

# Student Handbook 2023-24

Adult, Professional & Graduate Students

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ARIZONA, KANSAS,  
WISCONSIN, ONLINE, INTERNATIONAL

# Contact Information

## INTERNATIONAL STUDENTS

*International Student Advisor,  
Dr. Murle Mordy*

## LIBRARY

*Director of Library Studies,  
Danielle O'barto*

## LIBRARY

*Director of Library Studies,  
Danielle O'barto*

## RELIGIOUS PROGRAMS

*University Chaplain,  
Rev. Dr. John Holzhüter*

## UNIVERSITY ADMINISTRATION

*Chancellor,  
Dr. William Tsutsui*

*Vice President of Academic Affairs and  
University Provost,  
Dr. Joann Bangs*

*Director of University  
Compliance/Title IX Coordinator  
Carrie Stevens*

*Vice President and Chief Financial Officer,  
Craig Kispert*

*Vice President for Univ. Advancement,  
Janet Peters*

*Director of Financial Aid,  
Mary Reed*

*Director of Fiscal Operations  
& University Controller,  
Donna Ferguson*

*Chief Information Software Solutions,  
Brandi Servaes*

*Chief Technical Officer,  
Adam Caylor*

*University Registrar,  
Julie McAdoo*

*Associate Vice President  
of Human Resources,  
Joanna Walters*

## IMPORTANT AREA TELEPHONE NUMBERS

Emergency	911
Campus Conduct Hotline	844-719-2846

## OU ADMINISTRATION TELEPHONE NUMBERS

<u>Administration (University-wide)</u>	<u>Office</u>	<u>Ext.</u>	<u>Box</u>
Alumni Relations	TJ	12333	1016
Compliance/Title IX	TJ	12326	1015
Gifts/Estate Planning	TJ	12337	1016
Human Resources	TJ	12351	1015
Information Technology OU Help	BEH	12500	1019
Marketing	TJ	12366	1009
Payroll Department	TJ	12354	1020
President	TJ	12321	1001
Registrar	AD 209	12360	1043
Registrar: Transcript Requests	AD 209	12365	1043
University Advancement	TJ	12330	1016
University Finance	TJ	12380	1020

<u>Administration (Adult, Professional and Graduate)</u>	<u>Office</u>	<u>Ext.</u>	<u>Box</u>
Academic Dean	-	35136	1018
Business Office/Finance Department	TJ	12697	1020
Accounts Payable/Cashier	TJ	12384	1020
Accounts Receivable	AD 114	18890	1003
Perkins Loan Officer	AD 114	18890	1003
Financial Aid Office	-	25120	1003
Executive Vice President and Provost	-	18601	1018
Registrar	-	18605	1043

<u>Auxillary Services</u>	<u>Office</u>	<u>Ext.</u>	<u>Box</u>
Braves Fan Shop / Bookstore	GSC	12413	-
Manager	GSC	12312	-
Spirit Fan Shop / Bookstore	OUAZ	24981	-
Manager	OUAZ	27577	-

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# Student Handbook

Arizona, Kansas,  
Wisconsin, Online, International

2023-24

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# University-wide: About Ottawa University

## ABOUT OTTAWA UNIVERSITY

Ottawa University is made up of people — students, faculty, administrators, staff, roommates, friends, and family, as well as buildings, classes, books, programs and services. Each aspect of the University offers something special to life on campus and provides experiences from which students can learn during their years here.

Attendance at Ottawa University is a privilege with assumed responsibilities. All members of the community share responsibility for maintaining its standards. Since we seek to live and work in a Christ-inspired community of grace and open inquiry as called for within our University mission statement, each student is responsible for contributing to and maintaining that very special community through their personal behavior, activities, and interactions with others. Such a community is only possible when students, faculty and staff are caring, respectful and honest with each other, where each is supported by others in good times and bad, and in which all of its members are prized and valued in thought, word and deed. Over the decades, the term “OU Spirit” has come to symbolize the best of this community. Behaviors and language, verbal or written, which are inconsistent with these values diminish the OU Spirit and will not be tolerated.

Every community takes upon itself certain standards and policies for its own guidance; a college community is no exception. As a co-educational, Christian liberal arts college, Ottawa University seeks to establish a campus climate that provides growth for the total person. That environment, in which total growth becomes possible, is a cooperative venture. When achieved, it is referred to as “The OU Spirit.” May its reality be yours.

Ottawa University has two residential campuses, OUKS in Ottawa, Kansas, and OUAZ in Surprise, Arizona. In addition, the University offers adult programs in Overland Park, Kansas; Phoenix, Queen Creek and Surprise, Arizona; Milwaukee, Wisconsin; and Indiana; multiple international instructional sites; as well as fully-online courses through Ottawa University Online.

The purpose of this handbook is to provide resources and informational facts to make life easier at OU. It includes general information about the programs, policies, procedures, facilities, and services at OU. The following pages identify the OU community standards as developed by those who actively participate in the community: the Board of Trustees, supporting churches, students, staff, faculty, and administration.

These are standards designed to encourage and facilitate individual and community growth. For the community to contribute to growth and life, its standards must be defined.

### THE COMMITMENT TO CHRISTIAN VALUES

Ottawa University is a church-related college that believes the combination of Christian faith and liberal education is best able to promote full individual development of each student. Although the University affirms our relationship with American Baptist Churches USA, we welcome students of all faiths and denominations to the University.

OU seeks to present the Christian faith in a setting where students are free to accept or reject it, but not ignore it. Confident in the belief that all truth is of God, OU promotes an atmosphere of free and open inquiry into all aspects of knowledge.

OU seeks to help each student develop moral clarity and seriousness. The total educational program is designed to assist students in clarifying their beliefs, in determining the relationships among them, and in learning to act responsibly on the basis of these convictions.

The phrase “education for service” is a mandate for OU. The University seeks to prepare students for lives of service, and the servant ministry of Jesus Christ is upheld as the example most worthy of emulation.

### THE COMMITMENT TO COMMUNITY

There is diversity among Ottawa University students. Students come from major metropolitan centers, large cities and small towns from throughout the

US and around the globe. The cosmopolitan nature of the University enriches the total learning experience as students learn from each other.

Despite the great diversity of background, interests and abilities represented in the OU student body and faculty, there is a sense of community based on shared objectives and concerns. Each person finds acceptance and is valued as one who can contribute to the welfare of the total community through common academic interests and student interaction, as well as experiences enhanced and deepened by participation in lectures, common worship experiences, concerts, residence hall life, student activities, athletics, community service and activities, and more.

Opportunities for enriched learning experiences are enhanced by formal and informal programs both inside and outside of the classrooms. Programs are designed to complement the curriculum in contributing to the total development of students.

### THE COMMITMENT TO THE UNITY AND INTEGRATION OF KNOWLEDGE

The academic programs at Ottawa University are designed to foster the development of the unique potential of each student. The faculty seeks to equip the students with the knowledge, abilities, appreciations, and motivations that liberate. Likewise, each academic program demonstrates a concern for the unity and integration of knowledge.

Encouraging students to assume greater responsibility for their own learning is the central focus of Ottawa University’s faculty. The faculty member’s role is that of guiding, questioning, clarifying issues, and of identifying resource materials, rather than the mere transmission of information.

Each student will experience the dimension of breadth in learning through a general education program taught in interdisciplinary seminars and in courses chosen from all three divisions of study. The major program provides each student with an intensive experience in an area particularly suited to his/her abilities and interests, as well as adding the dimension of depth to learning.

### THE COMMITMENT TO STUDENTS

The unique size of Ottawa University results in many opportunities for close personal relationships between students and faculty. Special attention is devoted to the advising process. Most classes are small. Emphasis is placed upon excellence in teaching and each faculty member is committed to the importance of teaching.

### HISTORICAL SKETCH OF OTTAWA UNIVERSITY

With a rich history tied to the Ottawa Indians and the American Baptist Churches USA, Ottawa University is proud of its heritage and committed to honoring those who are responsible for it. From 1837 to 1855, Reverend Jotham Meeker and his wife, Eleanor, were Baptist missionaries to the Ottawa Indian Tribe in the Midwest region, which is now Ottawa, Kansas. The Meekers devoted themselves to improving the lives of the Ottawa Indians and inspiring a hunger for education and religion. After the Meekers’ deaths, the Ottawa Indians carried on the missionaries’ Christian leadership with a strong desire to educate their children.

John Tecumseh (Tauy) Jones also carried on the Meekers’ commitment to the tribe. Serving as an interpreter and Baptist minister, he was responsible for arranging a meeting between the Baptists and the Ottawa Indians, which led to the development of Ottawa University. The Ottawa Indians donated 20,000 acres for a university to ensure the education of their children. In exchange, the Baptists agreed to build and operate the school with a promise to provide free education to the Ottawa Indians. After delays due to the Civil War, Ottawa University was founded in 1865. Today, Ottawa University provides free tuition to recorded members of the tribe who are descendants of the Kansas Ottawa Indians.

The first building erected on the OUKS campus, in the spring of 1869, was destroyed by fire in 1875; however, through generous support of the community, it was rebuilt in 1876. It stands today, appropriately named Tauy Jones Hall. The first commencement was held in 1886, with the graduation of one



student. Throughout the 153-year history, OUKS has enjoyed many changes and additions to become the beautiful campus it is today.

Buildings increased very slowly. The first residence hall was a wooden Victorian frame constructed dormitory known as Charlton Cottage, which housed female students. Two other private residences in Ottawa were purchased and converted to house male students.

The next major construction project was the stone building, now known as the Administration Building, which began in 1892 but was burned in 1902. John D. Rockefeller was one of those who pledged money for a gift, if Kansas residents would meet the challenge to construct and rebuild the Administration Building. By 1904, the Administration Building was completed and the University was in healthy financial shape, temporarily free of debt and had a modest endowment.

By 1914, construction on the Commons Building had begun. In 1922, Ward Science Hall was constructed with the help of contributed labor by students, staff and community. The post-World War II era saw the rapid expansion of the campus with the construction of Martin Hall as a women's residence center in 1947, the Wilson Field House in 1948, Atkinson and Behan Halls for men's residence halls in 1955, Myers Library and the Mammel Art Center in 1957, Price Hall for a men's residence hall in 1961, the University Union in 1963 (later known as the Mowbray Union), Centennial Hall for women in 1965, the University Chapel (presently known as Fredrikson Chapel) complex built in 1966 as a result of an anonymous challenge gift, Brown Hall for men's residence hall in 1968, and the Mabee Athletic Center in 1979. Behan Hall was completely renovated as a computer center in 1990, Ward Science Hall was renovated in 1992, and Atkinson Hall was renovated in 1995 to house the music and theatre departments. The Mabee Athletic Center, Martin Hall and Wilson Field House were renovated in 1999. In 2000, Bennett Hall was opened to co-ed students for residential housing. The most recent building added to the physical plant in Ottawa, Kansas, is Gibson Student Center/Gangwish Library, which opened in the fall of 2015. Myers Library was renovated into the Braves Athletic Performance Center for athletic team training and weights in fall of 2016. In 2017, renovations were finalized to the Dick Peters Sports Complex to include upgrades to the baseball and softball fields, as well as the addition of regulation tennis courts.

Athletic competition began modestly with rivals who later became nationally prominent. Ottawa University played football with both the University of Kansas and the University of Missouri during the period of 1901 and 1902 and defeated both state institutions in those years. In recent years, Ottawa's athletic participation has been with other small colleges in Kansas, Missouri and Iowa.

OU's academic quality has been stressed from the time of its founding. The University joined voluntary accreditation associations and has been a member of the regional accrediting body of the HLC continuously from its beginning. As more electives and departments were credited nationally for students, OU retained its Christian and liberal arts emphases and adapted to changing curricular needs over the years. By the end of World War II, OU began a time of curricular examinations and restructuring that placed it ahead of most similar institutions. Under the leadership of Dr. Andrew Martin, the University established a competency based set of general education requirements which stressed ability rather than simply taking courses.

In recognition of the growing demand for programs suited to the needs and learning styles of adults, the University opened its first adult campus in Kansas City in 1974. Additional campuses were opened in Arizona in 1977, Wisconsin in 1992 and Indiana in 2002.

International programs were added in 1986. Ottawa University began its first graduate program in 1987 with the addition of the Master of Arts in Human Resources. It is now also offered at the all adult campuses along with graduate programs in business administration. In Arizona, a Master of Arts in Counseling is also offered. The online Master of Business Administration program was initiated in 2001. The Master in Accountancy and the Master of Arts in Leadership were added in 2017. Campuses in Arizona and Kansas City also have Teacher Professional Education Programs, providing courses

for certified teachers. In 2008, OU took programs fully-online. In 2013, the RN-to-BSN nursing program was added. Expanding the nursing program, a Master of Science in Nursing was added in 2017. An additional residential campus opened in the fall of 2017 in Surprise, Arizona, referred to as OUAZ.

Ottawa University has made a difference in the lives of hundreds of people. The alumni love and support it. It is a high quality university related to the American Baptist Churches USA, and is designed to make a positive impact on one's ability to choose and prepare for a career and for life itself.

## OU CHANCELLORS

In January of 2018, the Board of Trustees voted to transition the top University position of President into Chancellor to serve the growing needs of the University.

Kevin C. Eichner	(2018-2022)
Kevin C. Eichner, <i>Emeritus</i>	(2021-2022)
William M. Tsutsui	(2022-Present)

## OU PRESIDENTS

Individuals listed below represent the top administrator for the University prior to the change noted above to transition to the chancellor position.

Isaac Kalloch	(1866-1868)
Milan L. Ward	(1869-1873)
E. C. Andrews	(1873-1875)
Philo Jesse Williams	(1876-1881)
T. M. Stewart	(1881-1883)
Milan L. Ward	(1883-1887)
George L. Sutherland	(1887-1890)
Franklin O. Johnson	(1890-1891)
F. W. Colegrove	(1891-1895)
J. D. S. Riggs	(1895-1905)
R.A. Schwegler, <i>Acting President</i>	(1905-1906)
Silas Eber Price	(1906-1924)
Erdmann Smith	(1924-1931)
W.P. Behan, <i>Acting President</i>	(1931-1935)
Andrew B. Martin	(1935-1967)
Peter H. Armacost	(1967-1977)
Milton Froyd, <i>Interim President</i>	(1977-1978)
Robert E. Shaw	(1978-1983)
Wilbur D. Wheaton	(1983-1992)
Harold D. Germer	(1992-2000)
John E. Neal	(2000-2005)
James C. Billick, <i>Interim President</i>	(2005-2006)
Fred R. Snow	(2006-2007)
Fredrick B. Zook, <i>Interim President</i>	(2007-2008)
Kevin C. Eichner	(2008-2018)
William M. Tsutsui, <i>President and CEO</i>	(2021-2022)

## MISSION STATEMENT

Building on its foundation as a Christ-inspired community of grace and open inquiry, Ottawa University prepares professional and liberal arts graduates for lifetimes of personal significance, vocational fulfillment, and service to God and humanity.

## STATEMENT OF EDUCATIONAL PURPOSE

Since its inception in 1865, Ottawa University has sought to live out its mission in direct ways. It began with the collaboration between two American

# University-wide: About Ottawa University

Baptist missionaries, Jotham and Eleanor Meeker, and the Ottawa Indians of Kansas to promote education and peace in a changing world. Out of this relationship, Ottawa University was born. Ever mindful of its original commitments, Ottawa University is now a comprehensive, not-for-profit, educational institution which serves students of traditional age and adult learners worldwide. Grounded by its mission, Ottawa University carries out its educational purposes through its liberal arts and professional studies programs at both the undergraduate and graduate levels. Ottawa University guides learners to integrate faith, learning, and life, to gain the abilities they need to succeed and prosper, and to do so with an increased sense of the knowledge, compassion, respect, and service our world requires.

Ottawa University intends that:

1. a general education program of liberal arts studies will enable its faculty and students to investigate the world broadly and freely in order that its students will develop and express their life philosophies and values with awareness of and concern for others;
2. study in undergraduate, graduate, and other professional development programs will enable students to gain the specific expertise they need to enter professions they can contribute to; and
3. programs, teaching, and learning will continuously improve through assessment and sensitive responses to community needs.

Ottawa University's educational purposes require it to provide at all its sites:

1. diverse faculty who support the mission, purposes, and general welfare of the University;
2. caring faculty who are dedicated to teaching undergraduates in both discipline and liberal arts courses and who are sensitive to a heterogeneous body of students as persons seeking to grow spiritually, morally, and civically, as well as intellectually;
3. faculty who bring the same sensitivities and dedication to educating graduate and post-graduate students;
4. multiple approaches to teaching which assure comprehensive and varied responses to students' learning patterns;
5. appropriate academic support, environment, and technology to enhance teaching, learning, research, and communication;
6. sensitivity to different ethnicities and political configurations of the global community; and
7. commitment to social responsibility which asserts that the University's education is of the heart and hand as well as the intellect.

## UNIVERSITY FACILITIES

The University rents or owns facilities at each campus location. Those facilities are outlined below:

### Adult, Graduate and Professional Studies Campuses

The University offers classes at facilities in Phoenix, Queen Creek and Surprise, Arizona; Jeffersonville, Indiana; Overland Park, Kansas; and Brookfield, Wisconsin. Courses are also offered online.

### Residential Campuses

The University operates two residential campuses. One is located in Ottawa, Kansas, and the second is located in Surprise, Arizona.

### Ottawa University Kansas Facilities (Ottawa, Kansas)

#### Administration Building

The Administration Building houses several classrooms, academic departments, the Larry D. Peters Auditorium, and the following administrative offices: Admissions, Business, Career Services Center, International Program office, International Student Advisor, OUKS President, Registrar, Student Affairs, Adawe Advising Center, and Student Financial Services. The following academic departments are also housed in the Administration Building: accounting, business administration, business economics, education, English, finance, foreign language, history/political science, human services, information technology systems, psychology, and sociology.

#### Athletic Facilities

Numerous facilities for recreational use are available to students, faculty and staff free of charge. The facilities are available during scheduled times with the exception of times when they are reserved for athletic practices or special functions. The following facilities are available for student use:

- Mabee Athletic Center—basketball courts, racquetball courts, walking, running, etc.
- Sand Volleyball Pit—located south of the Fredrikson Chapel and west of Martin Hall in the lawn.
- Braves Field and Bill "Bo" Boucek Track—home of the football, soccer, lacrosse, and track and field teams.
- Dick Peters Sports Complex—home of the Braves baseball and softball teams, as well as tennis teams; it also consists of a regulation size grass soccer field, football practice field, batting cages and an in-field practice facility.
- Hull Center for Athletics—houses the Wellness Center which includes free weights, universal weights, stair machines, rowing machines, treadmills, stationary bikes, step machines, step aerobic courses, fitness testing, and locker rooms.
- Wilson Field House—home of the Braves men's and women's basketball, volleyball and wrestling teams.
- Commons—home of the Braves men's and women's wrestling teams practice facility; Braves cheer and dance teams.

#### Atkinson Hall

Atkinson Hall is the home for the theatre and communications departments, as well as "The Campus" newspaper office. Located in the lower level, is the TAU Institute/Fredrikson Center administrative offices.

#### Behan Hall

Behan Hall houses the Vera Wise Technology Center, which includes the Information Technology Systems office and the Academic Computing Lab.

#### Braves Athletic Performance Center

Dedicated, state-of-the-art workout area for Braves athletic teams usage. This facility is not open to the public and is reserved by OU coaching staff through the athletic offices.

#### Fredrikson Chapel

The Fredrikson Chapel houses the Campus Ministries office, church relations and religion departments, music faculty offices, and various classrooms in the east wing. Many music department programs, convocations, guest speakers and other programs are held in the Fredrikson Chapel.

#### Gangwish Library

This state-of-the-art building opened in the fall of 2015 and includes the Schendel Conference Center, Braves Fan Shop (University Bookstore), as well as the Copy Center. This space is available for rental through the University Event and Conference Services team. [www.ottawa.edu/ReserveNow](http://www.ottawa.edu/ReserveNow)

#### Gibson Student Center

Opened in the fall of 2014, the Center houses the Hetrick Bistro that proudly serves Starbucks drinks, as well as features a food court-style dining experience. The facility is open to the community, as well as OU students, faculty and staff.

#### Hull Center for Athletics

Physical fitness and physical education are important parts of a student's experience at Ottawa University. The Hull Center for Athletics provides a safe, comfortable environment for students, faculty, staff and community members to exercise. Students (as well as faculty and staff) may use the Hull Center for Athletics free of charge; community members may use the facilities for a fee. The Center offers a wide variety of equipment, and University personnel are readily available to answer questions or to handle emergencies.

The Hull Center for Athletics provides locker rooms for OU and visiting teams, athletic training facilities, exercise physiology/rehabilitation rooms,



coaches' and athletic administrative offices, classrooms, and a wellness/fitness center.

#### Membership

Memberships to the Hull Center for Athletics are available to community members for six-month and twelve-month periods. The membership allows the user(s) to enter the Hull Center for Athletics and the Mabee Center and use the facilities in accordance with University policies. Members receive a photo ID from the Office of Student Affairs (during normal business hours) that must be presented upon entrance to the Center. Memberships can be purchased in the Braves Fan Shop.

