coerce a Complainant into filing a formal complaint.
- Explain that a Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.
- Provide a range of possible sanctions should the end of the process result in a finding of responsibility.
- Share the option to request Informal Administrative Resolution in lieu of a full investigation and formal hearing, if applicable.
- Share a copy of the relevant policy and written explanation of rights and resources including community resources.
- If not providing any supportive measures to Complainant, document the reasons.

Preliminary Evaluation

After the preliminary conference, the Title IX coordinator/deputy coordinator will evaluate the report or formal complaint and information from the preliminary conference to determine whether the alleged conduct is covered by this policy. Should the Complainant not meet for a preliminary conference, only the information that is available will be considered for the evaluation. This evaluation will include:

- An examination of the report or formal complaint as received (either in writing, in-person, over the phone or other communications),
- Evidence provided and other information related to the parties involved such as review of related prior complaints, disciplinary action, or sanctions. Additionally, a review of Title IX records will be included to see if Complainant, Respondent, or witnesses have been involved in other incidents.
- Assessment of immediate safety needs of the Complainant and the need for interim/emergency removal from campus of the Respondent, and/or timely warning/emergency notification. Public Safety will be updated if timely warning/emergency notification is necessary.
- Evaluation of possible or requested supportive measures reaching out to appropriate campus resources (registrar, housing officers, public safety etc.).
- A determination if the complaint is covered by this policy or another policy.

Determination That Alleged Conduct is NOT Covered

At any point after a report or formal complaint is submitted or anytime during the formal complaint and grievance process (investigation, hearing, appeal) the Title IX coordinator/deputy coordinator for students may determine that behavior or an incident in a report or formal complaint is not covered by the Title IX policy and dismissal of specific charge(s) is required if any of the following occur:

- The facts and evidence presented in the report or formal complaint, if assumed true, fail to meet the definition of prohibited conduct under this policy
- The prohibited conduct in the report or formal complaint, did not occur within the University's educational programs or activities
- Did not occur in the United States

Whenever a formal complaint is dismissed, the University will notify the Complainant and Respondent in writing of the decision, reasons supporting the action, and right to appeal within five (5) business days of the decision. Should other potential policy violations apply, the matter may be referred to the appropriate University officials (Director Community Standards or Human Resources) for handling after the conclusion of any appeal.

Determination That Allegations Are Covered by this Policy

If the allegations in a report or formal complaint supports a possible policy violation, the Title IX coordinator/deputy coordinator for students or designee will notify the Complainant in writing within five (5) business days of the following:

- The preliminary review of the complaint confirms that adequate grounds exist to initiate the grievance procedures provided under this policy
- Right to file a formal complaint or proceed with an investigation and formal hearing to determine responsibility on the part of the Respondent

- Right to contact law enforcement with assistance from the University
- Notice of support measures in place, if any, and the option to request support measures.
- Right to have an advisor of choice in the process
- Right of both parties to a fair and impartial investigation, hearing, and appeal
- Right to receive available remedies in the event that Respondent is determined to have violated this policy at the conclusion of the process
- There is no time limit by which a Complainant must file a formal complaint. However, a period of time will be presented, after which, if no formal complaint has been filed the report will be considered inactive until such a time a formal complaint is filed.

Formal complaint

Only the Complainant or Title IX coordinator may file a formal complaint. A third party, a friend, parent, or other party cannot file a formal complaint on behalf of a Complainant.

Even if a formal complaint is not filed, the University may still take steps to limit the effects of the alleged misconduct and prevent its recurrence without initiating a formal action against the alleged perpetrator or revealing the identity of the student. This may include increased monitoring, security, or additional training or communication efforts for students or employees.

Formal complaint filed by Complainant

A formal complaint is a physical or electronic document signed by a Complainant or the Title IX coordinator specifically requesting an investigation of the allegations of sexual harassment. For consistency, the University maintains a complaint form, but use of other written communication requesting an investigation will suffice. This can include an email from a University email account, for example.

Formal complaint filed by Title IX Coordinator

In certain circumstances, the Title IX coordinator may file a formal complaint on behalf of a Complainant without their participation if it is reasonable under the facts and circumstances. Before doing so, the Title IX coordinator/deputy coordinator for students will consult with the Complainant. In addition to the Complainant's wishes, the Title IX coordinator will consider a range of factors including, but not limited to, the following:

- If there have been multiple complaints about the same alleged perpetrator the University will initiate an investigation.
- The legal obligations of the University
- The increased risk that the Respondent will commit additional acts of prohibited conduct or other violence, such as:
 - Whether the Respondent has a history of arrests or records from a prior institution indicating a history of violence
 - Whether the Respondent threatened further prohibited conduct or other violence against the reporting party or others
 - Whether the prohibited conduct was committed by multiple perpetrators
- Whether the prohibited conduct was perpetrated with a weapon
- Whether the party receiving the prohibited behavior is a minor
- Whether the University possesses other means to obtain relevant evidence of the incident (e.g., security cameras or personnel, physical evidence)
- Whether the party receiving the alleged prohibited behavior's report reveals a pattern (e.g., illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors could lead the Title IX coordinator to file a formal complaint. If none of these factors is present, the Title IX coordinator will likely not file a formal complaint.

Combining complaints

The Title IX coordinator may consolidate two or more formal complaints when there are common Complainants or Respondents involved or when the sexual harassment arises out of the same facts or circumstances.

Dismissal of Complaints prior to Adjudication

At any point in the process, the University may dismiss a formal complaint at any time if:

- The Complainant would like to withdraw the complaint;
- The Respondent is no longer enrolled or employed by the institution; or
- Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination.

Notice of Charges

Once a formal complaint is filed, the Title IX Coordinator/deputy coordinator for students or designee will notify the Complainant and Respondent in writing within five (5) business of the following:

- Specific policy(s) violation(s) being charged including the identities of the parties involved, specific policy provisions, precise conduct alleged, date, and location of the conduct.
- Explain informal resolution options, if available.
- Explain the formal resolution process (investigation, hearing, and appeal)
- Provide a range of possible sanctions should the end of the process result in a determination of responsibility
- Written explanation of rights and resources, including right to an advisor of choice including an attorney (at their own expense), and the role of the advisor
- Notice of supportive measures in place that affect the Respondent, if any, and the option for the Respondent to request supportive measures.
- Remind parties that a Respondent is presumed not responsible and that a determination of responsibility will not be made until the conclusion of the process.
- Right to inspect and review evidence.
- Explanation of non-retaliation policy and prohibitions on parties making false statements

The communication with the Respondent will include a request for a preliminary conference to review the charges and submit information related to the complaint. The date, time, location, and purpose of the meeting will be shared and sufficient time (no less than five (5) business days) granted to prepare for the meeting.

Preliminary Conference with Respondent

In response to a charge, the Respondent will be provided an opportunity to meet with Title IX coordinator or the deputy coordinator or designee and provide information and evidence. This meeting will occur

within ten (10) business days of notice of charges to the Respondent.