#### Facilities

The Hull Center for Athletics provides the finest in fitness equipment and programs, including weight lifting, tennis, basketball, stair stepper machines, treadmills, elliptical machines, and much more. Because the Hull Center for Athletics serves a variety of people, it is important to prioritize its usage. The priorities for the Center are:

1. Instructional Courses
2. OU Athletic Teams
3. Intramurals
4. Ottawa Recreation Commission/Special Groups
5. Community

To ensure the safety of everyone using the Hull Center for Athletics, no one under age twelve (12) is permitted to use equipment in the Center. A parent or guardian must accompany anyone under age seventeen (17). Family members or community members age seventeen (17) and older must purchase an individual membership. No one under age seventeen (17) may purchase an individual membership.

#### Hours of Operation during Fall and Spring Semesters

The Hull Center for Athletics hours are stated in the front of the Student Handbook under Building and Service Hours.

Facilities are available during supervised hours only (see schedule). Hours are subject to change during University vacation periods, for group reservations, priority usage or illness. The Hull Center for Athletics attempts to maintain regular hours and to post any changes 24-hours in advance.

#### Pomona Lodge

Ottawa University maintains a recreation building at Pomona Lake, a 4,000 acre lake built by the Army Corps of Engineers, 16 miles northwest of the campus. The facility has a kitchen, meeting room, rest rooms, showers and sufficient chairs and tables for small groups. The site has electricity and rural water supply.

The area is used first and foremost for University related functions, departmental dinners, class parties, athletic department events, training sessions, retreats and conferences. In addition, the area serves as a field research station for the science department. At times when the area is not being utilized for University related events it is available to other non-profit and civic organizations at a reasonable charge.

The Lodge is available from April through November. To check availability or reserve this facility, contact the facilities reservation coordinator at 785-248-2312 or [facilityreservations@ottawa.edu](mailto:facilityreservations@ottawa.edu).

#### Residence Halls

##### Bennett Hall

Opened in 2000, this suite-style on-campus housing option has the capacity to house 158 men and women. It also features meeting rooms and lobbies on each floor, as well as apartments on the main level.

##### Blue Mountain Apartments

The latest expansion for apartment-style housing added four opportunities in the fall of 2015. The multi-person apartments are located one block north of campus (on the west side of the street) and each includes a full kitchen, two bedrooms, two bathrooms, living room, and laundry room.

##### Brown Hall

Opened in 1968, Brown Hall is features the traditional housing option with community bathrooms on each wing of each floor. It has capacity to house 180 men and women. It also features a kitchen and large lobby on the main floor.

##### Gillette House

In the fall of 2018, Gillette House was opened and renovated for student housing. Located two blocks north of campus (on the west side of Cedar Street), this new facility offers a unique housing option for students.

##### Martin Hall

Martin Hall has been a featured building on campus since it opened in 1947. It was renovated in 1999 to offer suite-style housing options for up to 84 men and women.

##### University Apartments

Housing options expanded to offer apartment-style opportunities in the fall of 2014 with the addition of University Apartments. The apartments are located one block north of campus and include a full kitchen, four-single bedrooms, full bath, living room, and laundry room. A designated parking lot is available for use by tenants.

#### Commons

This facility now houses the offices and practice space for the Cheer and Dance programs, men's and women's wrestling, football, and Student Senate.

#### Tauy Jones Hall

The oldest building on campus, Tauy Jones houses the office of the President, University Advancement (including the alumni office), University Finance and Payroll, University Academic Affairs, University Human Resources, and University Communications and Marketing.

#### Ward Science Hall

The Ward Science Hall houses the math and science departments, science laboratories and classrooms for all disciplines. Student health services, including a campus nurse and campus counselor are located on the first floor.

#### Ottawa University Arizona Facilities (Surprise, Arizona)

##### Eichner Hall

Eichner Hall houses classrooms, academic departments, administrative offices.

##### The Union

The Union houses the Spirit Fan Shop (University Bookstore) and the Hetrick Spirit Canteen, as well as an open meeting and study area, in addition to computers available for student use on the lower level.

Hetrick Spirit Canteen provides diverse dining experiences from a large serving area and a variety of serving stations.

Upstairs the Dr. E. Earl "Sonny" and Betty A. Hayes Conference Center, Eichner Board Room and the Patty B. Wolf Mentoring Lounge provide additional meeting spaces for students, employees and community members. The spaces are used to offer classes, as well as host meetings and events.

#### Residence Halls

OUAZ offers two housing options. Both offer a unique experience within the communities, while also allowing for students to interact as classmates and friends.

##### Scholars Hall

Scholars Hall is a 300+ bed residence for the OUAZ community. Majority of the rooms are 2-bedroom, suite-style with a shared living space. Each floor has a lobby, and the first floor has a laundry room.

##### Veritas Hall

Veritas Hall offers is a 196+ brand new residence hall for the OUAZ community. Majority of the rooms are suite-style rooms with a shared living space. Each floor has their own laundry room, also each floor has its own unique amenities that are available to all students.

# University-wide: About Ottawa University

## Athletic Facilities

Always expanding, the OUAZ athletic facilities are ever-changing with as the University builds out the campus offerings. The following facilities are currently regularly associated with OUAZ athletics:

- Spirit Field opened in October of 2017. Spirit Field is home to the OUAZ men's and women's soccer teams and the Spirit football team. The 97,000 square-foot competitive athletic field for football and soccer was built to NAIA/NCAA standards and to host national competitions. General Acrylics of Phoenix installed AstroTurf's Astrolect technology for the playing field. OUAZ's AstroTurf field and Musco LED lighting are like the products used in the NFL. The competitive athletic field, temporary locker rooms and storage space were completed in fall 2017. Permanent seating for 1,200 spectators at the athletic field was finished in time for the start of the 2018 fall athletic seasons.
- O'Dell Center – home of OUAZ Athletics and opened in spring 2020. The 35,000-square-foot, three-story facility houses the Spirit strength center, athletic training room, and locker rooms on the first floor. The third-floor features offices for all the OUAZ Athletics coaches and staff, along with meeting spaces, press box, coaching boxes, game production area, and an entertainment room. The second floor includes classrooms and labs for academics. The O'Dell Center is also connected directly to Faith Arena and Spirit Field.
- Faith Arena– home of OUAZ basketball and volleyball. Opened in November 2019, Faith Arena is the premier facility of its kind in the west valley of Phoenix. The arena court features seating for 1,200 fans,

video board, stage lighting, and full sound system. Faith Arena can also be converted into four 94-foot basketball courts and up to six volleyball courts at once. The arena lobby includes ticket booths, concessions, and restrooms.

- Surprise Stadium–home of OUAZ baseball. Opened in December 2002, Surprise Stadium is the Spring Training home of the Kansas City Royals and Texas Rangers. It is also the home of the Arizona Fall League's Surprise Saguaros. Surprise Stadium seats 10,500 fans and is located on a 124-acre site that includes six full practice fields and a half field, as well as separate clubhouse and office facilities for both the Royals and Rangers. Best of Phoenix rated Surprise Stadium as the “best place to watch a Spring Training game.” The stadium hosted not only Spring Training games, but plenty of little league, high school, and college sports tournaments.

This award-winning facility is used for more than sports. Surprise families have stretched out on the fields to enjoy kid-friendly movie nights with their neighbors for years and thousands gather every Fourth of July for a dynamic firework show and entertainment festival.

OUAZ also uses the practice fields of the Surprise Recreation Complex, including making Royals Field 6 its home during Spring Training.

The OUAZ Spirit Department of Athletics can be found at their offices located in Stadium Village a short drive northwest of campus.

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## CODE OF CONDUCT & ETHICS

# University-wide: Code of Conduct and Ethics

## CODE OF CONDUCT AND ETHICS

The Code of Conduct and Ethics interprets the University's Mission Statement as it applies to the everyday decisions, behaviors and actions of those within the Ottawa University Community.

### GENERAL EXPECTATIONS

All members of the Ottawa University Community are responsible for sustaining the highest ethical standards of the University, and of the broader communities in which it functions. The University values honesty, trust, fairness, respect and responsibility and strives to integrate these values into its teaching, research and business practices. It is the intent of the Code of Conduct and Ethics to protect academic freedom, a collegial atmosphere, teaching and scholarship; to advance the mission of the University; and to help preserve the highest standard of business dealings.

The Code applies to administration, faculty, staff and students; vendors, contractors, and subcontractors of the University; and to volunteers elected or selected to serve in University positions. It shall apply to conduct that occurs on University premises, off-campus teaching locations, University sponsored activities, and to off-campus conduct, ostensibly performed under University auspices, that affects the Ottawa University Community and/or the person's fitness to perform his/her responsibilities. All persons, regardless of their position, or status within the University or the community, shall be responsible for their conduct throughout their relationship with the University.

### RIGHTS AND RESPONSIBILITIES

#### Standards of Conduct

As you experience life at Ottawa University, your conduct should reflect a sense of personal integrity and discretion while on and off campus. Enrollment in the University will be interpreted by the University as the student's acceptance of the University's rules and regulations. Therefore, all students have a responsibility to be familiar with the documents containing standards and regulations. Actions or behaviors inconsistent with the Christian or academic traditions of the institution or unacceptable to established community standards will result in referral to a student conduct administrator.

All members of the campus community not only have the right, but also the duty and obligation to act appropriately to prevent or abate others' violations of community regulations. This duty may require those witnessing a violation to refer the information to an appropriate staff member for action.

Education for individual development is the central focus of the OU experience. The aims and objectives of the University permeate this general theme and provide the context for college regulations.

First, OU is a Christian liberal arts university. This definition particularizes the aims and expectations of the members of the University community and underlies the standards and policies of the institution. Second, there is convincing evidence that a major portion of student social and value development occurs outside the classroom. Campus regulations are designed to provide maximum opportunity for out-of-class learning and student development. Third, Ottawa University aims to sustain the kind of community life in which a student's total educational experience is deepened and enriched. The rights and responsibilities of the individual are considered within the context of the basic standards necessary to maintain a sense of community.

In this context, Ottawa University has developed clear statements of institutional standards of behavior and expectations for each student. These standards and expectations are consistent with, but distinct from, specific college regulations which are the minimum regulations necessary:

1. To maintain order and control behavior that infringes upon the freedom and privacy of other persons;
2. To maintain a way of student life that is physically and psychologically healthy;
3. To protect the University from behavior which threatens its ability to exercise its responsibility and to achieve its educational mission; and

4. To preserve satisfactory relations with the larger University constituency, so Ottawa University can marshal the necessary resources to devote attention to its primary tasks.

With this in mind, the University assumes that students are responsible members of the University community and will act in such a manner as to

reflect their consideration and respect for the rights and welfare of other individuals and of the community as a whole. Students whose behavior, on or off campus, is inconsistent with the Christian or academic traditions and standards of the institution will be subject to disciplinary action. Each incident will be evaluated individually and the sanction will be appropriate for that case. The University reserves the right to impose sanctions up to, and including, dismissal from the institution.

### REPORTING IMPROPER CONDUCT

The policies and procedures included in this Handbook and relevant portions of the Employee/Student Handbooks that are applicable are essential for establishing a caring, Christ-inspired community and open inquiry, which integrates faith, learning, and life. Any questions related to policy should be referred to the University Compliance Officer.

Any person having reason to believe or who reasonably suspects that any member of the Ottawa University community is engaged in a conduct contrary to any established University policy and/or procedures set forth herein, should report such conduct as quickly as possible after becoming aware of such conduct to their manager, a local unit Officer, the University Compliance Officer, or if preferred, to a source outside the University by contacting the Compliance Hotline service at 844-719-2846 or on the internet at [www.ottawa.ethicspoint.com](http://www.ottawa.ethicspoint.com), both of which operate 24 hours/day, 7 days a week. (Emergency situations which are an urgent safety or security issue must be made directly to 911.)

If the reported conduct potentially involves management for your location, the disclosure should be made to the University Compliance Officer.

The University Compliance Officer will oversee the prompt and thorough investigation of all reports and will make every effort to protect the identity of the person reporting the improper conduct. However, the University cannot guarantee confidentiality if identification of the person is necessary to institutional or law enforcement officials for the purposes of investigating the incident. In accordance with the nature of the complaint and the findings of the investigation, the University will take appropriate, corrective action.

Infractions of any policy or procedure set forth in this Handbook can result in discipline, at the sole discretion of Ottawa University, up to and including unpaid suspension, termination of employment and dismissal from the University. In addition, any omission or misrepresentation during the course of an individual's employment (including but not limited to the application process, information regarding time worked, information associated with paid or unpaid time off, etc.) or enrollment may result in discipline.

#### University Compliance Officer/Title IX Coordinator

The University Compliance Officer is responsible for overseeing the process by which complaints are investigated within the University. The University Compliance Officer also serves as the Title IX Coordinator and regularly reports to the President and the Chair of the Board of Trustees the categories of complaints brought forth and makes any recommendations for change. This position is appointed by the President. The current appointment is:

Carrie Stevens  
*Director of University Compliance/Title IX Coordinator*  
[carrie.stevens@ottawa.edu](mailto:carrie.stevens@ottawa.edu) • 785-248-2326

### COMPLIANCE HOTLINE

The Compliance Hotline is an externally managed call center independent of the University, staffed by intake specialist professionals. Individuals calling the hotline are not required to disclose who they are. This information is welcomed, however, only if a person wishes to do so. Calls are not recorded.

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A person may contact the Compliance Hotline service at 844-719-2846 or on the internet at [www.ottawa.ethicspoint.com](http://www.ottawa.ethicspoint.com).

The Intake Specialist takes notes of the conversation, summarizes the call, and forwards it to the University Compliance Officer for investigation.

The goal of the hotline, for non-emergency situations, is to have an initial response back from the University in five (5) business days, so that the caller may call the hotline back for an update to the original call. The caller is able to do this anonymously, if they choose, using the case number assigned when he/she first called the hotline. At that time the caller may be asked to provide additional information or to call back at a later date for an update.

Emergency situations are expedited and will be addressed as quickly as possible.

### **Student Complaint Policy**

Students may submit complaints in writing to campus administration (including the president/provost) or to University level personnel including the University provost, vice presidents and the chancellor. In compliance with federal regulations as interpreted by the Higher Learning Commission (accrediting agency), the University maintains a record of complaints sent by enrolled students to the chancellor, president, vice presidents, provosts, and deans or directors of academic programs. The complaints recorded include only complaints submitted in writing and signed by a student.

No information identifying the individual(s) making the complaint is made available to the accrediting association. Students may review a record of

anonymously tracked complaints that include academic grievances. The University Registrar maintains the database of formal complaints, and at least once a year, issues a report summarizing the complaints and their status. The following information is recorded in the complaint database:

- The date the complaint was formally submitted
- The nature of the complaint
- The steps taken to resolve the complaint
- The University's final decision regarding the complaint.
- External actions, if known, initiated by the student to resolve the complaint and outcome of such actions.

### **RETALIATION**

Ottawa University prohibits retaliation in any manner against anyone who, acting in good faith, has reported a suspected violation. A person feeling retaliated against may file a written complaint with the University Compliance Officer or contact the Compliance Hotline service at 844-719-2846 or on the internet at [www.ottawa.ethicspoint.com](http://www.ottawa.ethicspoint.com). A retaliation complaint that the University, after investigation, reasonably determines to be true will result in disciplinary action, including the possible termination of employment, contractual relationship or other relationship of the offending party with the University, as it deems appropriate under the circumstances.

# **University-wide: Code of Conduct and Ethics**



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## UNIVERSITY POLICIES

# University-wide: University Policies

## UNIVERSITY POLICIES

The Code of Conduct and Ethics is implemented in the policies that follow. Faculty members or students may be subject to additional information regarding appropriate, or inappropriate, conduct included in the Employee and/or Student Handbooks. To the extent a conflict exists, or is perceived to exist, between the expectations set forth in these policies and the expectations set forth in the Employee and/or Student Handbooks, the higher standard of conduct shall control.

When an individual believes there has been any improper or questionable conduct relative to any of these policies by a person subject to this Code, regardless of the participant(s) in such conduct, the reporting procedures described in the Code of Conduct and Ethics apply.

### ABUSE

Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.

### ACADEMIC INTEGRITY

An academic community of integrity:

- Advances the quest for truth and knowledge by requiring intellectual and personal honesty in learning, teaching, research and service;
- Fosters a climate of mutual trust, encourages the free exchange of ideas, and enables all to reach their highest potential;
- Establishes clear standards, practices, and procedures and expects fairness in the interactions of students, faculty, and administration;
- Recognizes the participatory nature of the learning process and honors and respects a wide range of opinions and ideas; and
- Upholds personal accountability and depends upon action in the face of wrongdoing.

### ACCESSIBILITY

Students seeking assistance regarding accessibility or students who need reasonable accommodations and services due to a disability, should contact the campus' Disability Services Coordinator.

At the OUKS campus in Ottawa, Kansas, please contact Kelsey Foss at 785-248-2582. At the OUAZ campus in Surprise, Arizona, please contact Dr. Leslie Sherlin at 623-233-7583. All other students should contact Fred Romero at 602-749-5150. Information regarding disability services is also available on the MyOttawa portal at [www.ottawa.edu/DisabilityServices](http://www.ottawa.edu/DisabilityServices).

### ACTIVISM/DISSENT

Ottawa University recognizes the rights of current students to dissent if it does not limit the freedom of others, damage university property (including property used or operated by the university), or delay the opportunity of the student body, faculty, or staff to proceed regularly with their work, schooling, or scheduled activities. When a student/employee rally or other such gathering requires building space or public areas, clearance and/or notification must be obtained from the Dean of Student Affairs / Life a minimum of 48 hours in advance.

Ottawa University reserves the right to make reasonable restrictions of location, time, or format of such events, to:

- Alleviate potential problems with safety or potential disruption of university activities.
- Facilitate a free exchange of ideas consistent with the academic environment and the University mission.
- Comply with federal, state, University, or local laws or ordinances.

The university reserves the right to review, cancel, alter, or restrict events, demonstrations, speakers, or groups whose nature or presentation is contrary to or inconsistent with the University mission or Christ-centered character. Off campus groups, individuals, churches, ministries, former students/alumni, or individuals not connected to the University as a current employee

or student will not be permitted to use University owned or operated property for demonstrations and may not, at the University's discretion, participate in a student/employee rally/gathering.

### ALCOHOL AND OTHER DRUGS POLICY

Possession, consumption, being under the influence of, or the providing of beverages containing alcohol or the possession of alcoholic beverage containers, either full or empty, on property owned or supervised by the University or at University functions is prohibited. Disruptive or disrespectful behavior, property damage, or personal harassment as a consequence of alcohol consumption is also prohibited. Funds collected by members of the University cannot be used to purchase such beverages. Any person, regardless of age, found in violation of the alcohol policy is subject to University disciplinary action that may include sanctions, fines, mandatory counseling, suspension or dismissal and possible legal action for those who do not meet the legal age for alcohol consumption and/or who cause damages, harm or distress to persons or property (both personal and University). For the full policy and sanctions for alcohol and other drug violations, please refer to Appendix B.

The possession, use, sale, manufacturing, or distribution of illicit drugs and/or drug paraphernalia is a violation of the law and is prohibited. Disruptive or disrespectful behavior, property damage or personal harassment as a consequence of illicit drugs or controlled substances is strictly prohibited. Any person found in violation of this policy will be subject to University disciplinary action which could include suspension or dismissal and may be reported to the appropriate local, state and Federal authorities. Ottawa University, historically, has attempted to influence positively, the whole person-mind, body, and spirit. Consistent with that goal, the University has resolved to support definitive actions designed to assist students and employees striving to cope with problems related to the use of alcohol and drugs.

### ANTI-HAZING STATEMENT

"Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are, or include, students at an educational institution.

The term includes but is not limited to:

- Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity.
- Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student.
- Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection.
- Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code. A person commits an offense if the person:
  - Engages in hazing.
  - Solicits, encourages, directs, aids or attempts to aid another in engaging in hazing.
  - Intentionally, knowingly or recklessly permits hazing to occur.

- Has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge to the Office of Student Affairs or other appropriate official of the institution.

An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges or alumni of the organization commits or assists in the commission of hazing.

The act of “hazing” is not consistent with the mission or philosophy of Ottawa University and will not be accepted as appropriate behavior. Students and/or student organizations who commit a “hazing” incident will face disciplinary action ranging from a fine to suspension or dismissal from the University.

### **BULLYING/CYBER-BULLYING**

Bullying is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment).

Use of social media to intimidate, harass, and/or threaten another individual is prohibited. Examples of social media include but are not limited to Facebook, Twitter, Instagram, SnapChat, texting, etc. Use of social media that negatively impacts Ottawa University is prohibited.

### **CHILDREN ON OU CAMPUSES**

Ottawa University values the role of families in the lives of the employees and students of the University and has worked to develop policies, activities, and benefits that are supportive of balancing work, education and family life. It is recognized that there are times when it is necessary and appropriate for an employee/student of the University to occasionally have a child on an OU campus during work/class hours, for a period of time, as an exception to normal policy. It is expressly understood that the employee/student whose child is present is completely responsible for the safety, care and conduct of such child.

The intent of this policy is to provide guidelines related to the regular presence of a child on our campuses with the purpose of providing safe campus environments, maintaining a positive learning environment for students, and a disruption free workplace for our employees.

This policy applies to all units of the University.

For the purposes of this policy, a child is defined as a son/daughter of an employee/student (whether biological, adopted, step-child, or a child of a domestic partner), age 14 and under.

#### **Guidelines:**

1. It is the policy of the University that the regular presence of a child on a University campus, while the employee is working or the student is in class, is inappropriate. Consequently, employees and students shall not regularly bring a child with them when scheduled to work or learn.
2. An employee should not ask another employee, during scheduled working hours, to take responsibility for a child in the workplace as a part of a regular pattern or schedule.
3. A child of an employee, student, or visitor shall not be left unattended (out of the care of the parent) on University property at any time.
4. A University student providing regular childcare (as a part of an established pattern) for a child of an employee of the University shall not do so while on University property as a part of a regular pattern or schedule.
5. When an employee or student’s child is participating in a special activity or University program scheduled for them, it is expected that a professional and productive work environment will be maintained. It is also expected that consideration of and safety for the child, co-workers and other campus residents will be maintained. If a child becomes disruptive, the situation must be handled immediately by the parent.

6. Any child who accompanies an employee to the University shall not be asked or permitted to perform any work on or behalf of the University or otherwise assist the employee with his/her work.
7. To prevent injury to a child and to protect equipment from damage, a child is not allowed in designated areas of our campuses where there are special risks or value (e.g., computer labs, employee computers, science laboratories, shops, studios, power plant, food service areas, mechanical rooms, any areas containing machinery with moving parts, power operated equipment, maintenance shops, physical plant garage, or any area where air quality may be compromised). Local University leaders have responsibility for defining such designated areas and should enforce these expectations.

It is the responsibility of all members of the community to implement this policy. Campus leadership is responsible for its enforcement. “Regular” presence or “pattern” will mean that the child is present frequently, or on a routine basis. The University reserves the right, at its sole discretion, to determine if a child’s presence is considered a “regular” presence for purposes of this policy.

### **COMMERCIAL ACTIVITY**

Students are prohibited from conducting any type of business out of a student residence or anywhere on university property. Student who conducts business on campus in violation of this policy are subject to student conduct action.

### **CONFLICT**

University students are expected to settle conflicts in a civilized and respectful manner. If needed, mediation or other intervention is an option available by contacting the Dean of Student Affairs/Life.

Physical violence or threats of violence of any kind are contrary to the value of respect and endangers the safety and security of the community. Violence or the threat of violence, of any kind will be treated as a serious matter and will not be tolerated at the University.

Relationship violence is a dangerous form of violence prevalent within the college student population and will not be tolerated at the University. Often the victims of relationship violence find it difficult to ask for help and may blame themselves for the abuse. No one deserves abuse for any reason, and all persons who are abused deserve help and support.

The university will assist any student who has been the target of violence, threats of violence, or abuse of any kind whether it has taken place on or off campus or has been perpetrated by another student or someone else. Students who need assistance, as well as friends of students who need assistance, are urged to contact the Dean of Student Affairs/Life, the campus safety and security, coach, or advisor for assistance. In response, the Dean of Student Affairs/Life will assist the student in need by reporting violence or abuse to law enforcement authorities.

In addition, the University’s policy is that any student who has been ordered by a court to avoid contact with any other member of the university community may be held subject to the University’s emergency suspension policy for as long as the court order is in effect. Students who want to know more about this policy may contact the Dean of Student Affairs/Life.

Students who violate this policy may be required to undergo an evaluation by a qualified mental health professional at their own expense. In such cases, the student shall be responsible to complete all recommendations resulting from the evaluation. They will also be responsible to provide the appropriate release of information to enable the evaluator to furnish the University’s student conduct officer(s) with a copy of the evaluation, recommendations, and documentation of compliance. Fees for the evaluation and any subsequent educational programs and/or counseling are the responsibility of the student. The conduct officer has the authority to impose additional sanctions and requirements as circumstances warrant. Students are prohibited from using any form of violence or restraint against another person. Violators are subject to student conduct action.

# University-wide: University Policies

## CURRENT CONTACT IDENTIFICATION POLICY

Students are responsible to cooperate with University officials, staff, security personnel, and law enforcement authorities when they are acting in their official capacity. This includes responsibility to comply with all instructions and directives of those responsible to manage events and activities, those who respond to emergencies and security/safety situations, and those who are responsible to enforce university policies and rules as well as those responsible to document, investigate, and process violations and possible violations of policy.

### Refusal to Comply with a Legitimate Directive of a University Official

A student who refuses to or fails to comply with the directive of a University official or member of the staff, University-authorized security personnel, or law enforcement authorities is subject to student conduct action.

### Refusal to Cooperate with an Investigation by University Officials

A student who refuses to be interviewed, withholds information, provides false or misleading information, or otherwise refuses to cooperate with University officials and staff during the documentation investigation and/or processing of a violation or suspected violation of University policy is subject to student conduct action.

## CURRENT CONTACT IDENTIFICATION POLICY

It is necessary for the University to have a current address and current phone number for each student. This information enables the University to contact students promptly in the event of an emergency, and it provides for efficient mailings of official information to accurate addresses. Students are responsible to provide current and accurate local addresses and phone numbers to the University registrar along with permanent addresses and phone numbers when applicable. The University assumes no responsibility for misdirected or undelivered mail when the student has not provided accurate or current contact information.

### Failure to Provide Current Identifying Information

Students who fail to provide and those who provide inaccurate contact information are subject to a warning. Students who continue in a state of noncompliance are subject to student action.

### Provision of False Identifying Information or the Purposes of Deception

Students who provide false information for the purposes of deception are subject to student conduct action.

## DISCRIMINATION

Ottawa University is committed to equal opportunity and does not unlawfully discriminate in the recruitment or treatment of applicants, employment opportunities, or general employment practices on the basis of race, age, sex, color, religion, ability or disability, national origin, sexual orientation, gender, ethnicity, family or marital status, or any other characteristic protected by law. This commitment applies to all members of the Ottawa University Community including faculty members, staff members, and students.

The following person has been designated to handle inquiries regarding the non-discrimination policies:

Carrie Stevens  
Director of Compliance/Title IX Coordinator  
1001 S. Cedar Street  
Ottawa, Kansas 66067  
Phone: 785-248-2326  
Email: carrie.stevens@ottawa.edu

For further information on notice of non-discrimination, please contact:

The Office for Civil Rights  
1010 Walnut Street, Ste. 320  
Kansas City, Missouri 64106  
Phone: 816-268-0550 or 877-521-2172 (TTY)  
Email: OCR.KansasCity@ed.gov

## DISHONEST BEHAVIOR

All forms of dishonesty, including cheating, plagiarism, and supplying false information, as well as forgery or use of documents or instruments of identification with intent to mislead or defraud, is prohibited.

## DISRUPTIVE BEHAVIOR

Engaging in, or inciting others to engage in, conduct which disturbs the peace of the University, involves a significant disruption of University activity, or impedes reasonable freedom of expression or movement of other members of the University community or its guests is prohibited.

Disruptive behavior is behavior that endangers the health and safety of others, causes others to experience undue distress, or otherwise significantly interferes with the legitimate activities of others. Students responsible for disruptive behavior are subject to student conduct action.

## DRIVING

Driving or parking on campus sidewalks or grass is prohibited.

## FIREARMS AND WEAPONS

The University prohibits students from the use, possession, display, or storage of any weapons, ammunition, explosives, or fireworks on University property or at University events, including all buildings, residence halls, or property owned or leased and operated by the University and/or in private motor vehicles in a parking lot.

Students may not possess or store any type of weapon or ammunition on University property or at University events, including all buildings, housing, facilities, or property owned or leased and operated by the University and/or in private motor vehicles. Students in violation of the University's policy shall be subject to student conduct action.

## FIRE ALARMS

Fire drills will be conducted regularly. When the fire alarms sound, occupants must immediately exit the building. Cooperation in exiting the building when a fire alarm sounds is expected. Those remaining in the building or trying to enter the building while the alarm is sounding may face disciplinary actions.

Additional information regarding fire safety may be found in the campus-specific housing policies and emergency response and evacuation procedures.

## FIRE EXTINGUISHERS

Misusing or tampering with fire-fighting equipment or safety equipment is prohibited. Fire extinguishers on campus contain a chemical dry powder. If they are discharged, cleaning is expensive and if a person is sprayed, it can be very dangerous; the powder can cause blindness and burn the skin. Anyone who carelessly injures another person by playing with or is discharging a fire extinguisher shall be held directly responsible for any material damages and/or personal injuries (self or other).

Additional information regarding fire safety may be found in the campus-specific housing policies and emergency response and evacuation procedures.

## FIREWORKS

Possession or use of fireworks is prohibited on any University-owned or leased property.

### Detonation of Fireworks/Explosives inside a Building

Students responsible for or participating in the detonation of fireworks or explosives inside a campus building or in a manner to endanger others, cause fear, damage property, or disrupt a University event or activities of others shall be subject to student conduct action.

### Possession and/or Detonation of Fireworks

Students responsible for detonating or participating in the detonation of fireworks and those responsible for storing fireworks or explosives contrary to University policy shall be subject to student conduct action.

## GAMBLING

Engaging in illegal gambling on campus is prohibited.

Appropriate sanctions may include a requirement for the student who has engaged in gambling to undergo an evaluation for problem gambling to be conducted by a licensed and qualified mental health professional at the student's expense. Such a requirement includes the responsibility on the part of the student to comply with all recommendations resulting from such an evaluation, providing appropriate release of information to allow the University to provide information in advance of the evaluation, and permit the mental health professional to provide the Dean of Student Affairs/Life with information to verify compliance.

## HARASSMENT AND SEXUAL MISCONDUCT

The University strives to maintain an environment for all that is free of harassment and illegal discrimination. In keeping with that policy, any form of harassment by or against any employee, applicant for employment, student, agent, supplier, contractor, volunteer or any other person is prohibited whether it is illegal or not.

Racial, religious, sex, disability, sexual orientation, gender (identity and expression) age or national origin harassment are expressly prohibited. This includes any verbal, written, or physical act used or implied in a manner that may interfere with another person's ability to perform his/her job. For example, inappropriate jokes, offensive language or the display or use of objects or pictures that adversely reflect on a person's race, religion, sex or national origin.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to the conduct is made either explicitly or implicitly a condition of employment; or
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- Such conduct has the purpose or effect of substantially interfering with the person's performance or creates an intimidating, hostile or offensive work environment.

Prohibited acts of sexual harassment can take a variety of forms, ranging from off-color jokes to subtle pressure for sexual activity to physical assault. Examples of conduct that may constitute sexual harassment include:

- Repeated or unwelcome sexual flirtations, advances, propositions, touching, remarks, or requests for sexual favor;
- Repeated verbal abuse of a sexual nature;
- Graphic verbal comments about a person's body;
- Sexually degrading words used to describe a person;
- The display of sexually suggestive objects, pictures or videos;
- Unwelcome questions or comments about private sexual matters;
- Slurs, "off color" jokes, or degrading comments related to gender;
- Demeaning, discourteous conduct, or negative stereotyping; or
- A nonconsensual sexual relationship with a subordinate or a student.

For any act of dating or domestic violence, please refer to the Sexual Misconduct Policy.

It is important and critical to our Code of Conduct and Ethics that we uphold high standards of behavior for each individual within the University setting. If you believe you have been witness to unprofessional conduct, it is your responsibility to report it within the guidelines set forth above, just as you would report any other type of negative behavior as part of this Code.

## IDENTIFICATION POLICY

### Failure to Have an Acceptable Form of Identification on One's Person

Students who fail to carry an acceptable form of identification to present upon request but who otherwise identify themselves appropriately are subject to a warning. Second offenses will receive sanctions as deemed to be appropriate.

### Refusal to Identify Oneself to University Officials Upon Request/ Providing False Identification or False Information About One's Identity or Status as a Student

Individuals who refuse to identify themselves or present false identification will be reported to law enforcement authorities. If the individual is later determined to be a student, that student is subject to student conduct action.

### Student ID Cards

New students will receive an official University student ID card at the beginning of their first semester on campus. The ID card is used to access the residence halls, scanned in the University dining center at each qualifying meal, and used for free admission to a variety of events and activities on campus.

At all times when on University owned or controlled property, all enrolled students must carry on their person their official University student ID. Students visiting other University campus locations are responsible to present a valid driver's license, passport, military, state, municipal or tribal identification card. Students are responsible to present identification to campus officials upon request. Students who fail to provide an acceptable form of identification are subject to student conduct action and they may be denied services and/or access to campus events and/or facilities. Students who provide false identification and/or who are not truthful about their identity or student status are subject to student conduct action.

### Using an University ID Card, a Student Identification Number and/or the ID Card System in a Fraudulent Manner

Fraud is stealing what does not belong to you by deception. Using an official University ID card (or student identification number) that does not belong to you or allowing another person to use your ID card (or your student identification number) to obtain food, beverages and or other goods or services or to gain admission to an event or place where you are not authorized to be is fraud. Fraud harms the whole community and is a serious criminal offense. The University reserves the right to report students who commit fraud to the law enforcement authorities for prosecution. Students found responsible for any of the violations listed in this section are subject to a mandatory fine in the amount of \$150 and subject to student conduct action.

Students are strictly prohibited from allowing another student to use his/her official University ID card because such misuse constitutes fraud or theft, depending on the circumstance. Examples include but are not limited to:

- Allowing another person to use your official University ID card for food/beverages (both fraud and theft).
- Allowing another person to use your official University ID card to gain free entry to an event such as a athletic event (both fraud and theft).
- Allowing another person to use your official University ID card to gain entry to a building where that student is not authorized to be (fraud).

### Tampering with an official University ID Card and/or the ID Card System

Students are prohibited from tampering with an official University ID card and/or the ID Card system. This includes production of fraudulent official University ID card and/or any other actions to tamper with the University's system. Violators are subject to a mandatory \$250 fine and subject to student conduct action. The most serious cases may also be subject to suspension or expulsion.

### Lost or Stolen official University ID Card

In the event an official University ID card is lost or stolen, residential students must immediately notify the Office of Student Affairs/Life. The student will be held accountable for all charges incurred on the card prior to notification.



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Students are also responsible for paying a replacement fee. The replacement fee applies regardless of whether the card was lost or stolen. Upon withdrawal or termination, students are required to return their official University ID card to the Office of Student Affairs/Life.

### **INTIMIDATION**

Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.

### **LAW-ABIDING, BOTH ON AND OFF CAMPUS**

Incidents and violations that occur outside the residence halls, including off campus, are referred directly to the Dean of Student Affairs/Life.

Each student is always accountable to the university to be law abiding when the student is off campus as well as when the student is on campus. The University reserves the right to take student conduct action as it deems appropriate up to expulsion about any student who is alleged to have violated the law while enrolled as a student at the University. The University also reserves the right to take student action as it deems appropriate regarding any student who fails to report or otherwise withholds information from the University about their criminal record as part of the admissions process. The University encourages law enforcement authorities with information about criminal conduct on the part of a student to provide such information to the University's Dean of Student Affairs/Life.

For purposes of this policy, "legal violation" and "criminal history" include all criminal offenses and all drug and alcohol law violations, as well as any order from a court to avoid contact with another person. Non-criminal traffic offenses such as parking tickets and speeding violations are not included.

All enrolled students have an ongoing obligation to promptly disclose to the Dean of Student Affairs/Life any citations, charges, investigations, arrests, or violations of any criminal or legal violation occurring on or off campus at any time. The Dean of Student Affairs/Life reserves the right to require at any time the student to undergo a criminal background check as a condition of continuing enrollment. The Dean of Student Affairs/Life reserves the right to take appropriate disciplinary action in accordance with this handbook in response to findings of a criminal history record, including refusing placement to, or removing any student when it has reasonable cause to believe that the student is dangerous or otherwise unsuitable for its residential life program.

Any legal or criminal violation of a student, whether the student is on or off campus, is a violation of university policy. Any criminal or legal violation includes all criminal offenses and all alcohol and drug violations. Violators are subject to student conduct action. In such cases, the Dean of Student Affairs/Life will investigate the matter and will decide in the matter independent of the determination made by criminal justice authorities. This is the case even if legal or criminal charges are reduced or dismissed by authorities. The sanctions that will apply will be determined according to the nature of the legal violation/criminal conduct involved.

A student cited or charged with a criminal offense shall be subject to the University's emergency suspension policy until such time as the Dean of Student Affairs/Life makes a final determination in the matter. In such a case, the Dean of Student Affairs/Life reserves the right to wait until all legal proceedings have been resolved before completing her own investigation and coming to a final determination.

### **Protective Orders**

Each student is responsible to promptly notify the Dean of Student Affairs/Life of any instance in which the student has been ordered by a court to avoid contact with another member of the University community or any other person.

A student ordered by a court to avoid contact with any member of the University community (i.e., a court ordered violence protective order or restraining order) may be subject to the University's emergency suspension policy for as long as the court order is in effect.

### **Criminal Charges**

Due to the serious nature of some criminal offenses, the University reserves the right to take appropriate action to protect members of the University community from students cited or charged with or convicted of an offense.

### **MOTORIZED DEVICES**

The use and storage of hoverboards or any motorized vehicles (three-wheelers, four-wheelers, mini motorcycles, self-balancing scooters, battery-operated scooters, Segway, etc.) is prohibited within all campus buildings. Students can use hoverboards or any motorized vehicles outside in parking lots and/or sidewalks. Should these devices be found, they will be confiscated and removed from the campus building(s). Students who violate this policy are subject to confiscation of equipment and student conduct action.

### **NON-RESIDENCE HALL VIOLATIONS**

Incidents and violations that occur outside the residence halls, including off campus, are referred directly to the Dean of Student Affairs/Life.

### **PORNOGRAPHY**

Students who have images (electronic and/or print) or display lewd, obscene, or offensive materials will be subject to student conduct action.

### **POSTING OF SIGNS**

Student organizations wishing to display flyers/posters/PR materials on university property must be approved by the Dean of Student Affairs/Life or his or her designee. The name of the sponsor(s) and contact information must be displayed on the posted materials. Flyers/posters/PR materials from non-University groups/businesses are prohibited. All printed materials may be displayed only on designated bulletin boards across campus; they may not be affixed to walls, windows, or doors. Students are prohibited from hanging or posting signs or other material on residence hall windows. Any materials posted that are deemed to not support the University mission or have not been approved will be removed at the discretion of the Dean of Student Affairs/Life of his or her designee.

Any student/student group who posts materials on campus is responsible removing the flyers, exhibits, and displays within 24-hours after the event. Student Activities reserves the right to fine registered organizations for violations of this policy. Organizations that have disregarded the signage policy may be given one courtesy warning via email (at the discretion of the Office of Student Affairs/Life depending on severity of concerns), after which, the organization may be fined \$50 each day until the items are removed. Second offenses may result in the organization being prohibited from posting or exhibiting until the next academic semester.

### **PROPERTY DAMAGE**

Students share responsibility for stewardship of the university's property and facilities. You may not remove furniture belonging to the university from the student residence without the permission of the Dean of Student Affairs/Life. Likewise, students are prohibited from removing University furniture or fixtures from public areas. When University property in a residence facility is damaged or stolen, the residents living in the residence are responsible for all costs associated with repair or replacement. Residents are responsible for damage or theft caused by guests. In the event where there is evidence that students other than the residents of a facility are responsible for damage or theft, the University reserves the right to hold these students responsible for damages in addition to or instead of the residents. When responsibility for theft or damage cannot be determined, the University reserves the right to hold all residents of a room or suite equally responsible for costs associated with repair and replacement. Likewise, when responsibility for damage or theft in the common areas of a residence facility cannot be determined, the University reserves the right to hold all residents of the facility equally responsible for the costs associated with repair and replacement. Students who cause intentional damage to University property, cause damage by negligence, or steal university property are subject to student conduct action.



## REFRAIN FROM SPONSORING AND/OR PARTICIPATING IN NONSANCTIONED ACTIVITIES

University students are prohibited from inviting other University students to participate in activities that encourage or promote illegal activity and/or those that cause disruption of officially sponsored activities whether held on or off campus.

## SOCIAL CONDUCT

Students are required to engage in responsible social conduct that reflects Ottawa University in a positive light and to model good citizenship in any community (see also: Sportsmanship, below). The University will take disciplinary action against any student whose conduct violates the dignity of others and/or that otherwise shows a disrespect for the needs, safety, and well-being of others has the potential to cause great emotional and/or physical injury or harm, including but not limited to:

- Students who fail to be good stewards of the University's resources and/or good name.
- Students who fail to do what is right and good may cause harm to others or to the University.
- Students who fail to serve as a positive role-model for others by encouraging others to violate policies, and/or laws.