The Respondent has the option to:

1. Accept responsibility for the charge(s) identified in the formal complaint. If the Respondent accepts responsibility, Title IX coordinator/deputy coordinator or designee will coordinate with the appropriate administrator to deliver disciplinary outcomes to the Respondent. If Respondent accepts responsibility but does not accept the sanctions, then the process proceeds to an investigation and hearing.
2. Request informal administrative resolution for the charge, if is appropriate and both parties agree to it.
3. Proceed with a formal investigation and hearing process

The Complainant and Respondent will be simultaneously notified in writing within five (5) business days of the outcome of the meeting.

Investigation

The Title IX coordinator/deputy Title IX coordinator for students, or trained investigators whom they select for a particular case, are responsible for investigating formal complaints of prohibited conduct, gathering evidence, and summarizing the relevant information. All parties directly involved in the investigation will be informed in a timely manner regarding the process and progress of the investigation. The Complainant and Respondent will be notified five (5) business days in advance of their requested participation in any investigator interview to allow adequate time to prepare. A notice of a party interview may include a request for production of documents or other tangible evidence directly related to the investigation. Additionally, the notice will summarize documents or any tangible evidence that the investigator intends to discuss at the interview and provide instructions on how to access and inspect such evidence prior to the interview.

During the investigation period, the investigator will gather information, evidence, and interview the parties and witnesses. The role of the party's advisor during the investigation phase is to provide advice and counsel to a party. Advisors may not advocate, ask questions, or otherwise directly or indirectly unduly influence or delay a party's responses or engage in discussions with the investigator. The investigator will gather facts, including evidence that may corroborate or impact credibility of evidence and witnesses, a party that does not fully respond to requests for information from the investigator will be precluded from introducing evidence at the hearing that was within the control of a party and intentionally withheld from the investigator. Any relevant evidence that is destroyed by a party may be taken into account at the hearing for the purpose of assessing credibility and the weight of evidence in the case.

Questions or evidence about a Complainant's prior sexual history will not be considered by the investigator except where the Complainant and Respondent have a prior intimate or sexual relationship and it may be deemed relevant to a determination of consent or someone else is alleged to have committed the alleged conduct.

The investigator will not access, consider, disclose, or use privileged evidence or treatment records made or maintained by a recognized professional, such as a doctor, attorney, or pastoral counselor, without a party's voluntary, written consent. If a party decides to share such records with the investigator after providing their written consent, those records become a part of the investigation and are available for review by the opposing party.

The investigators will create a report that will include information on the specific complaint, relevant policies, timeline, involved parties, interview summaries, evidence directly related to the allegations, and possible sanctions if Respondent is found responsible consistent with appropriate disciplinary code

(Student Handbook, Faculty Handbook and Bylaws, Staff Handbook). However, the report will not include any determination of credibility or findings of responsibility.

The investigator will send a copy of the investigative report to each party and the party's advisor and provide access to all evidence directly related to the formal complaint that was obtained as part of the investigation in an electronic format or a hard copy. The parties will be given ten (10) business days to submit a written response to the investigator for consideration prior to the investigator's completion of the final investigative report. Before the report is finalized, either party may submit a written response to the investigator's report challenging the investigator's determination of relevance and the weight or persuasiveness of relevant evidence before the report is finalized. Nothing in the investigation report precludes a party from making corrections, providing explanations, or challenging the credibility, relevance, or persuasiveness of evidence in the formal hearing. At the close of the ten (10) business day review and comment period the report will be forwarded to Title IX coordinator/deputy coordinator for students. This concludes the investigation.

A confidential file of the investigation including personal notes, all evidence gathered, and other information will be kept on file with the Title IX coordinator/deputy coordinator for students.

The investigation should be reasonably prompt and may take an average of two to three months, depending on circumstances. It is the investigator's responsibility to update the parties in writing as to the timeline for the investigation and any extensions and the reason.

Hearing

At the conclusion of the investigation, the Title IX coordinator/deputy coordinator for students will assemble a Hearing Panel and appoint a hearing officer.

The University has established standard procedures for all sexual harassment complaints under this policy. Hearings will be conducted using video-conferencing technology so that the parties may see and hear each other without being present in the same room. Hearings will either be audio recorded and transcribed or audio visually recorded.

The three-person Hearing Panel will be made up from various constituencies of the University (staff and/or faculty, and in some cases students). Selection will be made in such a way as to ensure that the panel members are trained appropriately and properly screened for potential conflicts of interest or bias.

The hearing will be presided over by a hearing officer who is not a decision maker or voting member of the Hearing Panel. The hearing officer is responsible for coordinating a hearing date and time, communicating with parties, administering an orderly and fair hearing, and assisting the panel with procedural questions and preparation of a hearing report.

Pre-Hearing Procedures

The hearing officer will notify the Complainant and Respondent in writing not less than twenty (20) business days prior to the hearing date of the date, time, and location of the hearing, rules regarding access to direct evidence relating to the formal complaint, mandatory pre-hearing disclosures, a description of the hearing process, rules of decorum, and the role of advisors,

Not less than ten (10) days prior to the live hearing the parties will submit to the hearing officer pre-hearing disclosures, which consists of:

- advisor's name and contact information

- a list of evidence to be presented at the hearing including witnesses' names (other than the parties) with a brief summary of the purpose of their testimony, and any exhibits that they intend to use or submit as evidence at the hearing.

The Title IX coordinator/deputy coordinator for students will submit to the hearing officer pre-hearing disclosures, which consist of:

- A summary of all evidence directly related to the formal complaint that was previously sent to the parties along with instructions on access.
- The formal complaint, investigation report, parties' responses to the investigation report, and relevant evidence compiled by the investigator that will be marked for introduction into the record by the investigator.

Not less than five (5) days prior to the hearing, the hearing officer/panel will notify the parties of any witnesses and a list of evidence that it has requested that was not in the pre-hearing disclosures submitted by the parties.

All information submitted will be shared with parties and their advisors and made available to the Hearing Panel. Parties can access and copy the evidence subject to review and inspection at their own expense. The hearing officer will make all evidence that was previously sent to the parties available at the hearing.

Any evidence that a party intends to introduce but was not available or disclosed due to circumstances beyond a party's reasonable control, must be promptly identified to the hearing officer accompanied by a written request containing supporting information. The hearing officer will notify the parties regarding the admissibility of the evidence prior to or before the start of the live hearing.

Hearing Procedures and Decorum

The University will provide a live hearing with all parties, witnesses, and participants physically or virtually present. An audio or audiovisual transcript of the hearing will be created and made available to the parties for inspection and review after the hearing. All hearing participants are expected to conduct themselves in a respectful manner at all times. The hearing officer/panel may remove a participant from the proceedings for refusal to follow the instructions of the hearing officer/panel or inappropriate conduct that is, for example: disruptive, demeaning, belligerent, harassing, or intended to obstruct or cause delay.