In the most serious cases, students who act in such a manner may be expelled or suspended with conditions. Students may be required to complete counseling or educational requirements, make restitution, or take other steps to restore their standing in our community.

## SOLICITATION OR SELLING OF GOODS

Solicitation or selling of goods is prohibited (such as paintings, pottery, cakes, jewelry, etc.) without the consent of the Dean of Student Affairs, Dean of Student Experience, or Campus Executive.

## SPORTSMANSHIP AND UNIVERSITY COMPETITIONS/EVENTS

It is the responsibility of all students to act as good stewards of the University's name and reputation at all athletic competitions, whether at home or away, and at all other events. This includes the responsibility to support our student athletes and other students participating in extracurricular activities with dignity and pride while evidencing a spirit of respect, and civility for the student athletes, coaches, and fans representing other institutions.

Further, University students are responsible to maintain a positive and respectful stance even when opposing fans or student athletes adopt a disrespectful or insulting tone.

Finally, University students are responsible to show respect for the game officials and all personnel responsible for the facility where the competition is taking place. The University reserves the right to eject any student from a University-sponsored event who fails to conduct themselves as a good ambassador of the University or who otherwise acts contrary to the values of the University.

### University Licensing and Unauthorized Sale, Promotion, or Distribution of Articles Relating to the University or its Athletic Opponents

Students are prohibited from creating, selling, promoting, or distributing any article used to support the University or that refer to any of its athletic opponents without prior written approval of the athletic director. Violators are subject to immediate ejection from the event and student conduct action that may include loss of eligibility to attend university events.

### Creation, Display, or Distribution of Profane, Obscene, or Offensive ("Underground") Items

Students are prohibited from designing, displaying, wearing, selling, promoting, distributing, or participating in any plan to design or sell, promote, or distribute any item (such as t-shirts or other articles of clothing or signs) to other students or fans containing messages or graphic representations that are obscene, degrading, or inconsistent with the values of the University. Violators are subject to immediate ejection from the event and student

conduct action that may include loss of eligibility to attend University events, suspension, or expulsion from the University.

### Taunting, Verbal Harassment, Profanity, or Obscenity at Athletic Events

Students are prohibited from engaging in any type of taunting, verbal harassment, and/or using profane or obscene expressions directed against officials, coaches, student athletes, fans, and/or security personnel at University athletic events (this policy applies at all competitions and events whether at home or away). Violators are subject to immediate ejection from the event and student conduct action that may include loss of eligibility to attend University events.

## STALKING

Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family members of the community.

## STANDARDS OF CONDUCT

All members of the Ottawa University community are expected to use good judgment and avoid even the appearance of impropriety in all their dealings with others. The University also prohibits, though not required by law, unprofessional conduct and comments that may not amount to unlawful harassment.

Failure to comply with the directions of University official or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so. Interfering with, obstructing or disrupting police, fire, or emergency responses. This prohibition includes, but is not limited to resisting arrest, failing to abide by the directions of a peace officer, tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, or alarms, failing to evacuate during a fire alarm, and setting fires (arson).

## STUDENT CONDUCT SYSTEM-ABUSE

Abuse of the Student Conduct System, including, but not limited to:

- Failure to obey the notice from a Student Conduct Administrator, and/or University official to appear for a conference meeting as part of the Student Conduct System.
- Failure to abide by or complete a University sanction in a satisfactory manner.
- Falsification, distortion, or misrepresentation of information before the Student Conduct Administrator.
- Disruption or interference with the orderly conduct of a Student Conduct proceeding.
- Institution of a student conduct code proceeding in bad faith.
- Retaliating against or discouraging an individual from participating in a College process, acting to improperly influence a College conduct body, or the unauthorized release of confidential student or College information/records. Direct contact with an individual or conduct body or contact through a third party may constitute a violation of this provision.

## SUPPORTIVE WORKPLACE AND LEARNING ENVIRONMENT

The University's intent to provide a drug-free, healthy, and safe workplace for its employees and a safe learning environment for its students. Each member of the Ottawa University Community must comply with local, state and federal laws concerning alcohol, illegal drug use, and physical harm whether on University property or otherwise.

Acts of violence or aggression will not be tolerated. Examples of improper behavior include, but are not limited to, incidents of pushing, hitting, inappropriate forms of physical contact, threats of physical harm, vandalism, sabotage, and arson. The possession or use of fire arms, explosives, knives, or any object that may be of threat to others are prohibited while on Univer-

sity property or at University sponsored events. Violations will be reported to the appropriate law enforcement officials and violators are also subject to University disciplinary action.

In keeping with the University's intent to provide a safe and healthy work environment, smoking is prohibited throughout the University. This policy applies equally to all employees, students, and visitors, and it applies to all University locations, including administrative offices and residence halls unless otherwise posted by the University. Additional restrictions may apply at specific University locations and/or buildings.

## **THEFT, VANDALISM, AND PROPERTY DAMAGE**

### **Theft**

Theft is taking what does not belong to you, regardless of the value of the item or if it is unattended or unsecured. All members of this community are stewards of property belonging to individuals and of property belonging to the community. The university reserves the right to report theft to law enforcement authorities for possible prosecution and those responsible are subject to student conduct action up to expulsion.

### **Vandalism**

Students who vandalize the property of others cause injury to the sense of security of individuals and of the community. Vandalism will not be tolerated. Consequences for vandalism include.

- Financial restitution.
- Mandatory mental health evaluation conducted at their own expense by a licensed and qualified professional.
- Mandatory compliance with any recommendations resulting from such an evaluation and a documentation release so that a copy of the evaluation and recommendation can be shared with the Dean of Student Affairs/Life.

### **Damage/Loss to Personal Property**

Students who damage the property of others accidentally are responsible for compensating the owner for the damage.

The University does not assume liability directly or indirectly for loss or damage to personal property, including but not limited to, by fire, theft, water, or any other natural cause. Students are strongly encouraged to purchase personal property/renter's insurance to cover loss or damage to personal property or facilities.

## **TOBACCO**

Tobacco use is discouraged as a basic principle of good health. The University will not tolerate smoking to the extent of inconvenience to the non-smoker. Smoking, including e-cigarettes and vaping, or use of smokeless tobacco and hookahs will not be permitted in any of the buildings owned or used by Ottawa University, including University housing.

Smoking outside University buildings is also restricted as follows:

1. No smoking in the bleachers/stands at athletic facilities. Designated smoking areas will be marked.
2. No smoking within 20 feet of any University housing entrance.
3. No smoking within 20 feet of any entrance to all Ottawa University buildings, owned and operated.

## **UNAUTHORIZED ENTRY**

Violations include but are not limited to the following:

- Duplication of a key without authorization or being in possession of an unauthorized duplicated key.
- Being in possession or use of any University key or security control device that has not been issued to the student.

- Giving a university key or security control or access information to any unauthorized person to allow an otherwise unauthorized person to gain access to University property, equipment, or facilities.
- Entering any building or facility without proper authorization. This prohibition includes any instance of a student entering a building or facility when the facility is closed for student use. It applies even if the building or facility accidentally has been left unlocked or unattended (such instances should be reported to the Dean of Student Affairs/Life). Violators are subject to student conduct action.

The University reserves the right to report any student suspected of an above violation to law enforcement authorities for possible prosecution and the individual(s) involved are subject to student conduct action.

## **USE OF UNIVERSITY RESOURCES AND INFORMATION**

University resources must be reserved for business purposes on behalf of the University. They may not be used for personal gain except in a manner that is incidental, and reasonable in light of the person's duties. University resources include, but are not limited to, the use of University systems, such as telephone systems, data communication and networking systems, and the domain for electronic communication forums; the use of University equipment; the use of procurement tools such as purchasing cards, credit cards, and petty cash; and the time and effort of other staff, students, and others at the University.

Appropriate use of University property and information requires that persons not use a password, access a file, or retrieve any stored communication without authorization. This includes concealing, falsifying, altering, misusing, or removing records, including electronic records. In addition, information such as mailing lists of students, employees, or alumni must not be given to anyone without authorization from the Unit Executive.

Many employees, as part of their job responsibilities, have access to confidential and/or unpublished information. Any employee who has access to such information is expected to use it solely for its intended purpose as well as with consideration and ethical regard for others. In addition, employees are expected to safeguard the integrity, accuracy, and confidentiality of this information. Circumventing or attempting to circumvent restrictions on the use and dissemination of confidential information is prohibited.

Certain student related data is protected under the Federal Family Educational Rights and Privacy Act and may not be disclosed except as provided for by federal regulations. In addition, the Social Security number and private information of students, faculty, staff, alumni, and donors is confidential and the unauthorized use or disclosure of it is prohibited.

University computers (including data stored on computers), telephone message systems, etc. are and remain at all times University property, and all information (including email messages and voice mail messages composed or sent) are subject to review by University management. Privacy in these items and this information is not and cannot be guaranteed. Accordingly, individuals should create and/or send only messages that they would not mind others reading. In addition, all users should bear in mind that erased and deleted materials can sometimes be recreated.

Any member of the Ottawa University Community using University resources may not solicit others for commercial ventures, religious or political causes, outside organizations, or other non-University matters.

The University complies with all laws regulating intellectual property rights, including copyright infringement, confidential information and software privacy. Each member of the Ottawa University Community is prohibited from using University facilities, computer systems, communication and electronic systems, and/or the information contained within them in a manner contrary to law.

# Student Handbook

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## ACADEMIC POLICIES & PROCEDURES

# University-wide: Academic Policies and Procedures

## ACADEMIC POLICIES AND PROCEDURES

### STANDARDS OF STUDENT CONDUCT

#### Standards of Student Behavior

#### Student Conduct, Academic Honesty, and Academic Grievances

##### I. Academic Honesty

Academic Honesty means, at the minimum, that work submitted by a student or the taking of examinations by the student is the original work of that student. Ottawa University does not condone any form of dishonesty. Academic dishonesty includes cheating on examinations or assignments (including any attempt to give or obtain assistance in a formal academic exercise without prior authorization and due acknowledgment), using student's original work for more than one course without prior approval from the instructor; representing the work of another as one's own; plagiarism; the falsification of data, information, or citations in any formal academic exercise; providing false information to an instructor concerning a formal academic exercise, and/or supplying false information pertaining to the student's academic program. Penalties for cheating on examinations and plagiarism can be failure in the course in which the dishonesty has occurred and/or dismissal from the University.

If academic dishonesty is suspected, the instructor of the course will make recommendation to the local Academic Dean for action. The local Academic Dean will work with the instructor to seek resolution of the incident, including conference with the student to review evidence and related materials. The local Academic Dean will make the decision concerning penalties for the student accused of academic dishonest which may include failure in the course, withdrawal of semester credits, and/or dismissal from the University.

##### II. Academic Grievance Policy & Procedure:

###### Purpose and Philosophy

Ottawa University's academic grievance policy is established to create an atmosphere wherein concerns about whether or not students have been treated fairly in the academic environment can be resolved. The University endeavors to address both the letter and spirit of academic policies and procedures.

Ottawa University's philosophy concerning the academic grievance process advocates multiple and frequent interactions between students and the University. No student should hesitate to contact a faculty member or administrator to discuss any issue or concern. If a student believes that an instructor has been unfair in grading, assessing student performance, or any area affecting academic performance, the matter should be resolved either informally or formally. Initially, when and wherever possible, parties should demonstrate a full and honest effort to resolve concerns informally, with minimal intervention by the University. Historically, at Ottawa University, most problems have and can be resolved through the two sequential steps described below through "informal resolution."

###### Informal Resolution

Students who believe their academic success has been compromised by a faculty member or other University instructor are encouraged to take the initiative to meet with the instructor to resolve the issue in question. The student should inform his/her Advisor/Mentor of this step. More than one meeting may be required to enable either the student or instructor to gather appropriate related data or materials. Every effort should be made to resolve any concerns at this level, as instructors have ultimate responsibility for grades in the courses they teach. If the student does not accept the outcome of the meeting(s) with the instructor or should the student elect not to contact the instructor, the student should then contact his/her advisor for assistance. The student shall take this step promptly, preferably within one week of identifying the grievance. Assistance by the advisor may take a number of forms, including additional clarification to remedy miscommunication or misunderstandings. The advisor may also act as an advocate or neutral

intermediary with the instructor. If matters are still unresolved to the student's satisfaction, the formal resolution policy described below is in order.

###### Formal Resolution

Only after significant effort has been pursued to resolve the issue through the informal process, will a formal resolution be initiated. Although each campus is a part of the overall Ottawa University system, this policy also recognizes that each campus has its own unique organization, size, needs, identity, and culture. In order to offer a consistent process as well as one that is truly responsive to all individuals, each campus will follow this grievance policy, as appropriately determined by the University and circumstances allow. Small campuses may need to modify the review process in order to serve the student effectively and in a timely fashion. The organization of the formal grievance procedure will proceed according to the general principles below:

- The procedure will be "user friendly."
- The procedure will preserve and protect the confidentiality, integrity and human dignity of all parties.
- The procedure will endeavor to ensure due process for all involved parties.
- The procedure will seek to prevent any conflicts of interest.
- The procedure will be designed to support fairness and impartiality.
- Formal grievances should be submitted in writing. The student should describe the circumstances surrounding the issue or incident and provide any evidence in support of the concern that the student has available.
- At the discretion of the local Academic Dean or his/her superior, a committee or panel of at least three University personnel will hear the case. The committee will not be authorized to make or develop University policy. The panel will typically, but not necessarily, include (1) the Academic Dean (or designee), (2) a member of the faculty and (3) a non-related student advisor. The Academic Dean will identify a committee Chair out of the three committee members.
- At the discretion of the Academic Dean, faculty members may be full-time faculty and/or adjunct faculty. As part of the process, the committee chair must ensure that members of the grievance review committee will review all aspects of the grievance in an impartial manner to allow fairness for all parties.
- The Grievance panel will function only as a body and its members will have no individual authority on the matter before the panel.
- A lack of timeliness on the part of a party will not interfere with the proper investigation of a concern or with appropriately resolving the matter in question.
- Any employee or contractor of the University who attempts, regardless of how subtly, to coerce, single out, threaten, or retaliate against a complaining party, or to discourage use of this or any other University policy or procedure may be subject to disciplinary action or termination.

###### Procedure

A student who wishes to pursue a formal academic grievance should submit a written formal grievance with the local Academic Dean, (if the Academic Dean was involved in the informal resolution process) within ten (10) days of exhausting the informal resolution process.

Upon receiving the formal grievance, the Academic Dean will appoint a grievance review committee as described above. The committee will contact (all communications will be via University email, although hand delivery may be done in conjunction with email) the involved parties explaining the process to be used in examining the grievance. In a timely fashion, after gathering the necessary information, the committee will begin its review of the issue. The student and faculty member will be provided an opportunity to present their individual perspectives of the circumstance either in person or in writing, and the committee will endeavor to make a decision in a timely fashion. The committee Chair will communicate the decision (in writing), to the involved parties. The chair will be responsible to maintain a log of all activities of the



grievance review committee. This log will include minutes of meetings and all actions taken.

**Appeal:** Either party may submit a written petition to the Academic Dean or Provost (if Academic Dean served on the review committee) appealing the committee decision. This should be done as soon as possible, typically within no more than ten (10) business days after the committee decision is made and communicated to the involved parties. The Academic Dean (or Provost) will review the committee decision and gather any additional information found to be necessary for the appeal review.

Within 10 working days after completing the appeal review process, the Academic Dean will make a final decision concerning the appeal and communicate it, in writing, to the involved parties.

The decision on appeal is final. In the event that the Academic Dean is involved in the dispute, the process described above will be followed with the University Provost appointing a university official to serve as the chair of the initial grievance review committee.

## ACADEMIC COMPLAINTS

In compliance with federal regulations as interpreted by the Higher Learning Commission, the University maintains a record of complaints sent by enrolled students to the president, vice presidents and campus executive officers of academic programs. The complaints recorded include academic grievances sent to any person designated by a vice president, provost or director to receive and act on grievances. The complaints recorded include only complaints submitted in writing and signed by a student. Enrolled students include students who registered for courses within the last two years from the date of receipt of the complaint unless the student has been dismissed from the University. If a student has been dismissed but an academic grievance is filed within two years, the complaint/grievance will be tracked. No information identifying the individual(s) making the complaint is made available to the accrediting association. Students may review a record of anonymously tracked complaints that includes academic grievances. The University registrar maintains the database of formal complaints and at least once a year issues a report summarizing the complaints and their status. The following information is recorded in the complaint database:

- The date the complaint was formally submitted.
- The nature of the complaint.
- The steps taken to resolve the complaint.
- The University's final decision regarding the complaint.
- External actions, if known, initiated by the student to resolve the complaint and outcome of such actions

NOTE: Within 10 days of the final resolution of the grievance, the Academic Dean (or CE) must report the details of the grievance to the University Registrar. The University Registrar will maintain an official record of all grievances filed with the University.

If the student complaint cannot be resolved after exhausting the University's grievance procedure, the student may contact their respective state agency:

### State of Arizona Complaints

Arizona State Board for Private Post-Secondary Education  
1740 W. Adams, Suite 3008  
Phoenix, AZ 85007  
Phone: 602-542-5709  
Website: [www.azppse.gov](http://www.azppse.gov)

### State of Indiana Complaints

<http://www.in.gov/che/2744.htm>

### State of Kansas Complaints

- Complaints related to the application of state laws or rules related to approval to operate or licensure of a particular professional program

within a postsecondary institution shall be referred to the appropriate State Board (i.e., State Boards of Health, State Board of Education, and so on) within the Kansas State Government and shall be reviewed and handled by that licensing board ([www.kansas.gov/agencies/](http://www.kansas.gov/agencies/) and then search for the appropriate division);

- Complaints related to state consumer protection laws (e.g., laws related to fraud or false advertising) shall be referred to the Consumer Protection Division in the office of the Kansas Attorney General and shall be reviewed and handled by that Unit (<http://ag.ks.gov/consumer-protection>).

### State of Wisconsin Complaints

<http://eab.state.wi.us/resources/complaint.asp>

### Higher Learning Commission (HLC)

Allegations regarding noncompliance with accreditation standards, policies, and procedures may be made to HLC, 230 South LaSalle Street, Suite 7-500, Chicago, IL 60604. (The Commission's complaint policy, procedure and the Complaint form may be found on their website, <https://www.hlcommission.org/Student-Resources/complaints.html>).

### Military Students

Military students have an additional option, as follows:

The Department of Defense provides the Postsecondary Education Complaint System which provides a centralized online reporting system for service members and their families to use in reporting problems with education institutions. Agency partners including the Departments of Veterans Affairs and Education are also launching online feedback tools providing a centralized system for veterans, service members and eligible family members to file student complaints.

Students can submit a complaint if they believe their school is failing to follow the Principles of Excellence through the centralized online reporting system accessed via the Department of Defense website. Examples of education-related issues may include, but are not limited to, misrepresentation or deceptive actions with regards to private or institutional loans, high-pressure recruitment tactics, false representations about degree programs, and misleading statements regarding accreditation.

The complaint system is part of the President's Executive Order establishing Principles of Excellence for educational institutions serving Service Members, Veterans, Spouses, and other Family Members; designed to empower beneficiaries to report experiences related to misleading or unfair acts or practices by educational institutions serving veterans, service members and their families.

Military-connected students using Tuition Assistance (TA) or Military Spouse Career Advancement Accounts (MyCAA) Scholarships can submit feedback at: [www.militaryonesource.mil/voluntary-education/complaint](http://www.militaryonesource.mil/voluntary-education/complaint). Once a complaint is received, agency staff will contact both the student submitting the complaint as well as the referenced school, working with both parties to fully understand the issue raised and seek resolution.

All verified cases will be submitted to the Federal Trade Commission's Consumer Sentinel Network accessible by over 650 federal, state and local law enforcement agencies for use in enhancing and coordinating law enforcement investigations. Appropriate cases will be referred to the Department of Justice and/or Consumer Financial Protection Bureau.

## ACADEMIC WARNING, PROBATION AND DISMISSAL

A student's academic performance is monitored to assure he/she is making satisfactory progress towards graduation. Students must meet the following criteria in order to be considered to be making satisfactory progress:

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Semester Credit Hours	Earned Cumulative GPA
0 - 23.99	1.60
24 - 53.99	1.80
54+	2.00

## RESIDENTIAL CAMPUSES

Students who fall below the cumulative GPA criteria noted above or fail to earn 75 percent of the semester credits for which they have enrolled, will be placed on academic probation.

Students who meet the cumulative GPA criteria noted above, but whose session GPA is below a 2.00, will be placed on academic warning. Two consecutive semesters of academic warning will result in intensive advising requirements.

Students whose cumulative GPA falls below a 1.00 will be academically dismissed. Students who have been on probation and have failed to make the necessary improvements in their academic performance will be dismissed. Students may appeal dismissal decisions by petitioning the Academic Dean.

## ADULT, PROFESSIONAL AND GRADUATE STUDIES CAMPUSES

Students who do not meet the criteria noted above will be placed on academic warning. Two consecutive semesters of academic warning will result in intensive advising requirements.