During the hearing the hearing officer/panel will:

- Notify the parties of the decision maker(s) in the case
- Explain the preponderance of evidence standard
- Share range of sanctions if found responsible
- Explain the hearing procedures and rules of decorum to the participants, including rules that apply to advisors and their ability to cross-examine.
- Follow hearing procedures and enforce rules of decorum
- Rule on issues of relevance, including objections to relevance from parties, and give a brief explanation whenever he or she finds that a question is not relevant. Advisors and parties will not be allowed to challenge the presiding official/hearing officer's relevancy rulings at the hearing.
- Make a decision solely on the evidence presented at the hearing using a preponderance of the evidence standard.

During the hearing, the hearing officer will allow parties to make brief opening statements (5 minutes) about their positions and the evidence that they intend to offer.

The formal complaint will be read into record and the Title IX investigator will be called as a witness to provide an overview of the procedural history of the case and answer any questions that the presiding official or decision maker(s) have about the investigation report.

Next, the parties will be afforded the opportunity to present relevant evidence starting with the Complainant and Complainant's witnesses followed by Respondent and Respondent's witnesses. The hearing officer or Hearing Panel may ask follow up questions at the conclusion of the direct testimony but will only act as an impartial fact finder at all times. After the hearing officer or Hearing Panel have asked relevant questions of a party or witness, then the other party's advisor will be given the opportunity to ask relevant cross-examination and follow up questions including those relating to credibility.

The parties will be allowed to make closing statements (10 minutes). The Complainant will go first, followed by the Respondent. A closing statement may include a summary of the information shared during the hearing and the impact the party believes it has on the decision before the Hearing Panel. It may also include how the party has been impacted by the allegations and what their desired outcome of the hearing is.

Other general rules for the investigation and hearing regarding evidence and relevance

- The rape shield provision limiting relevance of the Complainant's prior sexual behavior to prove consent or that someone else committed the offense applies equally to the investigation and the hearing. Respondent's prior sexual behavior is irrelevant unless he or she is also a Complainant.
- Evidence of a person's character or prior bad acts is admissible and must be admitted and objectively evaluated with respect to relevance and to determine whether the evidence warrants a high or low level of weight or credibility.
- The University reserves the right to appear and submit relevant evidence to the hearing that was previously presented during the investigation or was unavailable due to no fault of its own or any party, after providing the parties with the necessary pre-hearing disclosure statement outlined above. However, the University is not a party to the proceedings and will not advocate on behalf of the Complainant or Respondent.
- No adverse inference may be drawn if a party or witness refuses to testify or respond to a question.
- Questions on cross-examination will be evaluated by the hearing officer at the hearing for relevancy before a party or witness is required to answer. The hearing officer will explain in real time any decision not to permit a question. However, advisors may not challenge or speak to the decision maker's ruling.

Determination of Responsibility/No Responsibility

The three members of the Hearing Panel are equal decision-makers and are responsible for deciding whether the Respondent is or is not responsible for violating University policy based on the notice of charges provided to the Respondent. A majority of the Hearing Panel must determine whether it is more likely than not that, the Respondent committed a violation of this policy a determination must be made for each policy violation alleged.

The Hearing Panel will issue a written report within five (5) business days and simultaneously notify the Complainant and Respondent of its determination and findings.

Appeal

Both parties have right to an administrative appeal of the outcome of the hearing. The appeal must be submitted in writing within ten (10) business days to the Title IX coordinator and must specifically state grounds for appeal and the rationale and evidence in support of the reason for appeal.

Appeal Reasons

The permissible grounds for appeal are limited to the following reasons:

A procedural error occurred that materially affected the outcome of the hearing (e.g. substantial and material deviation from established procedures, erroneous relevance determinations or failure to objectively evaluate all relevant evidence if they affected the outcome etc.). The procedural error and its impact must be explained.

To consider new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter. A summary of this new evidence and its potential impact must be included along with an explanation showing why the evidence was not presented at the original hearing.

The Title IX coordinator, investigator, or decision maker had a conflict of interest or bias for or against Complainants or Respondents generally or one of the parties that affected the outcome of the matter. The conflict of interest or bias and its impact must be explained.

The sanctions imposed are substantially disproportionate to the severity of the violation and substantially outside the parameters or guidelines set by the University for this type of offense or the cumulative conduct record of the Respondent. The reasoning and evidence that the sanction was disproportionate or inappropriate must be explained.

Appeal Procedures

The University must notify the other party when an appeal is filed including a copy of the written submission received from the appealing party. The other party will be given five (5) business days to submit a written statement opposing the appeal and supporting the outcome. The University will give a copy of the opposing party's response or opposition to the party filing the appeal.

An Appeal Review Board will be established to review the case. The three-person appeals panel will be selected from various constituencies of the University (students, staff and/or faculty). Selection will be made in such a way as to ensure that the members of the appeals panel are trained appropriately and screened for potential conflicts of interest and bias.

The appeals panel may examine all documentation and evidence relating to the case. The responsibility of the appeals panel is to conduct a closed and confidential review of the case and report and make recommendations to the deciding administrator.

The deciding administrator in complaints where the Respondent is a student will be the Vice President, Campus Life. The deciding administrator in complaints where the Respondent is a faculty or staff member will be the Chief Diversity Officer.

The deciding administrator will make a determination based on the report of the appeal review board and has ultimate authority in all decisions and recommendations. The determination of the deciding administrator is considered final and not appealable. Both parties will receive a written decision describing the result of the appeal and the rationale for the decision within ten (10) business days). Simultaneous notice of the written decision will be sent to both parties

APPENDIX C: Summary of Student Conduct Code Procedures for Non-Title IX Cases Sexual Assault, Dating Violence, Domestic Violence, and Stalking

STUDENT CONDUCT CODE OFFENSES

The University's Student Code of Non-Academic Conduct states that students engaging in unwelcome and offensive conduct of a sexual nature that is outside the scope of the University's Title IX policy are still subject to disciplinary action for offenses that may apply to allegations of sexual harassment, sexual assault, dating violence, domestic violence, or stalking. *Student Code of Non-Academic Conduct, Section VII. MM.*

Overview of the Student Conduct Process

The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.

Initial meeting and online reporting

The Director of Office of Community Standards and Education (or designee) may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the conduct process and gather information.

The University community is encouraged to use the online reporting systems in place for all violations of the Student Code. In circumstances where the online system is not used, the information submitted should at a minimum include:

1. Name of student(s) involved
2. Faculty course and/or course coordinator if appropriate
3. Date(s) of incident
4. A description of the issue/behavior that occurred
5. The name of the individual that submitted the report.

Preliminary Inquiry and/or Educational Conference

The University conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the *Code of Non-Academic Student Conduct*, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
2. A more comprehensive investigation, when it is clear more information must be gathered;
3. A formal complaint of a violation and/or an informational meeting with the responding student. When an informational meeting/conference is held, the possible outcomes include:
 - a. A decision not to pursue the allegation based on insufficient evidence. The matter should be closed and records should so indicate;
 - b. A decision on the allegation, also known as an "informal" or "administrative" resolution to an uncontested allegation;

- c. Student/respondent's acceptance of responsibility for alleged charges;
- d. A recommendation to proceed with additional investigation and/or referral for a "formal" resolution.