Students who have been on probation and have failed to make the necessary improvements in their academic performance will be dismissed. Students may appeal dismissal decisions by petitioning the Academic Dean.

Students who attempt LAS 30012 or LAS 20010 two times and do not successfully complete this initial class within those attempts, will be dismissed from the program. If the student drops the course within the add/drop period, it is not considered an attempt. Withdrawals are considered valid attempts. Students may appeal their dismissal in writing to the Academic Dean.

Students who withdraw or fail all other course enrollments in any two consecutive terms will be placed on academic probation. Failure to earn any credit in the third term for which the student enrolls will result in dismissal from the University for a period of one year. Students wishing to return must appeal in writing to the Academic Dean.

Students whose cumulative GPA falls below a 1.00 will be academically dismissed if circumstances are other than those noted in the two preceding paragraphs.

## ACADEMIC REINSTATEMENT

### Residential Campuses — Ottawa, Kansas; Surprise, Arizona

Depending on the original reason for the probationary status, probation may be removed as follows:

- The student may enroll in no more than 16 semester credit hours for the semester following his/her being placed on probation and must improve his/her cumulative GPA to meet the standard appropriate to the student's total semester credit hours earned. (A student on probation should consult with his/her advisor to formulate the best strategy for removing probation.)
- For two consecutive semesters, the student must earn no less than 75 percent in the semester credit hours for which he/she is enrolled.

A student who has been dismissed for academic reasons may submit a petition for reinstatement to the Office of the Registrar for submission to the Academic Dean.

A petition for reinstatement should include the following:

- A critical and thorough appraisal of the factors that were decisive in the student's academic performance.

- A presentation of evidence that the student is capable of successful college-level academic performance.
- A detailed plan indicating how the student intends to pursue his/her academic career in such a way as to avoid the situation that caused the original suspension.
- Failure to remove probation in the time allotted may result in academic suspension from the University.

## Adult, Professional and Graduate Studies Campuses

A student who has been dismissed or withdrawn by action from the University may submit a petition for reinstatement to the Academic Dean. After review with the School Dean, the student will be notified whether or not the petition has been approved. The petition should include:

- The factors that led to the action.
- The learning and personal development that has been experienced since the action, that would indicate the ability to resume successful study in the University.

## ACADEMIC RENEWAL

The intent of this policy is to make graduation from Ottawa University possible for students whose previous academic performance would preclude this opportunity. If the coursework was completed seven (7) or more years prior to entry/re-entry to Ottawa University and the student has a cumulative GPA below a 1.80 at the time of entry/re-entry, he/she may petition for academic renewal. This petition must be made and approved prior to entry/re-entry. For transfer students, only grades of A, B, and C will appear on the official transcript. Transfer credit accepted under this provision will be hours of credit only, with no calculation into the GPA. For students re-entering Ottawa University, all grades will remain on the transcript but grades of D and F will count in attempted and earned hours, as applicable, with no calculation for these grades into the GPA. This policy applies only to coursework from regionally accredited institutions and to degree-seeking students. Students should note that application of this policy may result in less earned hours towards graduation but will generally improve the overall GPA. However, all previous credits and grade points will be used in determining eligibility for honors.

## ATTENDANCE POLICY

Ottawa University believes that students who are actively engaged in their class(es) do better than those who are not (attendance is expected). Because of this, instructors record attendance for all enrolled students and student grades may be negatively impacted due to lack of attendance. This is also done for financial aid purposes, since the institution is required to verify student attendance. If it is unavoidable that a class session or coursework is missed, students are expected to do the following:

1. Contact the instructor prior to or immediately after the absence to discuss missed assignments and subsequent expectations.
2. Make-up work is at the discretion of the instructor. If make-up work is allowed, it must be turned in as stipulated by the instructor.

Attendance at an Academically Related Activity is defined by the Department of Education as:

- Physically attending a class where there is an opportunity for direct interaction between the instructor and student;
- Submitting an academic assignment
- Taking an exam, an interactive tutorial, or computer-assisted instruction;
- Attending a study group that is assigned by the institution;
- Participating in an online discussion about academic matters; and
- Initiating contact with a faculty member to ask a question about the academic subject studied in the course.

Just as important as defining what DOES qualify, is what does NOT:

- Living in institutional housing;



- Participating in the institutions meal plan;
- Logging into an online class without active participation; or
- Participating in academic counseling or advisement.

Note – a student’s certification of attendance that is not supported by institutional documentation is not acceptable to establish a last date of attendance.

In order to gain the most benefit from the attendance information and to help identify and retain students who may be experiencing difficulties, the following actions(s) will be taken by Ottawa University in the event that a student ceases to participate:

- Any student who has no attendance recorded during the first two weeks of a term will be administratively withdrawn as a no-show. All charges will be reversed and no record of the enrollment will appear on the transcript.
  - Students who are enrolled in class(es) that start beyond the first two weeks will be administratively withdrawn if they fail to participate on the first night of class.
- Ottawa University will attempt to contact any student who begins attendance in a course but has no attendance recorded for 14 calendar days in order to determine the student’s intentions.

Students who are not going to continue participating in their course(s) are encouraged to withdraw themselves at the earliest opportunity.

- Ottawa University will administratively withdraw any student who has no attendance recorded for 21 consecutive calendar days.
  - An email will be sent to the students notifying them of their withdrawal from the course(s).
  - Students whose last date of attendance is in the 5th week (or later) of an 8 week term will not be administratively withdrawn for lack of participation.
  - Students whose last date of attendance is in the 12th week (or later) of a 15 week Semester will not be administratively withdrawn for lack of participation.
- The tuition charges assessed to the student will be determined using the students reported last date of attendance in accordance with the Ottawa University refund policy.
  - Additional refund calculations may be necessary for any students receiving Federal Financial Aid.

## CHEATING AND PLAGIARISM

Plagiarism means presenting, as one’s own, the words, work or opinions of someone else. Plagiarism occurs in two forms:

1. Plagiarism occurs when writers use the exact language of someone else without putting the quoted material in quotation marks and citing its source.
2. Plagiarism occurs when writers present, as their own, the sequence of ideas, the arrangement of materials, or the pattern of thought of someone else, even though they express it in their own words. The language may be theirs, but they are presenting work as their own which is the work of another. Cheating on examinations refers to any effort on the part of a student to seek or to give unauthorized assistance on an examination. The following kinds of behavior are generally considered to constitute cheating on examinations:
  - a. The possession and/or use of unauthorized books, articles or notes during an examination;
  - b. Copying or attempting to copy another student’s work during an examination, with or without the student’s consent;
  - c. Requesting help from or offering help to another student during an examination, whether or not the help is given or received;

- d. Any efforts (successful or not) to alter answers to examination questions after the examination has been concluded, if done in an attempt to receive credit for the altered answers;
- e. Any efforts (successful or not) to obtain unauthorized copies of an examination or of examination questions prior to their being administered by the professor;
- f. Any deliberate disobedience of the rules for a given examination as they are announced by the professor. It is often difficult for a professor, in a given course, to determine decisively whether cheating has taken place or not. There are, however, certain kinds of evidence which justify a professor’s suspicion, and these may, at the discretion of the professor, be considered an adequate basis for such a judgment. The penalty for plagiarism or any other form of academic dishonesty will be failure in the course which the academic dishonesty occurred.

Students who commit academic dishonesty can be dismissed from the University by the Academic Dean. Plagiarism/Cheating may lead to dismissal from Ottawa University. Should a student feel that s/he has been unjustly accused, s/he has the option of reviewing the professor’s decision by means of the Academic Grievance Procedure.

## COURSE POLICIES, ADD/DROP

Students should consult the academic calendar for add/drop/withdrawal deadlines for any given academic year.

## FINAL EXAMINATIONS POLICY

A three-day final examination period is conducted after the conclusion of each semester. During this time faculty must give the last examination of a course, whether that is a final examination, a last unit examination, or some other type of culminating or summary experience.

- Final/last examinations are not to be given during the last week of classes. All finals should be given during the final examination period.
- No regular class sessions may be held during the final examination period.

There will be no required student activities during the examination period (including study day and through the scheduled final exams).

## GRADING

The University uses the following grading system to evaluate student performance:

Grade	Quality Points
A	Excellent – 4 grade points per semester credit hour earned
B	Good – 3 grade points per semester credit hour earned
C	Average – 2 grade points per semester credit hour earned
D	Below Average – 1 grade point per semester credit hour earned
F	Failure – 0 grade points earned
P	Pass – Considered to be work at C level or better; semester credit hours count toward hours earned only
IP	In Progress – 0 grade points earned
NR	Not Reported – 0 grade points earned
NC	No Credit – 0 grade points earned
AU	Audited – 0 grade points earned
W	Withdrawal – 0 grade points earned
WV	Waived – 0 grade points earned

## GRADUATION POLICY

Students must satisfactorily complete the following:

1. Interdisciplinary Seminars

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2. Religion Course Requirements
3. A minimum of 124 credit hours
4. Major Requirements
5. Breadth Area Requirements
6. Skills Competency Requirements
7. Academic Performance Requirements
8. 40 semester credit hours of upper level coursework

A student may participate in a commencement ceremony if they are within 8 semester credit hours of meeting all academic degree requirements at the time of the ceremony and verified by the University Registrar. No degrees will be conferred until all requirements (including financial, etc.) have been met. Students allowed to participate in the ceremony who have not met all degree requirements will not be recognized for honors, either in the program or with an honor cord, until such recognition has been officially achieved.

Students wanting to wear other regalia beyond what is approved and issued by the university must seek approval from their local Academic Dean.

For more detailed information, please refer to the University Catalog.

## GRADUATION HONORS

The Latin designation for honors refers to the medieval origins of academic ceremony: cum laude indicates distinction; magna cum laude, great distinction; and summa cum laude, highest distinction. At Ottawa University, students achieve a 3.50 to 3.799 grade point average (on a 4.00 scale) to graduate cum laude. Magna cum laude honors require a 3.80 to 3.899 grade point average. For the highest honors, summa cum laude, students must achieve a 3.90 or higher grade point average. Distinction in the comprehensive examination or project may be earned by students at the OUKS campus as judged by faculty.

## NAME/ADDRESS CHANGES

Name and address changes should be submitted to the campus registrar or their designees. Students requesting name changes on university records must provide official documentation. The campus registrar accepts the following documentation:

- Valid Driver's License
- Marriage License
- Divorce Decree
- Court-approved Name Change
- State-issued Identification Card
- Social Security Card

## REPEATING COURSES

Students wishing to improve their grade point average may repeat a course in a subsequent semester. The last grade earned replaces the first grade earned. The last grade is used in determining the grade point average. All courses taken at Ottawa University remain on the transcript.

## TRANSCRIPTS

Official transcripts are issued only by the University's Office of the Registrar. They are printed on security paper and conform to guidelines established by the American Association of College Registrars and Admissions Officers (AACRAO).

Transcripts will not be issued until the original, official, signed grade lists corresponding to the courses noted have been received by the University's Office of the Registrar or grades are posted by faculty via MyOttawa.

Students and former students must request at: [www.ottawa.edu/transcript](http://www.ottawa.edu/transcript)

A \$10 charge is assessed for electronic transcripts; \$15 for mailed transcripts. Additional fees are charged for rush orders. Transcripts are normally processed within three to five business days after receipt.

## WITHDRAWAL FROM THE UNIVERSITY

In the event a student withdraws from or drops hours enrolled at the University, a refund of charges paid may be due subject to the current campus refund policy. There is a specific procedure to follow in order to withdraw from the University. The student must initiate the request to withdraw by contacting their Adave Advisor/Mentor who will then work to determine if an intervention team is needed to evaluate the reason for the withdrawal. In the event the withdrawal is completed, the Adave Advisor/Mentor will facilitate the process by ensuring that all necessary student service departments are notified in order to provide guidance to the exiting student as needed.

Refund calculations will be determined by following the residential campus refund policy. Refunds are based on the amount of time elapsed in the term. Please check with the Office of Financial Aid or Chief Operating Officer/Business Office for further information.

## THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT PURPOSE

Annually, Ottawa University informs students of the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended. This act, with which the institution intends to comply fully, was designated to protect the privacy of education records, to establish the rights of students to inspect and review their education records and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with FERPA concerning alleged failures by the institution to comply with the act. FERPA affords students certain rights with respect to their education records. They are:

- The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit a written request to the academic dean, associate dean, registrar, or other designated official that identifies the record(s) to be inspected. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall refer the student to the correct official to whom the request should be addressed.
- The right to request amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the University to amend a record they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his/her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement personnel and health staff). An official is also a person or company with whom the University has contracted (such as an attorney, auditor or collection agent). A school official is a person serving on the Board of Trustees or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a legitimate educational interest if the official needs to review an education record to fulfill his/her professional responsibility.

- The right to file a complaint with the United States Department of Education concerning alleged failures by Ottawa University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U. S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901  
800-872-5327

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities. A school official is defined as:

- A person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff and coaches).
- A person or company with whom the University has entered into a contract or agreement to provide a service instead of using University employees or officials (such as an attorney, auditor, collection agency, National Student Clearinghouse) to perform said service.
- A member of the Board of Trustees.
- A student serving on an official committee or assisting another school official in performing his/her tasks (including student tutors).

The items listed below in Categories I, II and III, are designated as "directory information" and may be released for any purpose at the discretion of our institution. Under the provisions of FERPA, students have the right to withhold the disclosure of any or all the categories of directory information. Consider carefully the consequences of any decision to withhold any category of directory information, however, as future requests for such information from non-institutional persons or organizations will be refused. Ottawa University will honor a request to withhold any of the categories listed below but cannot assume responsibility to contact you for subsequent permission to release them. Regardless of the effect upon the student, the institution assumes no liability for honoring a student's instruction that such information be withheld.

#### Category I:

Name, address, telephone number, and email address of student and parent. Dates of attendance, classification, class lists, and photographs.

#### Category II:

Previous institution(s) attended; major field of study; awards, honors, degrees conferred (including dates).

#### Category III:

Past and present participation in officially recognized athletics and activities; physical factors (height, weight of athletes); date and place of birth. Additional information on policy and procedures may be found in the student handbook and/or in the Office of the Registrar.

### MILITARY DEPLOYMENT

Ottawa University is committed to providing quality education and support to members of the military community. We recognize that military life is often unpredictable and there may be times when military obligation interferes with a student's ability to complete courses.

The following options exist for students called to active duty or deployed from their normal duty stations during an academic term/semester. Routine trainings and field exercises are NOT considered deployments under this policy.

#### Course Drops

- Standard academic policy will be followed for students deployed during the published drop period for the term/semester.

- Students may drop courses during the stated periods without incurring any charges. Dropped courses will not appear on the student's transcript.
- Students are responsible for completing the Course Drop Form through the student portal, no additional documentation is required.
- Service members using Federal Tuition Assistance must also notify their branch's Education Office.

#### Withdrawal After Drop Period

- Note: The option to withdraw after 75% of the term/semester (Week 6 for 8-week terms and Week 11 for semesters) is only available to students under this policy.
- Transcripts will indicate the withdrawal was due to Military obligation as a transcript note.
- The standard refund policy for the term/semester, found in the University Catalog, will be followed. The institutional refund policy for drops/withdrawals from scheduled courses is based on the student's Last Date of Attendance in the given course.
- Students using Federal Financial Aid need to be aware that upon withdrawal of all credits in a given term, Federal and Institutional refund calculations will be completed and pending financial aid disbursements canceled. Students should contact the Director of Financial Aid at 602-749-5120 with any questions regarding the Federal Financial Aid refund process.
- Service members using Federal Tuition Assistance must also notify their branch's Education Office.
- Required Documentation: students must submit a copy of deployment/mobilization orders and a signed copy of the Ottawa University Military Deployment Policy within 5 business days to their Academic or Adawee Advisor, who will notify the VA Certifying Official and the Registrar.
  - Documentation signed by student's Commanding Officer may be accepted if orders are unavailable.

#### No Credit (NC) Option

- A grade of "NC" may be assigned by the instructor when a student has participated in at least 51% of a term/course.
- For a grade of "NC" to be changed to a letter grade, the student must successfully complete all course requirements as determined by the instructor of record.
  - Sole responsibility for completing and submitting class requirements belongs to the student.
  - If the grade of "NC" is not changed by the instructor within one calendar year from the end of the original course, the "NC" will become a permanent part of the student's academic record.
- Students using Federal Tuition Assistance through the Military need to be aware of the policy for their Branch of Service regarding the replacement of incomplete (No Credit) grades.
  - Army & Air Force: within 120 calendar days of course end date
  - Navy, Marine Corps & Coast Guard: within 6 months of original course completion date
  - Service members using Federal Tuition Assistance must also notify their branch's Education Office.
  - Required Documentation: students must submit a copy of deployment/mobilization orders and a signed copy of the Ottawa University Military Deployment Policy within 5 business days to their Academic or Adawee advisor, who will notify the VA Certifying Official and the Registrar.
  - Documentation signed by student's Commanding Officer may be accepted if orders are unavailable.

### STANDARD COURSE POLICIES

#### Prerequisite Advisory

Please be advised that Ottawa University students are responsible to have completed all course prerequisites necessary for each course prior to partici-

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pating in said course. Not completing required prerequisites may negatively impact his/her ability to successfully complete this course.

## Ottawa University Student Email

Ottawa University email is the official account to be used for email communication. It is the responsibility of the student to check his/her email account on a regular basis for the duration of his/her enrollment. Failure to read one's email will not be a valid excuse for lacking information that has been communicated via email. In addition, any campus emergencies will be announced via the Ottawa University email system. If you are encountering difficulties with your email, please contact OU Help at [www.ottawa.edu/ouhelp](http://www.ottawa.edu/ouhelp). The OU Help technical support team is available 24/7/365.

## Drop/Withdrawal

Students who wish to withdraw from a course must do so by contacting their Adawee Advisor/Mentor. Notifying the instructor does not constitute initiation or completion of the withdrawal process. Students are strongly encouraged to officially withdraw from any course as quickly as possible once the decision to not complete has been made. Students who withdraw from a course (with or without participation) after the course has started will be obligated for a percentage of the tuition according to the percentage of class meetings that have been held. Students cannot voluntarily withdraw from courses after six (6) weeks of the term. A grade of "W" will appear on a transcript for any withdrawal initiated after the add/drop period; a "W" has no negative effect on GPA but may impact Satisfactory Academic Progress. Failure to continue as an active participant and turn in assignments in a timely fashion without formal withdrawal may result in a grade of "F". Repeated failures/withdrawals may result in probationary or dismissal actions.

## Submission of Digital Files in Blackboard

### File Types

Blackboard can accommodate the following file types – docx, pdf, rtf, pptx, xlsx, mp4, mp3, gif, jpg, and png.

### Naming Your Files

Begin filenames with student's last name, followed by descriptive text. For example: Smith\_Case\_Summary2.docx. Do not use any of these symbols in the file name: # % \$ ' & \* [ ] /, as they can cause problems in Blackboard.

### Blackboard Technical Support

The Resource Room in Blackboard contains links to student tutorials for learning to use Blackboard, as well as information about who to contact for technical support. OU offers 24/7 technical support for all students, staff and faculty at no cost. See [www.ottawa.edu/ouhelp](http://www.ottawa.edu/ouhelp) for contact information.

### Library Resources and Information Literacy

A rich array of library resources is available through the Library tab on Blackboard or the Gangwish Library Online link on the MyOttawa portal. Databases, writing resources, a virtual librarian, interlibrary loan, and more can be found there. OU is dedicated to helping both faculty and students effectively utilize library resources. Each database in the Gangwish Library collection offers a tutorial for its use. Additionally, an online tutorial regarding research is available for all academic disciplines. Please contact one of the University librarians with questions or for research support.

## Classroom Conduct

The University has developed clear statements of institutional expectations and standards related to student behavior and conduct. Ottawa University assumes that students will behave in a responsible manner when attending or participating in course-related activities. Therefore, students must act in such a manner as to reflect consideration and respect for honesty and the rights and welfare of fellow students, faculty and of the community as a whole. The University reserves the right to impose sanctions up to and including expulsion from the course or institution when behavior is dishonest, dis-

ruptive, threatening, or in any way compromises the productive educational environment, as determined by Ottawa University.

## Sensitivity and Confidentiality

It is intended that the professor and all learners will maintain an atmosphere of safety and freedom in order for all to feel comfortable in expressing ideas and reactions. It is imperative that everyone is respectful of one another and mindful of differences during discussion periods. While there may be disagreements about topics of discussion, it is expected that students use critical thinking in expressing opinions, as well as listen to others with respect and an eagerness to consider alternative viewpoints. If at any time during the course, a student feels unable to express him/herself or to participate fully, the student should make an appointment with the professor to discuss the situation. At times in the educational process, certain subject matter may be emotionally difficult or offensive to some learners. If a learner believes that a class activity may be personally disturbing, s/he should notify the instructor in advance to obtain a substitute assignment.