Conflict Resolution Options

The Office of Community Standards and Education (or designee) has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Office of Community Standards and Education (or designee) may also suggest that complaints that do not involve a violation of the *Code of Non-Academic Student Conduct* be referred for mediation or other appropriate conflict resolution.

Formal Conduct Procedures Investigation

The investigation shall take the following steps:

1. Initiate any necessary remedial actions or interim supportive measures to ensure the educational opportunities and/or safety of all parties, the University community, and/or the integrity of the process;
2. Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a University proxy or representative;
3. Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
 - a. If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;
 - b. Notify the victim of whether UHSP intends to pursue the complaint regardless of their involvement, and inform them of their rights in the process and option to become involved if they so choose;
4. If indicated by the preliminary investigation and authorized by the Office of Community Standards and Education, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated University policy, and to determine what specific policy violations should serve as the basis for the complaint;
 - a. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
5. Meet with the party bringing the complaint to finalize their statement, which will be drawn up by the investigator or designee as a result of this meeting;

6. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to, or at the time of, the interview;
 - a. Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the responding student is interviewed, at the discretion of the investigator(s);
7. Interview all relevant witnesses and summarize the information they are able to share;
8. Obtain all documentary evidence and information that is available;
9. Obtain all physical evidence that is available;
10. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
11. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
12. Present the investigation report and findings to the responding student, who may:
 - a. accept the findings;
 - b. accept the findings in part and reject them in part;
 - c. or may reject all findings;
13. Share the findings and update the party bringing the complaint on the status of the investigation and the outcome.

Findings

Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed.

Where the responding student accepts responsibility for violating University policy, appropriate sanctions will be applied by the Office of Community Standards and Education (or designee).

If the responding student accepts the “responsible” findings, but rejects the recommended sanctions, they may file a formal appeal following the appeal procedures in the code.

Where the responding student rejects in part the finding that they violated University policy, the matter may be referred for a formal hearing with the Conduct Board or adjudicative body.

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated.

Hearing Procedures

Notice of Hearing

Once a determination is made that reasonable cause exists for The Office of Community Standards and Education (or designee) to refer a complaint for a hearing, notice will be given to the complaining and responding students. The letter of notice will: include the alleged violation and notification of where to locate the *Code of Non-Academic Student Conduct* and University procedures for resolution of the complaint; and direct the responding student to contact The Office of Community Standards and

Education (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than ten days from the date of delivery.

A meeting with The Office of Community Standards and Education (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to The Office of Community Standards and Education (or designee) whether they admit to or deny the allegations of the complaint.

Hearing Preparation

All parties to a Conduct Board hearing will be given a minimum of ten days to prepare unless all parties wish to proceed more quickly.

If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have UHSP administration serve as the party bringing the complaint forward. Where there is no alleged victim, UHSP administration will serve as the party bringing the complaint forward.

If a responding student fails to respond to notice from The Office of Community Standards and Education (or designee) a complaint against the student for failure to comply with the directives of a University official may be filed and the hearing process may proceed in absentia.

At least five (5) days before any scheduled formal hearing, the following will occur:

1. The responding student, as well as the party bringing the complaint, will deliver to the Office of Community Standards and Education (or designee) a written response to the complaint;
2. The responding student, as well as the party bringing the complaint, will deliver to the Office of Community Standards and Education (or designee) a written list of all witnesses to appear at the hearing;
3. The responding student, as well as the party bringing the complaint, will deliver to the Office of Community Standards and Education (or designee) all physical evidence or copies thereof that they intend to use or have present at the hearing;
4. The responding student, as well as the party bringing the complaint, will deliver to the Office of Community Standards and Education (or designee) the names of any advisors/advocates they wish to have present with them at the hearing;
5. The Office of Community Standards and Education (or designee), shall have final approval of all witnesses, evidence and/or advisors/advocates to be included in the hearing;
6. The Office of Community Standards and Education (or designee) will ensure that the hearing information and any other available written documentation and all evidence (including evidence that will not be presented at the hearing) is shared with the parties **at least three (3) days** before any scheduled hearing. In addition, the parties will be given a list of the names of the conduct board members in advance. Should any party object to a board member, that party must raise all objections, in writing, to The Office of Community Standards and Education (or designee) immediately. Board members will only be unseated if the Office of Community Standards and Education concludes that their bias precludes an impartial hearing of the complaint. Additionally, any board member who feels they cannot make an objective determination must recuse themselves from the proceedings.

Hearing Panel Composition and Process

The Office of Community Standards and Education will appoint one board member as the Chair for the hearing;

The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations;

If a student cannot attend the hearing, it is that student's responsibility to notify the Office of Community Standards and Education (or designee) no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless the University chooses to pursue the allegation on its own behalf, as determined by The Office of Community Standards and Education.

The appropriate administrator, or the Chair and the Panel will conduct panel hearings according to the following guidelines:

Hearings will be closed to the public.

Admission to the hearing of persons other than the parties involved will be at the discretion of the panel Chair and the Office of Community Standards and Education.

In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the appropriate administrator may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.

The party bringing the complaint, the responding student, the board, and the Director of Community Standards and Education (or designee) will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the board Chair and/or the Director of Community Standards and Education or appropriate administrator.

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the panel and the Director of Community Standards and Education (or designee). Formal rules of evidence are not observed. The Chair and/or the appropriate administrator may limit the number of character witnesses presented or may accept written affidavits of character instead.

All procedural questions are subject to the final decision of the appropriate administrator.

After a panel hearing, the panel will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the *Code of Non-Academic Student Conduct*. The appropriate administrator will be present and available as a resource during all deliberations.

Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The appropriate administrator is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student.

The appropriate administrator will consider the recommendations of the board, may make appropriate modifications to the report and will then render a decision and inform the responding student and party bringing the complaint (if applicable by law or University policy) of the final determination within five (5)

business days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Office of Community Standards and Education (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

Special Rules for Non-Title IX Cases

For complaints involving sexual assault, dating violence, domestic violence, and stalking where the alleged victim is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the responding student.

Evidence of opinion or reputation of the complaining or the responding student is inadmissible in a non-Title IX student conduct proceeding. The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant. A party seeking to submit evidence of prior sexual conduct must notify the Chair and other parties in writing not less than five days prior to a hearing. The Chair will enter a ruling and notify all of the parties as to the admissibility of the proposed evidence at least three days in advance of the hearing. Evidence of the sexual conduct of the complaining student with the responding student is admissible to prove consent where consent is a defense to the alleged violation and it is reasonably contemporaneous with the date of the alleged violation. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction.

Appeals

Any party may request an appeal of the decision of The Conduct Board by filing a written request to the appropriate administrator within three (3) business days of the delivery of the hearing determination letter. All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

Grounds for Appeal

Appeals are limited to the following grounds:

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantial and material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation through no fault or lack of diligence by a party, that could substantially and materially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included along with an explanation showing why the evidence was not presented at the original hearing;
3. The sanctions imposed are substantially disproportionate to the severity of the violation of offense or the cumulative conduct record of the responding student.

Appeals must be filed in writing to the appropriate administrator within three (3) business days of the notice of the outcome to the hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Director of Community Standards and Education and, when appropriate, the Title IX Coordinator.

The appropriate administrator or the Director of Community Standards and Education will share the appeal by one party with the other party (parties) or complaining student when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds).

The appropriate administrator will refer the request(s) to the University's designated Appeal Review Officer, appointed by the President. The Office of Community Standards and Education (or designee) will also draft a response memorandum to the appeal request(s), based on the Appeal Review Officer's determination that the request(s) will be granted or denied, and why. All request-related documents are shared with all parties prior to submission to the Appeal Review Officer.

The Appeal Review Officer may conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Office of Community Standards and Education, on any procedural or substantive questions that arise.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final.

If the appeal has standing, the Appeal Review Officer will determine whether to refer the appeal to the Appeals Board or to remand it to the original decision-maker(s), typically within 3-5 business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once. Full re-hearings by the Appeals Board are not permitted. Where new evidence is presented or the sanction is challenged, the Appeals Review Officer will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Appeals Board with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party to show clear error. The Appeals Board must limit its review to the challenges presented.

On reconsideration, the Appeals Boards or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Appeals Board are to be made generally within five (5) days of submission to the Panel and are final, as are any decisions made by the original hearing body, Office of Community Standards and Education or Title IX Coordinator as the result of reconsideration consistent with instructions from the Appeal Review Officer.

Appeals are not an opportunity for appeal board members to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

Interim Action

Under the *Code of Non-Academic Student Conduct*, The Vice President of Campus Life (or designee) may impose restrictions and/or temporarily separate a student from the community pending the scheduling of a hearing on alleged violation(s) of the *Code of Non-Academic Student Conduct* when:

1. a student's behavior presents an immediate danger to the life, health, welfare, safety or property of any member of the University community;

2. a student is facing allegations of serious criminal activity;
3. the integrity of an investigation may be threatened;
4. there is a need to preserve University property and/or to prevent disruption of, or interference with, the normal operations of UHSP;

Interim actions can include separation from the institution or restrictions on participation in the community for a designated period of time, ideally in which a hearing can be scheduled and completed on the alleged violation(s) of the *Code of Non-Academic Student Conduct*.

A student who receives an interim suspension may request a meeting with The Office of Community Standards and Education and/or the Vice President of Campus Life to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, UHSP may still proceed with the scheduling of a campus hearing.

During an interim suspension, a student may be denied access to University housing and/or UHSP campus/facilities/events as determined appropriate by the Vice President of Campus Life (or designee). This restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible.

Amnesty and Safe Harbor

UHSP provides amnesty to victims who may be hesitant to report to University officials. We want our students to make decisions that support the community and connect to the concepts of integrity and responsibility that are so critical to our history and our future success. We do also recognize that some may fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Non-Academic Student Conduct*:

- A. *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling, writing a reflection paper or letter of apology, etc.;
- B. *University Housing Probation*: Official notice that, should further violations of Residence Life or UHSP policies occur during a specified probationary period, the student may immediately be removed from UHSP housing. Regular probationary meetings may also be imposed;
- C. *Community/University Service Requirements*: For the student or organization to complete a specific supervised service to the campus or surrounding community;
- D. *Confiscation of Prohibited Property*: Items whose presence is in violation of University policy will be confiscated and will become the property of UHSP. Prohibited items may be returned to the owner at the discretion of The Office of Community Standards and Education and/or Public Safety;
- E. *Disciplinary Probation*: A designated period of time in which any violations of policy will be examined using heightened scrutiny and may likely result in more significant sanctions such as suspension or expulsion. During the probationary period, regular probationary meetings may be

imposed and a student may be deemed “not in good standing” with the University and thus ineligible for opportunities such as:

1. Holding any office in any student organization recognized by UHSP or hold an elected or appointed office at UHSP; or
 2. Representing UHSP to anyone outside UHSP community in any way including: participating in the study abroad program, attending conferences, or representing UHSP at an official function, event or intercollegiate competition as a player, manager or student coach, etc.;
- F. *Discretionary Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval the Office of Community Standards and Education (or designee);
- G. *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible;
- H. *Expulsion*: Permanent separation from the University. The student is banned from University property and the student’s presence at any UHSP-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary;
- I. *Fines*: Reasonable fines may be imposed as they are needed in connection with restorative programming and/or the costs of education opportunities;
- J. *Housing Expulsion*: The student’s privilege to live in, or visit, any University residence hall is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary;
- K. *Housing Reassignment*: In consultation with residence life, a student may be reassigned to a different residence hall, floor, or room;
- L. *Loss of Privileges*: The student will be denied specified privileges for a designated period of time;
- M. *Removal from Campus Housing*: Removal from UHSP housing for a specified period of time after which the student may be eligible to return. Conditions for re-admission to UHSP housing may be specified. A student may be required to vacate UHSP housing within hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Vice President for Campus Life. This sanction may include restrictions on visitation to specified buildings or University housing during the suspension;
- N. *Restitution*: Compensation for damage caused to UHSP or any person’s property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen;
- O. *Restriction of Visitation Privileges*: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified;
- P. *Suspension*: Separation from the University for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Vice President of Campus Life. During the suspension period, the

student may be restricted from the University property, functions, events and activities without prior written approval from the Vice President of Campus Life;

- Q. *Warning:* An official written notice that the student has violated University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at UHSP.

Notice of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by the Violence Against Women Act and FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, UHSP will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether UHSP concludes that a violation was committed. Such release of information may only include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcomes.

APPENDIX D: Summary of Procedures for University Policy Against Discrimination, Harassment, and Relationship Violence

Procedures Governing Sexual Assault, Dating Violence, Domestic Violence, and Stalking in Non-Title IX Cases Involving Employees

Sexual assault, dating violence, domestic violence, and stalking (collectively referred to as “relationship violence”) involving alleged violations by employees that are not covered under Title IX is also prohibited under this policy. Individuals making good faith complaints and opposing discrimination and harassment or participating in internal or external proceedings are protected from retaliation.

EEO/Section 504 Coordinator

Pursuant to University obligations under Title VI and Title VII of the Civil Rights Act, and Section 504 of the Rehabilitation Act of 1973, the University has designated an Equal Employment Opportunity (EEO), and Section 504 Coordinator to implement and coordinate this policy. Additionally, the University has designated deputy EEO and Section 504 Coordinators for students and employees (“Deputy Coordinator for Students” or “Deputy Coordinator for Employees”) who report to and assists the EEO and Section 504 Coordinator to effectively administer this policy for students and employees.

If you have questions about the policy, if you believe that you are being discriminated against, harassed or retaliated against in violation of the this policy, or if you observe someone else being subjected to such conduct prohibited under this policy, you can report the conduct to the EEO and Section 504 Coordinator. Complaints against students can also be reported to the Deputy Coordinator for students. Complaints against employees (faculty, staff, or outside contractors) can also be reported to the Deputy Coordinator for employees.