## Statement on Diversity

Diversity is defined as that incredible and beautiful variety of personal identities, experiences, values and world views that result from differences of origin, culture and circumstance. Ottawa University defines and appreciates diversity in all of its forms including age, ability or disability, ethnicity, national origin, race, religion, sex, gender, sexual orientation, and family and marital status. Ottawa University celebrates and prizes the diversity of its students, faculty, staff and Board of Trustees. In keeping with its mission statement, the University is called to actively foster an environment of awareness, appreciation and intentional inclusivity. We hold this as essential in an institution, which declares that it will conduct its affairs in a caring, Christ-inspired community of grace and open inquiry. We believe we must embrace diversity because to do so is just, powerful, personally enriching, and intelligent and because we believe Christ has called us to do so through His teachings and example.

## Commitment to a campus free of discrimination, sexual harassment and violence.

Ottawa University is committed to creating and fostering a learning and working environment based on open communication and mutual respect. This is an integral part of the University's academic mission to enrich our students' educational experiences. If you have been the victim of or if you encounter sexual harassment, sexual misconduct, sexual assault, or discrimination based on race, color, religion, age, ethnicity, national origin, ancestry, sex, sexual orientation, gender identity, family/marital status, ability/disability, or any other area protected by law, we encourage you to report this. If you report this to a faculty or staff member, she or he must notify our University's Title IX Coordinator about the report. For more information about your options, please go to [www.ottawa.edu/sexual-misconduct](http://www.ottawa.edu/sexual-misconduct) or please contact the Title IX Coordinator at 785-248-2326 or at [carrie.stevens@ottawa.edu](mailto:carrie.stevens@ottawa.edu).

## SPECIAL STUDENTS

Students who desire to receive instruction in a particular academic division without being a candidate for a degree are welcomed at Ottawa University. They may enroll for semester credit hours in regularly scheduled courses on a space available basis. Please check with your campus for any special conditions regarding tuition rates or semester credit limitations that may apply. Special students are not eligible to receive Title IV federal financial aid.

# Student Handbook

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**STUDENT & SUPPORT  
SERVICES**



# University-wide: Student and Support Services

## STUDENT AND SUPPORT SERVICES

### BUSINESS OPERATIONS

#### Ottawa University Accounts Receivable (OUAR) Office

The OUAR office, located on the 1st floor of the Administration Building in Ottawa, Kansas. It administers all student account functions for the University. This includes student account inquiries, payments, and financial planning. The OUAR office also processes student account refunds and can assist in setting up student refund methods with Heartland-ECSI.

#### Financial Clearance

To be considered financially cleared, a student must have a method of payment established and agreed upon with Ottawa University or have the balance paid in full by the campusstated deadline.

This can be completed by:

- Paying the balance in full upfront;
- Having a third party pay tuition and/or fees - verification of the agreement with invoicing instructions must have been submitted to the Accounts Receivable office;
- Receiving federal financial aid - FAFSA, Master Promissory Note, Loan Request, Entrance Counseling, as well as any verification documents needed if selected for verification. These documents must have been received by the University by their deadline date;
- Deferring tuition (APGS only) according to the University's defined deferred tuition plan - a deferred tuition form, \$60 deferred payment fee and employer reimbursement policy with approval must have been submitted to the Accounts Receivable office;
- Establishing a Tuition Management System (TMS) payment plan- the plan must have been created on the TMS website with the enrollment fee paid by the deadline date (OUKS or OUAZ) ; and/or
- Getting approval for a need based internal payment plan signed off by financial advisors, campus managers, and/or the Account Receivable office.

### SEMESTER

Student account balances are due the first Friday of August for the Fall term, and the first Friday of January for the Spring term, unless other arrangements have been made with OUAR or the student has set up a payment plan with Tuition Management Systems (TMS). Any student that is not financially cleared by these deadlines will not be eligible to move in to ON-campus housing and any athlete will not be allowed to participate in any team activities until the account has been resolved.

#### 8-, 4- or 3-WEEK TERM

All tuition and fees have to be paid in full by 5:00 p.m. CST on the second Monday of the term. See details above for payment options.

A student may be administratively dropped if the student is not financially cleared by the clearance deadline. There will be no reinstatements for students that have been dropped due to financial clearance.

#### Financial Holds

Any account that is not financially cleared will be subject to a financial HOLD which will prohibit any changes in registration from being made. In addition, any unpaid balance will prevent diplomas and transcripts from being released to the student.

#### Unpaid Balances

Any student that owes an outstanding balance to Ottawa University, due to failed payments or defaulting on other financial arrangements throughout the term, may forfeit the privilege of attending class and the University has the right to withhold grades, transcripts and diplomas until the financial obligation is met. Any student that has an outstanding balance at the close of

a semester will be placed on a financial HOLD, which will prevent registration in future terms until the account balance is paid in full.

#### Student Account Balances

Students with outstanding balances are sent to collections if payment is not met in the agreed upon time frame. Penalties for collection of an unpaid balance on a student account may be assessed up to 40 percent of the unpaid balance due.

#### Book Advances

Book Advances are offered to all students purchasing books in the OU Bookstore. \$600 will be available to each student at the Bookstore POS and can be used to cover the cost of books and supplies for their registered courses. These Advances are then applied to the student accounts and any balance not covered by financial aid is due to be paid, by the student, by the following deadlines:

Fall Semester – October 15

Spring Semester – March 15

#### Credit Balance Refunds

OUAR begins processing refunds on the 2nd Friday of the semester and continues daily through the end of Week 3. After Week 3, refunds will be processed on Tuesday and Thursday as additional aid is disbursed, creating credit balances.

#### Accounting Office

The Accounting Office, located on the 2nd floor of the Tauy Jones Hall in Ottawa, Kansas, administers the student ONE Card, and provides cash advances for student organizations with advance notice. This office also handles all employee services such as p-card and expense report processing, dining memberships, Wal-mart card checkout, and other services.

#### Institutional/Student Debts

**Institutional:** No student is allowed to contract any debt for any student organization without approval from the faculty/staff advisor, at least two of the organization's officers, and the Student Activities Coordinator. Specific guidelines for receiving student organization funds may be obtained from the Office of Student Affairs.

**Personal:** Insufficient funds (NSF) and unpaid debts in a community reflect

negatively upon the student and the University. A student may be prosecuted for NSF. If NSF or nonpayment become habitual, the student will face disciplinary action by the University.

A student who owes an outstanding balance to the University may forfeit the privilege of attending class and the University has the right to withhold grades, transcripts and diploma until the obligation is met. A student who has an outstanding balance at the close of a semester will not be permitted to register for the next semester until the account is paid. In addition, any outstanding balance is subject to collection efforts by an outside collection agency.

#### Institutional Refund Policy

The institutional refund policy is in effect when a student drops a single course or completely withdraws from all courses during a period of enrollment is based on a combination of the student's location, last date of attendance (LDA) and (where appropriate) the length of the course. Room and Board charges are assessed using the vacate date and the following refund schedule.

Ottawa University will consider a student actively enrolled for course(s) unless notified in writing by the student that s/he has withdrawn. Students who stop participating may be administratively withdrawn in accordance with the University Attendance Policy.

Withdrawal procedures vary by location. Students should consult with their Academic Advisor, the Adawe Life Plan Center, or the Registrar's office for more information.

Expenses, such as Tech fees, Student Benefit fees, Course fees, etc. are non-refundable.

### Students Attending a Residential Campus

Tuition, Room and Board charges are assessed using the following schedule. Students enrolled in terms that are less than 8 weeks, will be refunded using the alternate refund schedule.

Prior to the first day of classes . . . .100% refund of semester's tuition  
During the 1st week of classes . . . .80% refund of semester's tuition  
During the 2nd week of classes . . . .60% refund of semester's tuition  
During the 3rd week of classes. . . .40% refund of semester's tuition  
During the 4th week of classes. . . .20% refund of semester's tuition  
After the 4th week of classes . . . . .No Refund of semester's tuition

### ALTERNATE REFUND SCHEDULE

Prior to Monday of the 2nd week . . . . . 100% refund of term's tuition  
Week 2 of the courses (Tue-Sun) . . . . .75% refund of term's tuition  
Week 3 of the courses (Mon-Sun). . . . .50% refund of term's tuition  
Remainder of the term. . . . .No Refund of term's tuition

\* When special circumstances exist, the University may refund *more* than is required.

### Students Attending All Other Campuses and Online

#### COURSES THAT ARE 4 WEEKS LONG OR SHORTER

Prior to Monday of the 2nd week . . . . . 100% refund  
Week 2 of the courses (Tue-Sun) . . . . . 75% refund  
Week 3 of the courses (Mon-Sun). . . . . 50% refund  
Remainder of the term. . . . . No Refund

#### COURSES THAT ARE 3 WEEKS LONG OR SHORTER

If the student does not attend the course . . . . . 100% refund  
If the student attends any portion of the course . . . . . No Refund

### Unofficial Withdrawals

Financial Aid students who fail to continue participating in an academically related activity before 60% or more of the calendar days have elapsed in any period of enrollment may be determined to have unofficially withdrawn if they are assigned a grade of F, NC or I. the Federal R2T4 calculation will be processed as though the student had withdrawn and any required refunds will be returned to the appropriate Federal program(s). Because the student did not officially withdraw, the institutional charges may not be reduced and any resulting return of funds can/will result in a balance due the University. For this reason, students are strongly encouraged to officially withdraw from any class as quickly as possible once the decision to not complete has been made.

### Additional Refund Calculations

Additional State and Federal refund policies may apply. Federal refund calculations will be calculated for financial aid recipients who withdraw from all courses. Title IV financial aid is refunded in the following order as prescribed by law and regulation. Examples of the refund calculations are available by contacting the Director of Financial Aid.

1. Federal Direct Unsubsidized Student Loan
2. Federal Direct Subsidized Student Loan
3. Federal Perkins Loan
4. Federal Direct PLUS Loan
5. Federal Pell Grant
6. Federal SEOG

7. Federal Teach Grant

8. Other federal, state, private, or institutional aid

7. The student

### CAMPUS SAFETY AND SECURITY

Ottawa University is committed to providing students, faculty and staff with as safe and enjoyable a college experience as possible. Safety is a joint effort among students, faculty, staff, campus security and local law enforcement agencies.

The Clery Act required annual Campus Crime and Fire Safety Report can be found online at [www.ottawa.edu/Consumer](http://www.ottawa.edu/Consumer) or you may request a printed copy by contacting the Director of Compliance, Carrie Stevens at 785-248-2326 or [carrie.stevens@ottawa.edu](mailto:carrie.stevens@ottawa.edu).

Security provides an escort service within residential campus grounds. To use this service, students should contact Security directly for their respective campus. For the OUKS campus in Ottawa, Kansas, call extension 11075 or 785-229-1075 at least 30 minutes before needing to be escorted. For OUAZ in Surprise, Arizona, call 623-233-7606. Campus Security is available 24 hours a day, 7 days a week.

Ottawa University facilities are strictly for the use of OU students, faculty, staff and the guests of OU. Security escorts unauthorized individuals off campus, and these individuals may face criminal action. Security also escorts OU students, faculty, staff or guests who are found in unauthorized locations out of that location. If students need access to a facility, arrangements must be made in advance with the Facilities and Plant Operations office to gain proper authorization. The residence halls are locked 24 hours a day and can be accessed with a key or student ID card by residents of each hall. A security phone is located in the foyer of each hall for emergencies and to allow guests to contact residents.

OU has a security committee comprised of faculty, staff and students who meet regularly to discuss various campus safety issues.

Ottawa University employs staff members to patrol campus on foot as well as in University vehicles. OU security officers contact the local law enforcement officers when local, state or federal regulations are violated or when their assistance is appropriate.

Security officers are responsible for:

- promoting a safe environment on campus,
- upholding all University rules and regulations,
- locking and unlocking buildings as directed,
- maintaining contact with the residence hall staff,
- providing escort service, and
- contacting after-hours maintenance personnel.

Ottawa University requires all students, faculty and staff to report all incidents involving criminal activity and/or emergencies to the residence life paraprofessional and professional staff, campus security, the Office of Student Affairs and/or the local law enforcement immediately.

Upon notification, the appropriate individual completes an incident report and conducts a preliminary investigation. Ottawa University encourages individuals to report all crimes to the local police department.

To report an incident, students should contact the individuals or agencies listed in the front of this handbook.

### Omni Alert/OU Alert

OU Alert is Ottawa University's contract text messaging system. It is capable of sending emergency notifications instantly and simultaneously to all registered cell phone, smart phones, and personal email addresses. Examples

# University-wide: Student and Support Services

of emergency messages include severe weather warnings, campus closings, and campus emergencies.

To sign-up for the OU Alert:

1. Have your cell phone with you and turned on.
2. Go to MyOttawa page (<https://myottawa.ottawa.edu/ics/>)
3. Login to your MyOttawa account using your username and password.
4. On the landing page, you will see a box called "Get the Message".
5. Select the link to Create Account.
6. Complete the Registration.
7. Wait for the validation code to be sent to your cell phone.
8. Enter the validation code.
9. Make note of your username and password so you may make changes and updates to your account in the future.

Once you have completed registration and validated your cell phone, you may log into your personal OU Alerts account to add additional services, such as an email address, to the system. You may register up to two email addresses and two SMS/text-messaging devices. Just go back to the "OU" box and choose "Login Now!"

All email addresses and phone numbers entered into OU Alerts are confidential. OU Alerts will only send messages you request. The campus community will be notified via email before any OU Alerts test messages are sent. OU Alerts can only contact registered users.

## Missing Residential Student Policy

Ottawa University takes student safety seriously. The following policy and procedure has been established to assist in locating students living in University-sponsored and owned housing who, based on facts and circumstances, are reported to be missing. Anyone who believes a student to be missing based on changes in their usual routine should notify the Dean of Student Affairs at their campus or the University Provost.

You may contact the appropriate party as follows:

### OUAZ

Dean of Student Affairs (OUAZ) Sarah Eberle 623-233-7611  
President (OUAZ) Dennis Tyner 623-233-7549

### OUKS

Dean of Student Life (OUKS) Donald Anderson 785-248-2311  
President (OUKS) Reggies Wenyika 785-248-2353

For purposes of this policy, a student is determined to be missing when for more than 24 hours, without any known reason, that the reported information is credible, and that circumstances warrant declaring the person missing. Each and every report will be investigated once it has been determined that the student is missing.

A student who wishes to identify a confidential contact may do so through Student Affairs. Students shall be given the opportunity to register confidential contact information by completing and submitting the Student Confidential Contact Form to the Dean of Student Affairs. A student's confidential contact information shall be accessible only by authorized campus officials and will not be disclosed except to law enforcement in connection with a missing person investigation. Upon a determination that a student is missing this confidential contact person will be notified.

If the student who has been determined to be missing is under 18 years of age and not emancipated, Ottawa University will notify a custodial parent(s) or guardian(s) within 24 hours of determining that the student is missing, in addition to notifying the confidential contact person designated by the student. Ottawa University will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Nothing in this policy/protocol is intended to preclude Ottawa University from determining that a student is missing before the student has been missing for a full 24 hours or initiating notification procedures as soon as it determines that the student is missing.

## COMPUTING FACILITIES

As part of its mission to provide the highest quality education possible for the development of individual students, Ottawa University provides academic computing facilities. The opportunities that these facilities offer are essential in helping teachers assist students in their learning and in helping students take charge of their own learning so they may prepare for their careers and future lives. Wireless internet access is now provided to all University students, faculty, staff, and visitors. For more details on accessing OU's wireless internet, please contact the OU Help at extension 12500 or 855-268-4357. As a Christian liberal arts college, OU seeks to establish a climate that is conducive to the growth of all its individual members. It, therefore, states standards and responsibilities that all members of its community are expected to uphold. General principles of responsibility, consideration and respect for the rights and welfare of other individuals and of the community as a whole apply to the use of computing facilities as well.

### General Principles

1. Computing facilities are provided by the University for the use of students, faculty, staff, and in some circumstances, the public. Access may be given to stand-alone microcomputers or minicomputers on the local area network or to computers connected to the Internet.
2. Student access is primarily for use in association with a course of study and activities related to that course.
3. Faculty and staff are given access for use as part of their duties, whether academic or administrative. The University holds the right to forbid or restrict use of its computing facilities for "for profit" enterprises.
4. Certain other members of the public may be given access at the discretion of the University.
5. It is expected that all users will make use of University computers in a manner that is ethical, legal and not to the detriment of others. The basic guidelines are that any use must be legal and not to the detriment of use by others.
6. A person in violation of this policy may be subject to administrative action, with a penalty of fine, restitution for services used or loss of computer privileges. Some actions covered by this policy are also covered by University regulations or policies, the violation of which could lead to academic or conduct proceedings. Some actions covered by this policy are also covered by city, state, or federal law, the violation of which could lead to civil or criminal prosecution.

### Disclaimer

1. Ottawa University makes available to users, both internal and external, computing facilities consisting of hardware and software. The University accepts no responsibility for any damage to or loss of data arising directly or indirectly from the use of these facilities or any consequential loss or damage. The University makes no warranty, express or implied, regarding the computing services offered or their fitness for any particular purpose.
2. The University's liability in the event of any loss or damage shall be limited to the fees and charges paid to the University for the use of the computing facilities which resulted in the loss or damage.

### Academic Guidelines

1. Students are expected to respect the intellectual labor creativity of others; therefore, students should cite and acknowledge sources used. Plagiarism using computer resources is not permitted.
2. Students will be suspected of academic dishonesty if a computer assignment for independent work results in two or more solutions so similar that one can be converted to another by mechanical transformation.
3. Students will be suspected of academic dishonesty if, in a computer assignment where an individual is to complete an assignment indepen-

dently, s/he cannot explain both the intricacies of the solution and the techniques used to generate the solution.

### Regulations

1. Users may only use those facilities which have been authorized for user's use. If access is protected by a password, it should not be made available to others. Users may not use any account set up for another user nor anyone attempt to find out the password of another user.
2. Users may only use authorized facilities for authorized purposes. For example, facilities made available for teaching and learning may not be used for private gain.
3. Users must be aware of the law of copyright as it affects computer software. Software must not be copied except with the express permission of the copyright owner.
4. Users must respect the privacy of others files. Just because a file can be read does not mean that users may read a file. Files belonging to individuals are to be considered private property. Under no circumstances should anyone alter a file that does not belong to them.
5. Users may not attempt to copy information belonging to other users (whether faculty, staff, students or other users) without their express permission.
6. Users may not attempt to interfere with the operation of computing facilities.
7. Users may not attempt to subvert the security of any of the University's computing facilities.
8. Users may not use the University's computing facilities to send obscene, offensive or harassing messages.
9. Users may not misuse electronic mail. The United States government includes email in the same category as messages delivered by the U.S. Postal Service; therefore, tampering with email, interfering with its delivery, or using it for criminal purposes may be a felony.

### Staff Rights and Responsibilities

In the normal course of system administration, the computing staff may have to examine files, mail, and printer listings to gather sufficient information to diagnose and correct problems with system software, or to determine if a user is acting in violation of the policies set forth in this document.

### Internet Access

Because Internet access also means connection to resources beyond our campus, it complicates rules and regulations for use. The following apply:

1. Students must have current anti-virus software, that scans for viruses on a daily basis, installed on their computer in order to gain access to the Internet connectivity.
2. Users may not use any University Internet or computer account that was not assigned to them by Ottawa University, unless authorized multiple access for the account. Users may not try in any way to obtain a password for another's Internet or computer account.
3. Users may not use any Internet or computer account to gain unauthorized access to remote computers.
4. Users may not deliberately perform any act that may seriously damage or interfere with the operation of any computer, terminal, peripheral, local area network, or high-speed backbone network.
5. Users may not install or run on any of OU's computers or computer systems or give to another any program which could result in eventual damage to a file or computer system. This includes, but is not limited to, programs known as computer viruses, Trojan horses, and worms.
6. Users may not attempt to circumvent data protection schemes or uncover security loop holes.
7. Users must abide by the terms of all software licensing agreements and copyright laws.
8. You may not deliberately perform acts that are wasteful of computing resources. These acts include, but are not limited to, sending mass

mailing or chain letters, obtaining unnecessary output, creating unnecessary multiple jobs or processes, or creating unnecessary work traffic.

9. The following types of information or software cannot be placed on any Internet computer or computer system on-campus or on any computer off campus where such information or software is accessed through the use of an Ottawa University provided Internet or computer account:
  - That which infringes upon the rights of another person.
  - That which is abusive, profane, or sexually offensive to the average person.
  - That which consists of information that may injure someone else and/or lead to a lawsuit or criminal charges. Examples include: pirated software, destructive software, pornographic materials, altered photographs, libelous statements, or harassing statements.
  - That which consists of any advertisements for commercial enterprises.
10. Users may not harass others by sending annoying, threatening, libelous, or sexually, racially or religiously offensive messages.
11. Users may not attempt to monitor another user's data communications, nor may users read, copy, change or delete another user's files or software, without the express permission of the owner.
12. Users may not use an Internet or computer account for work not specifically authorized for that account. A University-funded account may not be used for personal financial gain.
13. Users may not play games using any computer or computer system owned by OU, unless for instructional purposes as specifically assigned by a professor, or unless the University has installed and authorized a game on its local area network. Recreational use of Internet accounts may result in suspension of account privileges.