The EEO and Section 504 Coordinator or the Deputy Coordinator will oversee the complaint process to enable the University to best assess, respond and investigate complaints to eliminate events, prevent their recurrence and address the effects on the complainant and others. Additionally, the EEO and Section 504 Coordinator is responsible for coordination and oversight of the administration of this policy including processing and investigation of complaints, disciplinary proceedings and sanctions, reporting, education, and awareness of prohibited conduct and this policy, training of personnel, and conducting an annual review of the effectiveness of the University’s prohibited conduct programs.

Contact information for the EEO and 504 Coordinator and deputy coordinators is listed below:

EEO and Section 504 Coordinator

Daniel Bauer, PHR
Director, Human Resources
314-446-8308
South Residence Hall 2140A
Daniel.Bauer@uhsp.edu

Deputy EEO and Section 504 Coordinator for Students

Rebecca Jones
Assistant Vice President, Campus Life
RAS, Room 410
314-446-8352
Rebecca.Jones@uhsp.edu

Deputy EEO and Section 504 Coordinator for Employees

Erica Whitted

Associate Director, Human Resources

South Residence Hall 2140B

314-446-8315

Erica.Whitted@uhsp.edu

Reports of Prohibited Conduct Under this Policy

The University has initiated a reporting procedure designed to encourage any covered person under this policy to report any instance of conduct covered in this policy to University officials.

The University encourages parties who believe they have experienced discrimination or harassment to report about what happened – so they can get the support they need, and so the University can respond appropriately.

Who to report to:

Reports to Coordinators

Reports to the **EEO and Section 504 Coordinator/** Deputy Coordinators provides the University with actual notice of a report. Contact information is in Section 2 of this policy.

Reports to Supervisors

Employees may make reports of discrimination and harassment to their supervisor. Supervisors are required to share this information with EEO and Section 504 Coordinators as soon as possible, such as next business day. A supervisor must report all relevant details about the alleged prohibited conduct shared by the party including the names of the party's alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

Anonymous Reports

Parties wishing to file a complaint anonymously over the phone or online can use the University's confidential Ethics and Compliance Hotline. **Timing of reports**

Complainants are encouraged to make a report of discrimination or harassment as soon as possible so the institution may quickly respond and prevent further issues. Generally, we cannot effectively look into allegations that are more than six months old from the date of last occurrence. Understand that the greater the time between the date the incident occurred and date a report is made impacts an investigation. Time may limit the availability of parties involved, witnesses, and evidence and ability to adjudicate the report under this policy.

False Reports and False Statements

All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information in a report, investigation, or any related process is a violation of University policy and can subject a student or employee to disciplinary action, up to and including termination or expulsion.

Advisors

Both the Complainant and Respondent may be assisted by an advisor of their choice, present at any meeting related to an investigation or disciplinary proceeding. Advisors may participate in University processes in an advisory capacity, but they may not take part directly in the investigation, or disciplinary meeting. If a party wishes to speak privately with their advisor during the investigation, or meeting, they may request a brief recess from the meeting or proceeding. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

General Information

Sanctions/discipline for policy violations

The administrator responsible for disciplinary proceedings will determine the appropriate sanction or disciplinary action based on the violations. Note that while investigation records are private, sanctions become part of student records or personnel files. Any investigation, hearing, review, or appeal procedure will use a preponderance of the evidence standard of proof (i.e. more likely than not).

For faculty, disciplinary process and sanctions will be determined based on established guidelines in the Faculty Handbooks, Faculty Bylaws, and University's employment policies. Disciplinary action for offenses could include mandated counseling, written warning, suspension and/or termination. The appropriate dean is responsible for the disciplinary proceedings involving faculty. Human Resources staff are available to assist.

For staff, discipline will be determined based on established guidelines in the Staff Handbook and University's employment policies. Disciplinary action for offenses could include mandated counseling, written warning, suspension, and/or termination. Human Resources is responsible for overseeing disciplinary proceedings involving staff members, with the appropriate vice president/dean of the unit being responsible for discipline decisions.

If the offender is neither a student nor faculty or a staff member and thus not subject to the University's direct control, the University will take such measures, as it deems appropriate, to remedy the matter. This may include barring the offender from University property, and/or filing a complaint with an employer, professional association, or law enforcement authorities.

Conflict of Interest/Bias

The University will take appropriate steps to poll investigators and decision makers for conflicts of interest and bias before initiating the grievance procedure outlined in this policy. Should a Complainant or Respondent feel there is a conflict of interest or bias in any step of the complaint, investigation or adjudication process with officials involved in the process written notice describing the potential conflict or bias and its impact must be submitted as soon as a conflict is recognized. The conflict report shall be submitted to the EEO/Section 504 Coordinator. If the Deputy EEO/Section 504 Coordinator for students is named as a party in the conflict or bias report then the Vice President, Campus Life will review the conflict report. If the EEO/Section 504 Coordinator is named as a party in the conflict or bias report then the Vice President, Chief Financial Officer will review the conflict report.

If substantial conflict or bias is determined, an alternative official will be assigned by the Title IX coordinator/deputy coordinator. If it is determined there is insufficient evidence for significant conflict or bias, the parties will be notified. The determination will be shared with the Complainant and Respondent in writing within ten (10) days of receipt.

Opportunity for Informal Resolution

In some cases, it may be possible to utilize informal administrative resolution strategies to facilitate resolution and disposition of a formal complaint by mutual consent of the parties at any step of the process without a formal investigation. Informal resolution will not be allowed in instances of harassment (including sexual harassment) where there is an inherent power level mismatch (i.e. professor to student or supervisor to employee).

The appropriate EEO and Section 504 coordinator/deputy coordinator will appoint a facilitator who will meet with the parties and present the information gathered to this point, describe sanctions if the respondent is found responsible, and allow each party to respond.

The Section 504 & Title IX coordinator/deputy coordinator will serve as a resource to the facilitator to ensure that any sanctions or discipline and remedies will adequately address the harm to the complainant, educate the respondent, and prevent the recurrence of future violations. Additionally, the Section 504 & Title IX coordinator/deputy coordinator will coordinate additional actions to address the impact of a policy violation on others such as, but not limited to, counseling and awareness training or programs.

The facilitator and parties will agree on a determination of responsibility for the policy violations covered in the complaint and simultaneously notify both parties in writing within five (5) business days of the outcome.

Procedures for Receiving, Investigating and Adjudicating Complaints

The following procedures will be observed for receiving, investigating, and adjudicating complaints against employees or non-University related persons related to sexual assault, dating violence, domestic violence, and stalking.

1. Report receipt: Upon receiving a report of alleged prohibited conduct the EEO and Section 504 Coordinator or appropriate Deputy Coordinator will review the complaint and communicate with the complainant to inform them that a report has been received.
2. Conference with complainant: EEO and Section 504 Coordinator or appropriate Deputy Coordinator will interview the complainant to get additional information and a preliminary statement. Should a complainant not wish to participate in the process, the EEO and Section 504 Coordinator or appropriate Deputy Coordinator will proceed with a review of the report.
3. Interim Support: Interim remedial steps may be taken and include academic or work adjustments, no contact orders, temporary suspension of the responding party, or any other reasonable measure to facilitate the end and prevention of harassment or discrimination.
4. Preliminary review: The report, and available statement or information from an interview with the complainant will be reviewed to determine if the complaint alleges any facts that, if true, would indicate prohibited conduct covered under this policy occurred. This review will include:
 - i. An examination of the complaint as received (either in writing, in-person, over the phone, or other communications)
 - ii. Evidence provided and other information related to the parties involved such as review of related prior complaints, disciplinary action, or sanctions. Additionally, a review of conduct records will be included to see if complainant, respondent, or witnesses have been involved in other incidents.
 - iii. Assess immediate safety needs of the complainant and the need for timely warning/emergency notification under the Clery Act. Update Public Safety if timely warning/emergency notification is necessary.
 - iv. Evaluation of possible or requested interim measures, and/or conduct or disciplinary hearings.