### Academic Computing Rules

1. Computing facilities are only for the support of instruction, academics and research of Ottawa University.
2. Computer usage related to assigned course activities will be given priority. Students, staff and faculty have precedence over other users. Unwillingness to comply is a violation.
3. Food and drinks are not allowed in the academic computing areas. This applies to drinks which are covered or uncovered.
4. Tobacco products (including smokeless products) are not allowed in any building on campus.
5. Game playing is prohibited unless specifically assigned by a professor for instructional purposes or authorized and installed by Ottawa University personnel.
6. Users may not perform acts that are wasteful of computing resources. (i.e. inappropriate use of IRC's mass mailings, excessive output, unnecessary multiple jobs, excessive network traffic, excessive printing, etc.). Large print jobs should be taken to the Copy Center in the Gibson Student Center.
7. Users are limited to print only one copy of a document on a laser printer. Subsequent copies must be obtained from a copy machine. Large print jobs should be taken to the Copy Center in the Gibson Student Center.
8. Users may not print documents for nonacademic purposes, including, but not limited to, documents or fliers for personal gain, mass production of resumes or job seeking documents.
9. Respect is to be shown to other users, lab assistants and computing equipment.
10. Users may not use the computing equipment to disrupt the work and/or use of others.
11. Users may not harass others by sending annoying, threatening, libelous, or sexually, racially or religiously offensive messages or graphics.
12. Profane, abusive or obscene materials are not allowed.



# University-wide: Student and Support Services

- Users may not read or copy others' files without permission.
- All copyright, patent, trademark and licensing agreements and regulations will be respected and followed.
- Users may not install, alter or delete applications on the hard drive.
- Use of University insignias or logos is prohibited.
- Users may not present themselves as official representatives, or their personal publications as official publications of the University.
- Academic computers may not be used for selling or advertising purposes.
- Users must adhere to all federal, state and local regulations.
- Users may not interfere with the operations or security of computing facilities.
- Users may not access an account not specifically authorized to them, whether on a University system or at another location.
- Users may not engage in computing activities that invade security of accounts at the University or any other place.

## DRESS CODE

Specific types of dress and grooming are a matter of individual taste, but students must use discretion in their appearance. Faculty members do have the right to set dress codes for their own classrooms and all University personnel have the right to request adjustments by individuals whose apparel is considered inappropriate. Shirts and shoes are required in all dining facilities.

## FINANCIAL AID

The following information is correct at the time of printing and is subject to change. Ottawa University is committed to providing assistance to any student pursuing financial aid to help cover his/her educational costs. To accomplish this mission, the Office of Financial Aid offers a variety of aid, including scholarships, grants, student and parent loans and work study. The types of aid available vary by student and each award package attempts to meet a student's direct demonstrated financial need through the use of all forms of assistance (federal, state and institutional).

The Office of Financial Aid assists a large percentage of Ottawa University students. Consideration that is fair and equitable can only be given after the student has submitted the proper application(s) to determine eligibility. A copy of the Awarding Policy outlining the institutional methodology for awarding funds is available from the Office of Financial Aid. Students are urged to apply well in advance of registration dates as processing may require several weeks. The priority application deadline for filing the Free Application for Federal Student Aid (FAFSA) is March 15th of each year for the following fall semester. Applying by this deadline will ensure the student of consideration for all types of aid. Additionally, students must promptly respond to requests for additional documents and forms to allow the staff in the Office of Financial Aid time to process their applications.

Ottawa University reserves the right to review or modify a student's financial aid award at any time due to changes in enrollment or housing status, new, conflicting or incorrect information, human error or availability of funds. Financial aid offered through the University is made in good faith, but may be cancelled or reduced if funds become unavailable.

### Basic Consumer Information:

Pursuant to federal regulations, students may obtain basic consumer information about Ottawa University by contacting the Office of Financial Aid. Please refer to the Ottawa University catalog ([www.ottawa.edu](http://www.ottawa.edu)) for a list of information available.

### Types of Financial Assistance:

#### Institutional Aid

At the residential campus, Ottawa University offers a program of institutional merit scholarships, need-based grants and constituency awards. Institutional financial aid is gift aid, which does not need to be repaid. Certain awards

may include criteria for their retention. Contact the Office of Financial Aid for information on retaining institutional aid.

#### State Aid

State aid includes the State of Kansas Scholarship programs and the Kansas Comprehensive Grant, a need-based grant for Kansas residents. Completing a FAFSA by the priority deadline of March 15th is essential to qualify.

#### Federal Aid

Ottawa University participates in the Title IV federal aid program. Federal financial aid includes:

- Federal Pell Grant
- Federal Supplemental Education Opportunity Grant (SEOG)
- Federal Work Study
- Federal Direct Student Loans (subsidized and unsubsidized)
- Federal Perkins Loan
- Federal Parental Loan for Undergraduate Students (PLUS)
- Federal Graduate PLUS Loan for Graduate Students (GPLUS)

Students must complete a FAFSA to qualify for federal financial aid. Based on financial need as determined by federal methodology, an eligible student may qualify for some or all of the Title IV aid elements listed above.

Some federal programs have limited funding and completing a FAFSA early is essential to ensure availability of funds.

Although often a student must borrow through federal and private loan programs to help fund his/her education, use common sense. Borrow for your education, not your lifestyle. Be aware of the total amount of money you have borrowed. The Office of Financial Aid can provide you with this information. Remember that all student loans must be repaid. Look for alternatives, such as on or off-campus work or outside scholarships and grants, to help enhance your finances.

Financial aid may not exceed a student's Cost of Attendance (COA). If gift aid from all sources exceeds direct billable charges, Ottawa University awards and scholarships will be reduced. No student may receive institutional aid beyond the cost of tuition.

#### Summer School

Because most financial aid eligibility is divided between the fall and spring semesters, funding for summer school is limited. OU institutional aid is not available, although some federal aid may be.

Students may be eligible for additional Federal Direct Student Loan money if they have increased a grade level from freshman to sophomore or from sophomore to junior, or if they have declined a portion of their Direct Loans during the fall and/or spring semesters. Students should check with the Office of Financial Aid early about their plans for summer school, so we may offer advice on your funding options.

#### Financial Aid Compliant and Grievance Procedures

At times, students may have concerns regarding the administration of their financial aid.

Students may resolve these concerns through informal resolution, formal complaint, or by contacting a state or federal agency listed below.

When a concern arises, the student should first reach out to their Financial Aid Advisor to attempt to resolve the issue. This can be done by any method, such as email, in person, or over the phone.

If informal resolution does not work, the student may submit a complaint in writing to the Director of Financial Aid. That complaint may be sent by email to the Director of Financial Aid: [mary.reed@ottawa.edu](mailto:mary.reed@ottawa.edu). The complaint does not need to be provided on a specific form but should provide a detailed summary of the issue including times, dates, people involved, and any other pertinent information.



If not satisfied with the resolution by the University, the student may contact their state agency or the Department of Education (Federal Student Aid) at one of these contacts:

To submit a complaint to the Department of Education/Federal Student Aid Feedback Center, go to: <https://studentaid.gov/feedback-center/> or call 1-800-433-3243.

**Kansas Attorney General**

120 SW 10th Ave., 2nd Floor  
 Topeka, KS 66612  
 (785) 296-2215  
 1-888-428-8436  
 Fax: (785) 296-6296

To file a complaint with the Kansas Attorney General regarding Consumer Protection: <https://www.ag.ks.gov/complaint-center/consumer>

**Arizona Attorney General**

Phoenix Office  
 2005 N Central Ave  
 Phoenix, AZ 85004-2926  
 (602) 542-5025  
 Fax (602) 542-4085

To file a complaint with the Arizona Attorney General regarding Consumer Protection: <https://www.azag.gov/complaints/consumer>

**Wisconsin Attorney General/Department of Justice**

P.O. Box 7857  
 Madison, WI 53707-7857  
 Phone: (608) 266-1221  
 Fax: (608) 267-2779

To file a complaint with the Wisconsin Attorney General regarding Consumer Protection: <https://www.doj.state.wi.us/dls/consumer-protection/how-file-consumer-complaint>.

**Satisfactory Academic Progress (SAP)**

Students must maintain an adequate rate of progress toward graduation as defined below. All periods of student’s enrollment will be evaluated after the Spring II enrollment period (e.g. May).

This rate of progress is measured using two criteria: Grade Point Average (GPA) and Maximum Time Frame (MTF). Students who fail to meet the Satisfactory Academic Progress will not be eligible to receive Title IV Federal Financial Aid until the minimum eligibility criterion are met or until the student has had an appeal approved by the Director of Financial Aid (see below for more information on appeals).

**Grade Point Average**

Students must meet the following GPA criteria. Progress measurements for the students GPA are based on a 4.0 scale and are reflective of all credits attempted by the student, including credits that are accepted for transfer toward the students Ottawa University program of study.

Total # Undergrad. Credits Attempted	Cumulative GPA	Total # Grad. Credits Attempted	Cumulative GPA
0-23.99	1.60	0-6	2.0
24-53.99	1.80	7-12	2.50
54+	2.0	13+	3.0

**Maximum Time Frame**

Maximum Time Frame (MTF) is defined as 150 percent of the program length measured in credit hours attempted. An undergraduate student who needs 128 credit to graduate must do so within 192 credit attempts. Likewise, a

Graduate student who need 36 credits to graduate must do so within 54 credit attempts. A student will lose eligibility for financial aid once it is determined that s/he is mathematically incapable of completing their program of study within the defined maximum time frame.

Undergraduate, Teacher Certification and Graduate Students will be placed on a Financial Aid suspension if they fail to meet the minimum time frame requirement as shown below.

Calculation example: If an Undergraduate student attempts 40 cumulative credits at the time of measurement, s/he must have earned at least 24 credits (40 X 60% = 24) toward the program completion.

Total # Undergrad. Credits Attempted	Minimum MTF	Total # Grad. Credits Attempted	Minimum MTF
0-29.99	50%	0-12	50%
30-53.99	60%	13+	66.7%
54+	66.7%		

Incompletes, F’s, NC’s (no credits), and withdrawals are considered credits attempted but not earned. Grade changes and updates of incomplete and no credit grades would constitute re-evaluation and would be reflected in the new hours earned and/or hours graded total.

**Transfer Credit**

For the purposes of measuring satisfactory academic progress, all transfer credits accepted toward the student’s Ottawa University program of study will be used in calculating the Ottawa GPA and MTF.

**Appeals**

Students have the opportunity to appeal the loss of federal financial aid eligibility by submitting a written appeal to the director of financial aid (or designee). Appeals should include information and supporting documentation regarding why the student failed to make SAP (e.g. death of a relative, injury or illness of the student or some other special circumstance) and what has changed in the student’s situation that would allow the student to successfully complete the program of study.

The student should also provide details of what steps will be taken to prevent further SAP issues. The decision by the Director of Financial Aid (or designee) will be communicated to the student in writing and is considered final.

Students who have changed programs may have their transcripts re-evaluated so that only courses applicable to their current program of study are considered.

**Academic Plans, Probation and Denial Status**

In some cases, an appeal will be approved and an academic plan may be developed that, if followed, will enable the student to meet minimum SAP criterion and be removed from Financial Aid suspension. The student’s academic performance will be monitored after grades are posted each term to ensure compliance with the plan. Because there can be a delay in the timing of grades and SAP evaluations, the financial aid disbursements will be delayed pending confirmation that satisfactory progress is being maintained. Failure to comply with the terms of the academic plan can/will result in the student losing Title IV eligibility at Ottawa University.

If an appeal is approved, the student will be placed on Financial Aid Probation. The student must improve his/her cumulative GPA and/or complete enough hours to meet the minimum standards stated above within the terms of the probation or risk being denied further Federal Financial Aid funding. If a student is denied Federal Financial Aid due to unsatisfactory academic progress, he or she may be reinstated upon request once the minimum standards are met, or if another appeal is approved.

Students denied Federal Financial Aid because of unsatisfactory academic progress are responsible for any resulting financial obligations to Ottawa University.

# University-wide: Student and Support Services

## Unofficial Withdrawals

Financial Aid students who fail to continue participating in an academically related activity before 60 percent or more of the calendar days have expired in any period of enrollment may be determined to have unofficially withdrawn if they are assigned a grade of F, NC or I. The Federal Return of Title IV Funds calculations will be processed as though the student had withdrawn and any required refunds will be returned to the appropriate Federal program(s).

Because the student did not officially withdraw, the institutional charges will not be reduced and any resulting return of funds can/will result in a balance due the University. For this reason, students are strongly encouraged to officially withdraw from any course as quickly as possible once the decision to not complete has been made.

## IDENTIFICATION CARDS

New students will receive an ID card (aka Braves/OUAZ Spirit Card) at the beginning of their first semester on campus. The ID card must be carried at all times and serves as a student's official identification to school officials. If the ID is lost, a new one will be issued by the Office of Student Affairs. A fee of \$25 will apply. The ID card is used to access the residence halls, scanned in the University dining center at each qualifying meal, used to check out books through the Gangwish Library, used for free admission to athletic and cultural events on campus. In addition, the ID card provides admission to the Hull Center for Athletics and other University events.

This University-issued ID card is the property of Ottawa University and must be returned upon departure from the University including withdrawal and graduation.

## STUDENTS WITH DISABILITIES

Ottawa University strives to provide equal education and participation opportunities for every student. No one with a known disability will be excluded intentionally from participating in or benefiting from any university policy, program, service or employment because of a disability. Ottawa University intends for all its programs and facilities to be accessible to persons with disabilities.

Ottawa University's Disabilities Services Coordinator for OUKS in Ottawa, Kansas is Kelsey Foss. She can be reached at 785-248-2582 or via email at [kelsey.foss@ottawa.edu](mailto:kelsey.foss@ottawa.edu). The Disabilities Service Coordinator for OUAZ in Surprise, Arizona is Dr. Leslie Sherlin. He can be reached at 623-233-7583 or via email at [leslie.sherlin@ottawa.edu](mailto:leslie.sherlin@ottawa.edu). For all other University campuses, Fred Romero is the Disabilities Services Coordinator. He can be reached at 602-749-5150 or via email at [fred.romero@ottawa.edu](mailto:fred.romero@ottawa.edu). A student may also find information and obtain forms at [www.ottawa.edu/disabilities](http://www.ottawa.edu/disabilities).

A student with a disability is responsible for contacting the disabilities coordinator assigned to his/her campus location to request reasonable accommodations. The University requires medical documentation of a disability and may request additional information or documentation. Where possible, requests for accommodations and services should be made one month prior to enrolling for the next academic term to ensure the appropriate accommodations or services can be provided. Some services or accommodations may require additional time. The personnel will work directly with each student to provide the services he or she needs.

### Facilities and Services for Students with Disabilities

Reasonable accommodations for persons with known disabilities will be made in accordance with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008. No person with a known disability will be intentionally excluded from participation in, be denied the benefit of, or otherwise be subject to discrimination under any University policy, program, service, or in relation to employment because of a disability. University programs and facilities are intended to be accessible to persons with disabilities as required by law. Ottawa University offers a wide range of accommodations and services for students with disabilities. Examples include extended testing times,

accessible parking, accessible housing, interpreters for the deaf. Students wishing to receive an accommodation for a disability should contact the Disabilities Services coordinator (see contact information listed above). Students will be assisted in completing the request form and advised on the medical documentation required for an accommodation to be made. The file of the materials submitted by the student will be kept confidential. Only those employees required to know of a student's disability will be privy to this information. For the complete policy and forms, go to [www.ottawa.edu/footer/disability-services](http://www.ottawa.edu/footer/disability-services).

### Accommodations and Support Services

Ottawa University offers a wide range of accommodations and services for students with disabilities. The University evaluates students on their individual needs, and the university makes services and special considerations available, based on students' documented disabilities. Such services include:

- Extended testing times
- Supplemental academic advising
- Classroom modifications or accommodations
- Accessible parking
- Accessible housing
- Communication with instructors and advisor about students' needs
- Referral for additional assistance

Students requiring these services may contact the disabilities coordinator assigned to his/her campus location for assistance.

### Grievance Policy

The student with a disability has the right to file a grievance of the final plan or from a denial of accommodations. The grievance shall be filed with the Disability Service Coordinator on the University Grievance Form. The form may be found on the University website at or obtained from the Disability Service Coordinator

The form should be provided in person or via email to the Disability Service Coordinator. Upon receipt the Disability Service Coordinator shall forward the grievance to the ADA Coordinator as well as the complete file for the accommodation request and/or plan. The University ADA coordinator is Carrie Stevens and can be reached at 785-248-2326 or [carrie.stevens@ottawa.edu](mailto:carrie.stevens@ottawa.edu).

The ADA Coordinator is responsible for resolving all grievances. The grievance process is as follows:

The ADA Coordinator shall determine the validity of the grievance based on a review of the written documentation provided. This shall include the request for accommodations, medical providers form, plan document, and any other documentation that is part of the disability file. If the grievance is deemed valid, the necessary modifications shall be made and the accommodations plan shall be re-written by the Disability Service Coordinator (and re-submitted to relevant faculty). If the grievance is deemed unmerited, the findings of the Disability Service Coordinator will be upheld. The ADA Coordinator shall render a decision within one week of receipt of the grievance.

### Animals on Campus Policy

#### Definitions

##### Pet

A pet is defined as a domestic animal kept for pleasure or companionship.

##### Service Animal

A service animal is defined as a dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or sounds, providing minimal protection or

rescue work, pulling a wheelchair or fetching dropped items. The tasks must be directly related to the person's disability.

### **Emotional Support Animal**

An emotional support animal is defined as an animal necessary for the student to have an equal opportunity to thrive in a collegiate environment. There must be a relationship between the support the animal provides and the individual student's documented disability.

Emotional support animals are not service animals and do not accompany an individual at all times. The consideration of an emotional support animal requires a prescription from a qualified healthcare or mental health professional. The documentation must demonstrate the use of the emotional support animal would assist in managing symptoms related to the student's disability.

The animal is subject to an individualized assessment to determine whether the animal poses a health or safety threat to others (limits on breed, size, etc.).

The emotional support animal must remain in the student's individual residence. In order to allow the emotional support animal to be brought into the suite/apartment common space, the student must have approval of all suitemates/apartment residents. The emotional support animal must be kept in the individual residence's room when the student is not present in the room/apartment and must be placed in a kennel or restrained to ensure the emotional support animal does not leave its living area. The animal must be supervised by its owner when on University owned or regulated property (i.e. pet sitting is prohibited).

### **Rules and Regulations**

#### **Pet**

Pets are not permitted in University facilities.

#### **Emotional Support Animal (RESIDENTIAL STUDENTS ONLY)**

Unlike service animals, an emotional support animal is viewed as a "reasonable accommodation" in a housing unit which otherwise has a "no pet" rule. Thus, exceptions are possible when the individual requesting the assistance of an emotional support animal provides appropriate documentation to the University from a qualified diagnostician or medical professional that demonstrates the animal ameliorates a condition that qualifies as a disability. Even when such exceptions are granted, emotional support animals are not guaranteed access to facilities to the same degree as are service animals; however, both emotional support animals and service animals must meet safety and behavioral standards as outlined below.

Approval of an emotional support animal should be obtained prior to the semester in which a handler wishes the animal to reside on campus. Handlers of emotional support animals must complete the accommodations request form and submit to the Disability Services Coordinator along with the formal documentation. The supporting documentation must be on letterhead, from a qualified professional, explaining how the animal ameliorates functional limitations or otherwise addresses the needs of the handler. Specific areas of need that should be addressed include:

- Type of disability the student possesses
- How the animal will assist the student, including whether the animal has undergone any training
- The nexus between the student's disability and the assistance the animal provides

The Disabilities Services Coordinator, in tandem with the University ADA Coordinator and relevant University units (such as Student Housing), will determine the degree of access the emotional support animal will be granted, informed by the qualified professional's explanation.

In order to be approved for an emotional support animal, the ADA coordinator must have on file:

1. Medical documentation supporting the request.
2. Current vaccination records
3. Emergency contact who can house the animal off campus in the event the owner is unable to do so.
4. Signed rules form.
5. Approval of roommates.
6. Photograph of animal and owner.
7. Proof of registration.

Other items may be requested as necessary.