The EEO and Section 504 Coordinator/Deputy Coordinator makes a preliminary evaluation as to whether the reported conduct is covered under this policy.

- i. If, after preliminary evaluation of the complaint, it is determined that the facts and evidence presented in the report, if assumed true, fail to meet the definition of prohibited conduct under this policy the EEO and Section 504 Coordinator/Deputy Coordinator will notify the complainant that the report fails to state a violation under this policy. The report may be referred for evaluation to the appropriate official responsible under another policy, such as: Bias Incident

Response Policy, Policy against Sexual Harassment in an Educational Program or Activity Title IX, Code of Student Conduct, Faculty or Staff Handbook, Faculty Bylaws, or other policy. The complainant will be notified within five (5) business days of the preliminary evaluation outcome and any referrals.

- ii. If the complaint presents sufficient evidence to support a possible policy violation the EEO and 504 Coordinator/deputy coordinator designee will notify the complainant in writing within five (5) business days of the following:
 1. The preliminary review of the complaint alleges sufficient evidence to support a possible violation under the policy.
 2. Right to file a formal complaint to proceed with an investigation and adjudication to determine responsibility on the part of the Respondent
 3. Notice of support measures in place, if any, and the option to request support measures.
 4. Right to have an advisor of choice in the process.
 5. Right of both parties to a fair and impartial investigation and adjudication proceeding.

Formal Complaint

A formal complaint is a physical or electronic document signed by a Complainant or the EEO and 504 Coordinator/deputy coordinator requesting an investigation of the allegations of discrimination or harassment. For consistency, the University maintains a complaint form, but use of other written communication requesting an investigation will suffice. This can include an email from a University email account, for example.

A Formal Complaint is typically filed by a complainant, but may be filed by a third party in certain circumstances, the EEO and Section 504 Coordinator/Deputy Coordinator may file a formal complaint on behalf of a Complainant without their participation, if it is reasonable under the facts and circumstances. Before doing so, the EEO and Section 504 Coordinator/Deputy Coordinator will consult with the Complainant.

In addition to the Complainant's wishes, the EEO and Section 504 Coordinator/Deputy Coordinator will consider a range of factors including, but not limited to, the following:

- If there have been multiple complaints about the same alleged perpetrator the University will initiate an investigation.
- The legal obligations of the University.
- The increased risk that the Respondent will commit additional acts of prohibited conduct, such as:
 - Whether the Respondent has a history of arrests or records from a prior institution or employer
 - Whether the Respondent threatened further prohibited conduct against the reporting party or others
 - Whether the University possesses other means to obtain relevant evidence of the incident (e.g., security cameras or personnel, electronic records)
 - Whether the party receiving the alleged prohibited behavior's report reveals a pattern at a given location or by a particular group

The presence of one or more of these factors could lead the EEO or Section 504 Coordinator to file a formal complaint, even if the complainant does not want to do so. If none of these factors is present, the EEO or Section 504 Coordinator will likely not file a formal complaint.

Both parties will receive notice of the formal complaint within five (5) business days.

Other factors:

- Even if a formal complaint is not filed, the University may still take steps to limit the effects of the alleged misconduct and prevent its recurrence without initiating a formal action against the alleged perpetrator or revealing the identity of the complainant. This may include increased monitoring, security, or additional training or communication efforts for students or employees, including the respondent.
- The EEO and Section 504 Coordinator may consolidate two or more formal complaints when there are common Complainants or Respondents involved or when the sexual harassment arises out of the same facts or circumstances.
- At any point in the process, the University may dismiss a formal complaint at any time if:
 - The Complainant would like to withdraw the complaint;
 - The Respondent is no longer enrolled or employed by the institution; or
 - Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination.

Conference with Respondent

In response to a formal complaint, the respondent will be provided an opportunity to meet with the EEO and Section 504 coordinator/deputy coordinator and provide information and evidence. This meeting will occur within ten (10) business days of notice of formal complaint to the respondent. The date, time, location, and purpose of the meeting as well as specific policy(s) violation(s) being charged, including the identities of the parties involved, specific policy provisions, precise conduct alleged, date and location of the conduct will be shared and sufficient time granted to prepare for the meeting.

The respondent has the option to:

- Accept responsibility for the charge(s). If the respondent accepts responsibility, EEO and Section 504 coordinator/deputy coordinator or designee will coordinate with the appropriate administrator to deliver disciplinary outcomes to the respondent.
- If the respondent does not accept responsibility for the charge(s),
 - a formal investigation will ensue, unless
 - an informal administrative resolution is appropriate and both parties agree to it.

The complainant and respondent will be simultaneously notified in writing within five (5) business days of the outcome: accepting responsibility, informal administrative resolution, or formal investigation.

Investigation

Once a formal complaint has been filed the EEO and Section 504 coordinator/deputy coordinator will initiate an investigation themselves or delegate that responsibility to an investigator. The parties directly involved in the investigation will be informed in a timely manner regarding the process and progress of the investigation. The complainant and respondent will be notified in advance of their requested participation in an investigator interview to allow adequate time to prepare.

During the investigation period, the investigator will gather information, evidence, and interview witnesses. This process may take a month or longer, depending on the specifics of the complaint. The investigator will create a draft report that will include information on the specific formal complaint, relevant policies, timeline, involved parties, summaries of interview and evidence gathered, and findings of fact

including an assessment of credibility, and relevancy of evidence. The draft report will also recommend a disciplinary outcome.

All University employees, who are not named as responding parties, must cooperate fully with any investigations. Employees providing counseling or pastoral services are exempt from participating if parties involved are patients/clients. Employees who have a professional license, which normally provides privilege, but are not acting under that license, do not have privilege (i.e., a healthcare provider serving in a professor role). Academic information protected under FERPA is available to investigations as legitimate educational interest.

A confidential file of the investigation including personal notes, all evidence gathered, and other information will be kept on file with the EEO and Section 504 Coordinator.

The EEO and Section 504 Coordinator will share the draft report simultaneously with the complainant and respondent within five business days (5) of the close of the investigation. The complainant and respondent may respond within five (5) business days in writing to the EEO and Section 504 Coordinator with comments on the report. The investigator will review comments and determine if the report should be edited, additional investigating is needed, or comments should be presented as a footnote to the report and issue a final report to the parties and appropriate administrator.

Adjudication and Appeals

After receipt of the final report, the appropriate administrator (dean for faculty, president's staff person for staff) will follow the appropriate conduct process for the respondent named in the complaint.

For faculty, the process for adjudication and discipline will be determined based on established guidelines in the Faculty Handbooks, Faculty Bylaws, and University's employment policies. Disciplinary sanctions short of separation or termination are typically initiated by the faculty member's Division Director and/or the appropriate Dean. In the case of separation or termination, the process differs for non-tenured and tenured faculty as set forth in the Faculty Bylaws is summarized below:

Termination of Non-Tenured Faculty. Circumstances may arise which make it necessary and appropriate for the College to terminate the appointment of a non-tenured faculty member prior to the end of an academic year...The determination to take such action is made by the faculty member's Division Director and the appropriate Dean. The appropriate Dean will notify the faculty member in writing, specifying the reason(s) for the termination. Within 10 days of receipt of the notice of dismissal, the faculty member may submit a written request to the President for his/her review of the termination decision. The appeal should include a copy of the dismissal notice and any written statement or other information the faculty member deems appropriate. The faculty member may be assigned to other duties or suspended with or without pay during the appeal process. The determination of the President will be in writing and will be final.

Procedures to Follow in Case of Termination of Tenure for Cause. The initial determination of termination of a tenured faculty member for cause will be made by the Division Director and the appropriate Dean after consultation with the President. The appropriate Dean will notify the faculty member in writing, specifying the reason(s) for the termination. Within 10 days of receipt of the notice of dismissal, the faculty member may submit a written request to the President for his/her review of the termination decision. The appeal should include a copy of the dismissal notice and any written statement or other information the faculty member deems appropriate. The President will convene a Review Committee consisting of five faculty members, two of whom will be selected by the appellant, two selected by the President, and one selected by these four Committee members. Within 30 days of convening the Committee, the review process of the decision to terminate for cause should be completed under normal circumstances. If the proposed termination is to effect a reduction in work force because of financial exigencies at the College, as

declared by the Board of Trustees, or by the reorganization of an academic program, the Committee review will be limited to determining whether the faculty member's dismissal is arbitrary, capricious, or motivated by malice. The Committee will not make any findings with respect to the wisdom or necessity for the reduction in work force or academic program reorganization. Following its review, the Committee will call a meeting of the President, appropriate Dean, Division Director, and the faculty member to present its findings. The Committee will either affirm or recommend reversal of the faculty member's dismissal. The Committee shall render its recommendation and the reasons behind it in writing to the President, appropriate Dean, and faculty member within one week after the meeting. At the completion of this process, the President will render a decision in writing to the appropriate Dean and the appellant affirming, reversing, or modifying the original dismissal notice. In the event the appellant is not satisfied with the decision of the President, he/she may, within five days of receiving the decision, present an appeal in writing to the Board of Trustees. Included in this appeal should be a copy of the original dismissal notice, the decision of the Review Committee, the decision of the President, and any written statement or other information the appellant deems appropriate. The Board of Trustees, or its Executive Committee, will have final authority in the matter and may accept or reject, in whole or in part, the decision of the President. The Board may decline to act, may act upon the written record presented by the principals, or may first conduct its own investigation, inquiry, or hearing as it deems appropriate. The decision of the Board will be in writing and will be final. The appeal process will terminate if the faculty member fails to appeal any decision within the times specified. Until the final decision concerning termination of a tenured faculty member has been reached, the faculty member may be suspended, or assigned to other duties instead of suspension. Suspension is appropriate only pending completion of the appeals process. A suspension which is intended to be final is a termination and will be dealt with as such. The faculty member's salary may continue during the period of suspension.

For staff, discipline is imposed by the employee's immediate supervisor at the end of an investigation or admission of conduct violating established guidelines in the Staff Handbook and University's employment policies.

In any process, the complainant and respondent will be notified in advance to any meeting to allow time to prepare. Prior to this meeting, the administrator will notify the party of guidelines and timeframes for the meeting and allowance for parties submitting evidence and calling witnesses.

The appropriate administrator will then render a decision based on the report and the meetings with parties and issue discipline/sanctions. The decision will use a preponderance of the evidence standard of proof (i.e. more likely than not). Both parties will be simultaneously notified within three (3) business days of the result. This notice will identify the policies and sections violated, a detailed procedural history of the process from the receipt of the complaint through the hearing, the methods used to gather evidence, findings of fact that support the determination, conclusion (application of policy to the facts) including the determination of responsibility, and sanctions/remedies, and identify any terms for appeal.

If the proceeding determines that a violation of policy has occurred, prompt and appropriate sanctions/corrective action will be taken as deemed appropriate by the University.

Appeals Procedures

Both parties have the right to an administrative appeal of the outcome of a case. In instances where the respondent is a faculty member and the outcome of the adjudication results in separation or termination, the appeals process contained in the Faculty Bylaws as outlined above will apply. All other appeals involving staff sanctions or faculty sanctions other than separation or termination will be resolved in accordance with this procedure. Student appeal processes for cases covered under this policy are covered in the student code.

All appeals must be submitted in writing within ten (10) business days to the EEO and Section 504 Coordinator and must specifically state grounds for appeal and the rationale and evidence in support of the reason for appeal.

The permissible grounds for appeal are limited to the following reasons:

- A procedural error occurred that materially affected the outcome of the hearing (e.g. substantial and material deviation from established procedures, erroneous relevance determinations or failure to objectively evaluate all relevant evidence if they affected the outcome etc.). The procedural error and its impact must be explained.
- To consider new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter. A summary of this new evidence and its potential impact must be included along with an explanation showing why the evidence was not presented at the original hearing
- The EEO and Section 504 Coordinator, investigator, or decision maker had a conflict of interest or bias for or against Complainants or Respondents generally or against one of the parties that affected the outcome of the matter. The conflict of interest or bias and its impact must be explained.
- The sanctions imposed are substantially disproportionate to the severity of the violation and substantially outside the parameters or guidelines set by the University for this type of offense or the cumulative conduct record of the Respondent. The reasoning and evidence that the sanction was disproportionate or inappropriate must be explained.

The University must notify the other party when an appeal is filed including a copy of the written submission received from the appealing party. The other party will be given five (5) business days to submit a written statement opposing the appeal and supporting the outcome. The University will give a copy of the opposing party's response or opposition to the party filing the appeal.

An Appeal Review Board will be established to review the case. The three-person appeals panel will be selected from various constituencies of the University (staff and/or faculty). Selection will be made in such a way as to ensure that the members of the appeals panel are trained appropriately and screened for potential conflicts of interest and bias.

The appeals panel may examine all documentation and evidence relating to the case. The responsibility of the appeals panel is to conduct a closed and confidential review of the case and report and make recommendations to the appeal administrator. The appeal administrator in complaints where the Respondent is a faculty or staff member will be the Chief Diversity Officer.

The appeal administrator will make a determination based on the report of the appeal review board and has ultimate authority in all decisions and recommendations. The determination of the appeal administrator is considered final and not appealable. Both parties will receive a written decision describing the result of the appeal and the rationale for the decision within ten (10) business days). Simultaneous notice of the written decision will be sent to both parties.