### **Safety and Behavioral Requirements of Emotional Support Animals and their Handlers**

1. **Identification and Other Tags:** The animal must have tags or some other method of indicating ownership and rabies clearances.
2. **Health and Vaccinations:** The animal must be well cared for and in good health. Owner must provide a current health certificate issued by a licensed veterinarian. The animal must be clean, free of parasites (including fleas), and in good health, according to local laws. All animals on campus must have an annual clean bill of health from a licensed veterinarian. They must have had a general maintenance vaccination series appropriate to the species. All vaccinations must be current. Applicable animals must wear a current rabies vaccination tag. Proof of vaccination must be filed with Disability Services. A person with an ill animal may be asked to remove the animal from University facilities. All health and vaccination expenses are responsibility of the handler.
3. **Restraint:** The animal must be kept on a leash and under the control of the handler when outside of a residential room. Animal must be in kennel when owner is not in the residence hall/off-campus apartment.
4. **Under Control of Handler:** The handler must be in full control of the animal at all times. The care and supervision of a the animal is the sole responsibility of its handler. The animal must be maintained and used at all times in ways that do not create safety hazards for other persons.
5. **Campus Residence Responsibility:** Handlers living in University-sponsored/owned housing are responsible for any damage caused by their animal. When animals are left unattended in a residence, they are required to be kenneled or restrained with a tie down. It is the responsibility of the handler to ensure others are not disrupted by an unattended animal (e.g. no vocalizing).
6. **Cleanup:** Always carry equipment and bags sufficient to clean up the animal's feces. Properly dispose of the feces in a prearranged area. Persons who are not physically capable of picking up and disposing of the feces are responsible for making all necessary arrangements for assistance. The University is not responsible for these arrangements. The owner must maintain a clean, odor-free environment with the animal and must clean up and appropriately dispose of all animal waste. Specific areas for animal defecation will be determined on a case by case basis. If the animal has an accident (vomits, urinates, and/or defecates) on carpet or fabric, the student must clean it to the best of their ability and then put in a work order for maintenance to come and disinfect the affected spot.
7. **Disruption:** The handler of an animal that is unruly or disruptive (e.g., barking, running around, aggressiveness towards others, bringing attention to itself) may be asked to remove the animal from University facilities. If the improper behavior happens repeatedly, the handler may be disallowed to bring the offending animal into University facilities until the handler takes significant steps to eliminate the behavior.
8. **Upon approval,** a student must meet with the Disability Services Coordinator to review applicable guidelines and responsibilities.

### **Service Animals**

# University-wide: Student and Support Services

## Types of Working Animals Allowed On Campus

1. Dog Guides are trained to assist blind or visually impaired handlers in navigating their physical environment.
2. Hearing Dogs are trained to alert deaf or hard of hearing handlers to specific important sounds in the environment.
3. Mobility Assistance Dogs are dogs that have been trained to assist a person who has mobility impairments.
4. Medical Alert Dogs are trained to notify persons with a medical disorder to a change in physiological status. Diabetic Alert Dogs alert to a change in the blood-glucose levels of their diabetic handler. Migraine Alert Dogs alert to an oncoming migraine headache in their susceptible handler. Seizure Alert Dogs alert to oncoming seizures in their epileptic handler. Asthma Alert Dogs alert to impending asthma attacks in their asthmatic handler. Psychiatric Alert Dogs alert to mood cycling in bipolar handlers, or impending panic and anxiety attacks in handlers with these conditions.
5. Social Signal Dogs are trained to assist a person with autism.

## Determination of Service Animal Status

When it is readily apparent to a University employee that a dog is trained to do work or perform tasks for an individual with a disability under this protocol (for example, if the dog is observed guiding an individual who is blind or has low vision, or pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability), no further inquiry should be made to determine the dog is a service animal under this protocol, and is thus allowed in areas open to the public on campus. However, when not readily apparent, University employees may elicit additional information only as it is necessary to make a determination: (1) the dog is required due to a disability; and (2) of what specific work or tasks the dog has been trained to perform. Ottawa University employees will not inquire about the nature or extent of the individual's disability before allowing use of the dog as a service animal in public areas on campus, nor require documentation of the dog's certification or training.

## Safety, Behavioral Requirements and Responsibilities of Service Animals and their Handlers

1. Complete and submit OU Disabilities Services Form.
2. Identification and Other Tags: The animal must have tags or some other method of indicating ownership and rabies clearances. It is strongly suggested but not required service animals be fitted with some type of identifying equipment such as a harness, cape or backpack as appropriate.
3. Health and Vaccinations: Provide a current health certificate issued by a licensed veterinarian. The animal must be clean, free of parasites (including fleas), and in good health, according to local laws. All animals on campus must have an annual clean bill of health from a licensed veterinarian. They must have had a general maintenance vaccination series appropriate to the species. All vaccinations must be current. Applicable animals must wear a current rabies vaccination tag. Proof of vaccination must be filed with the Disability Services Coordinator. service animals that are ill should not be taken into public settings. A person with an ill animal may be asked to remove the animal from University facilities. All health and vaccination expenses are responsibility of the handler.
4. Restraint: The animal must be kept on a leash and under the control of the handler when outside of a residential room.
5. Under Control of Handler: The handler must be in full control of the animal at all times. The care and supervision of a service animal is the sole responsibility of its handler. The animal must be maintained and used at all times in ways that do not create safety hazards for other persons.
6. Campus Residence Responsibility: Handlers living in University residences are responsible for any damage caused by their animal. When

working animals are left unattended in a residence, they are required to be kenneled or restrained with a tie down. It is the responsibility of the handler to ensure others are not disrupted by an unattended animal (e.g. - no vocalizing).

7. Cleanup: Always carry equipment and bags sufficient to clean up the animal's feces. Properly dispose of the feces in a prearranged area. Persons who are not physically capable of picking up and disposing of the feces are responsible for making all necessary arrangements for assistance. The University is not responsible for these arrangements.
8. Disruption: The handler of an animal that is unruly or disruptive (e.g., barking, running around, aggressiveness towards others, bringing attention to itself) may be asked to remove the animal from University facilities. If the improper behavior happens repeatedly, the handler may be disallowed to bring the offending animal into University facilities until the handler takes significant steps to eliminate the behavior.
9. Registration Required: All working animals must be registered with Disability Services. Failure to register or maintain an animal, as required above, may subject the handler to fines or refusal by the University for the animal to remain on campus.
10. All costs associated with the working animal are the responsibility of the handler. This includes, but not limited to: damage to property, health and vaccination cure, food, registration and special equipment

## Circumstances that May Exclude A Service Animal and/or Emotional Support Animals from University Facilities

Service animals under state and federal law are permitted in University facilities except under limited circumstances. Service animals may be excluded from University facilities under certain circumstances when necessary to protect legitimate University interests. Access to areas is subject to conditions and limitations established by law and are applicable alike to all persons. These circumstances may include:

1. Interfering with the work of another service animal.
2. Causing a "fundamental alteration" of curricula, services, activities or programs due to the presence of an animal.
3. The animal or handler failing to maintain appropriate behavioral standards and/or hygiene.
4. Maintaining and protecting the rights of others under the ADA/504.
5. Protecting University property.
6. When the presence of the animal poses a 'direct threat' to the health and safety of the public, employees, and students.

## Requirements for Faculty, Staff, and Students

1. Allow a service animal to accompany the handler at all times and everywhere on campus, except where service animals are specifically prohibited (subject only to the conditions and limitations established by law and applicable alike to all persons).
2. Do not pet or touch a service animal; petting the animal while it is working distracts it from the tasks at hand and may cause the animal to be corrected or the handler to be injured.
3. Do not feed a service animal. The animal may have specific dietary requirements. Unusual food may cause the animal to become ill.
4. Do not deliberately startle a service animal.
5. Do not attempt to separate a handler from his or her service animal.

## Responsibilities of Disability Services

1. Maintain a current registry of service and emotional support animals on campus.
2. Collect and keep on file current health certificates.
3. Notify appropriate personnel/campus offices of the animal and handler/partner.



4. Provide the campus community with guidelines for appropriate interaction with the animal as needed.

### Students with Temporary Disability

Students who have temporary disabilities (a broken leg or other injuries or illnesses related to accidents, illness or surgery) may contact the disabilities coordinator for assistance. Students may receive temporary parking permits, assistance to and from class, supplemental tutoring services, and referrals for additional assistance.

### Confidentiality

Students with disabilities cannot be discriminated against under Section 504 of the Rehabilitation Act of 1974 and the Americans with Disabilities Act of 1990. Within these acts, the federal government requires all information related to a person's disability be kept confidential. All files related to disabilities will be kept secure, and information will only be shared with staff and faculty members who need to know about a person's disability and when there is a compelling reason to share this information.

### GANGWISH LIBRARY

Gangwish Library strives to provide an environment, services and resources that support the educational goals and purposes of Ottawa University. To support this mission, the library and its staff are committed to:

- Ensuring print, multi-media and electronic resources; reference materials; and library services are responsive to and meet the needs of students and faculty.
- Providing diverse materials that represent cultural, ethical, philosophical, educational, and religious perspectives.
- Participating in the larger resource-sharing community.
- Providing instruction on how to use the library and its services, e.g. how to search the library databases.
- Providing information literacy courses that provide students with the critical thinking and technology skills needed for them to become information literate by the time they graduate.

The Gangwish Library can be accessed via the MyOttawa student portal at [www.ottawa.edu/GangwishLibrary](http://www.ottawa.edu/GangwishLibrary).

The Gangwish Library hours are listed on the Gangwish Library's page on MyOttawa and in the Building/Service Hours section of this handbook. Vacation hours will be posted at the library front door. Other special hours will be posted as well. The library provides students with access to the Library Catalog, the FullText Finder, the Ebsco Discovery Search, LibGuides, the Virtual Librarian and to a large number of full-text periodical databases and e-book collections via the Ottawa University Student Portal.

The Gangwish Library serves the academic research needs of the Campus by providing on-site access to approximately 50,000+ books and 135,000 e-books, and collections of hard-copy periodicals, reference materials and media (DVD, Videos) along with access to numerous electronic databases and resources in the student portal and the library website. Additional Library Services include interlibrary loan, photocopying, assistance in using resource materials, research planning and help with the utilization of writing styles e.g. APA and MLA when writing academic papers.

The Gangwish Library can also be accessed via the "Library" tab in Blackboard. Students must be logged into Blackboard before they can access this website.

Ottawa University students with reference questions can

- call the librarians directly for help at 785-248-2535 or 785-248-2536

- contact the Virtual Librarian Online Reference Desk at [ask@ottawalibanswers.com](mailto:ask@ottawalibanswers.com)
- text the librarian at 785-693-2033
- chat through the Virtual Librarian

Ottawa University students have access to the library databases with only one login into the MyOttawa Portal.

### OTTAWA UNIVERSITY FAN SHOP

Students at any Ottawa University campus may purchase textbooks and other school supplies from the University Fan Shop online (<http://ottawa.edu/FanShop>) or their respective campus location. The Fan Shop also offers clothing, novelties, supplies, and greeting cards. The store accepts cash, personal checks, MasterCard, Visa, and Discover for the amount of purchase only.

The University Fan Shop is open Monday through Friday from 8:00 a.m. to 5:00 p.m. unless otherwise posted. Weekend and summer hours vary.

### Textbook Orders

Ottawa University Fan Shop offers a textbook pricing comparison function on its online bookstore. It is designed to allow students the ability to compare other retailer prices against Ottawa University website prices.

The advantages to this include:

- Students can sometimes forget how valuable buying from the campus bookstore can be: easy returns, same-day pickup, and guaranteed accuracy.
- It helps students compare offers on more than just price.
- It allows students to see that Ottawa University prices are competitive, particularly when it comes to renting titles.

When entering the Ottawa University Fan Shop website (<http://ottawa.edu/FanShop>), students will go to the TEXTBOOKS icon located at the top of the page.

1. Select GET TEXTBOOKS
2. Select the Term, Department, Course, and Section affiliated with your class.
3. Click the ADD button to add the class to your course list.
4. Repeat these steps as many times as you like to select books for multiple classes.
5. Click the GET YOUR BOOKS button to see a full list of all your books for each selected class.
6. Students then choose the Term Name, Department, Course, Section, and Titles they wish to compare.

When the student chooses to "Begin Price Comparison", the screen shows the title in the top left, along with the store prices to the right. Beneath store prices is a listing of alternate prices from other vendors.

The student can then choose to add either your book, or the competitor's book to their cart. In both cases, the items appear in their shopping cart with the Ottawa University site, thereby allowing them to complete the transaction, or continue shopping, without having to leave the website.

Please note that Ottawa University students are eligible to receive a book advance (check with your financial aid advisor for details) for purchasing textbooks. The book advance is only applicable to items purchased through the Ottawa University Fan Shop.



# **University-wide: Student and Support Services**

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## STUDENT CODE OF CONDUCT

# University-wide: Student Code of Conduct

## STUDENT CODE OF CONDUCT

### PURPOSE AND PHILOSOPHY

The purpose of Ottawa University's Student Conduct Code is to promote a positive, inclusive environment of mutual respect and understanding that fosters student and academic development of its students. The Student Code of Conduct's foundation is rooted in Ottawa University's commitment to Christian values, community, unity and integration of knowledge, and especially its students. Ottawa University prides itself on being a Christ-inspired community of grace and open inquiry, and that graciousness applied to the student learning process is the founding tenet of the Student Code of Conduct. Education, immediate and lifelong, is reflected in the mission of the institution along with the Student Code of Conduct.

Ottawa University's mission stresses the significance not only of each student's humanity, but each person's role in the Ottawa University community. The Office of Student Affairs/Life works diligently to provide a campus environment where students take responsibility for their actions and inactions. Ottawa University views its conduct process as a learning experience focused on student personal growth and development. The code is meant to facilitate and support student understanding of their roles and responsibilities within both the Ottawa University and the greater local, national, and global communities.

### APPROACH TO THE CONDUCT PROCESS

The Student Code of Conduct promotes honesty, integrity, accountability, rights and responsibilities associated with being a constructive member of the Ottawa University community. The code describes expected standards of behavior for all students along with the process for managing violations to the code. The Code is not meant to be an exhaustive list of prohibited behavior, but rather serves student conduct in a broad context. The Dean for Student Affairs, or his/her designee, reserves the right to define and interpret the Code and conduct procedures. Ottawa University has the right to amend the Code at any time. Those substantive amendments/changes will be communicated via campus email and posted on the student section of the MyOttawa portal.

The Student Code of Conduct is Ottawa University's policy regarding non-academic issues of students and student organizations. Academic issues are not covered by this Code, but fall within the authority of the academic unit of the University.

Ottawa University is committed to the protection of human dignity, the burden of responsible behavior and providing students with a fair and educational conduct process that supersedes technical and legalistic approaches to inappropriate behavior. The Ottawa University Student Code of Conduct is educational in its approach, and serves to educate students about their choices and responsibilities as citizens of the Ottawa University, the Ottawa community, and the greater national and international communities.

Ottawa University conducts student disciplinary matters on a progressive discipline basis whereby infractions have a cumulative effect. It should be understood that the campus conduct process will not operate as a civil court; students are subject to federal, state and local laws as well as institutional regulations. A student is not entitled to greater immunities or privileges before the law than those generally enjoyed by other citizens. Students are subject to reasonable disciplinary action as deemed appropriate for the breach of federal, state or local laws which are likely to have an adverse effect on the institution or on the educational process, or where an offender may endanger other persons on campus.

Ottawa University requires of its students superior ethical and moral behavior above and beyond the standards of civil and criminal codes. In support of this, Ottawa University, as a private independent college, has broad discretion in establishing disciplinary rules and procedures through its agreement relationships with each student.

### Definitions

1. The term "University" means Ottawa University.
2. The term "student(s)" includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University residence halls, although not enrolled in this institution. The Student Code of Conduct applies to all locations of the University.
3. The term "faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
5. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by Campus Executive/Dean of Student Affairs, or his/her designee.
6. The term "organization" means any number of persons who have complied with the formal requirements for University recognition.
7. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
8. "Off-campus Behavior" refers to student behaviors and actions that take place away from official campus grounds or at University-sponsored events. The Student Code of Conduct is based on shared values, and as such, sets a range of expectations for the Ottawa University student no matter where or when the student's conduct may take place.
9. "Violation" refers to any behavior that is unacceptable as described in the Student Code of Conduct.
10. "Notice" means written notice and includes email messages.
11. "Property" includes physical property, intellectual property, and computing and communication files and resources.
12. "Guests" applies to all guests of the University community members whose hosts are held accountable for the conduct of said guests.
13. The term "policy" is defined as written regulations of the University found in but not limited to the Employee/Student Handbooks and the University catalog.
14. The term "Reporter" means any person who submits information alleging that a student violated this Student Code of Conduct. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under the Student Code of Conduct as are provided to the Reporter, even if another member of the Ottawa University community submitted the information itself.
15. The term "Reported Student" means any student reported to have violated the Student Code of Conduct.
16. The Campus Executive/Dean of Student Affairs, or his/her designee, is designated by Ottawa University to be responsible for the administration of the Student Code of Conduct.
17. The term "Student Conduct Administrator" means a University official identified and authorized by the Campus Executive/Dean of Student Affairs to determine whether a student has violated the Student Code of Conduct and impose sanctions upon any student(s) found to have violated the Student Code of Conduct.
18. The "University Conduct Review Committee" any person(s) authorized by the Campus Executive/President/Provost to consider an appeal from

a Student Conduct Administrator's determination as to whether a sanction imposed by the Student Conduct Administrator is believed to have exceeded the level of impact of the policy violated.

19. "Finding of Responsibility" is when a determination is made that the reported student is found to have been in violation of the Student Code of Conduct, as outlined in University policy. Reported student may also be found "not responsible."
20. "Peace Officer" is a person designated by the state or federal government with the responsibility of enforcing laws or policies.
21. "Preponderance of Information" is the standard of proof for incidents of non-academic misconduct. Preponderance of information is defined as information that a reasonable person would find more likely than not to have occurred.
22. "Incident Report" is a form used at Ottawa University to officially report an alleged policy violation.
23. "Witness" is any individual who may have information relating to a conduct case.
24. "Student Conduct Advocate" is any person a student wishes to bring to a conference as support. Student Conduct Advocates do not participate in the conference or any other part of the conduct process. Their sole role is to be support for the student.

#### General Understanding

1. This Student Code of Conduct also applies to student groups, athletic groups and organizations at the University, regardless of whether they are formally recognized by Ottawa University or receive funding, directly or indirectly, from the University.
2. Ottawa University reserves the right to alter this Student Code of Conduct at any time. The current Student Code of Conduct supersedes all previous Student Code of Conduct's and the policies expressed in the latest policy revisions shall be controlling in all student conduct issues.
3. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.
4. The failure of a student to appear and/or respond to the conduct process does not prevent the University from proceeding with the conduct process.
5. The Campus Executive/Dean of Student Affairs has been specifically designated by the University to be responsible for the administration of the Student Code of Conduct.

#### Student Code of Conduct Authority

1. The Campus Executive/Dean of Student Affairs serves as and authorizes specific staff as Student Conduct Administrators. Currently, Student Conduct Administrators include the Associate Dean of Student Affairs and Residence Life professional staff. Additional Student Affairs staff may be designated at Student Conduct Administrators as needed.
2. The Associate Dean of Student Affairs/Dean of Student Affairs designee shall develop policies for the administration of the student conduct system.
3. Decisions made by the Student Conduct Administrators shall be final, pending normal appeal process.

#### Jurisdiction of the Student Code of Conduct

The University Student Code of Conduct shall apply to conduct that occurs on University premises, at University-sponsored activities, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to student's

conduct even if the student withdraws from school while a disciplinary matter is pending.

The Campus Executive/Dean of Student Affairs, or his/her designee, shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, at his/her sole discretion.

#### Student Rights in the Conduct Process

- a) Written notice of the specific policy violations– at least three (3) business days prior to the scheduled conference;
- b) Reasonable access to the information prior to and during the conference;
- c) Opportunity to respond to the information and to call relevant and necessary witnesses;
- d) The right to a fair and consistent conduct process;
- e) The right to an administrative resolution of the reported violations no later than ten (10) business days after the conference. Should the investigation require more research, decisions may be delayed. Reasonable delay in the decision does not absolve student responsibility.
- f) The right to appeal the decision of the conference if the decision meets the criteria for an appeal.

#### Administrative Discretion

Ottawa University reserves the right to disqualify, discontinue, exclude, or involuntarily withdraw any student from the University at the discretion of the Campus Executive/Dean of Student Affairs, or his/her designee, as deemed necessary for the safety and/or well-being of the student and/or others.

### STUDENT CODE OF CONDUCT PROCESS

#### 1. Reporting and Initiation of Conduct Process

- A. After Receiving an Incident Report (IR), the Student Conduct Administrator:
  - i. Shall determine whether the IR sufficiently reflects information that a violation of the Student Code of Conduct may have occurred;
  - ii. Shall determine whether the IR primarily reflects academic or non-academic misconduct and shall request the Dean/designee to reassign the matter if necessary;
  - iii. After receiving the IR, the Student Conduct Administrator may interview the person filing the IR and other persons with information, and may seek additional information regarding the information in the IR.
- B. If the Student Conduct Administrator determines that the Student Code of Conduct has not been violated or that a violation cannot be substantiated, the situation will end at that time.
- C. If the Student Conduct Administrator determines that a matter should not be pursued under the Student Code of Conduct, the Student Conduct Administrator may still recommend that an education conference be held with the reported student(s), so that the perceived conduct at issue is not repeated, or so that the reported student(s) may better understand the effects and consequences of the perceived actions.
- D. The IR will be considered an allegation under the Student Code of Conduct only after the Student Conduct Administrator determines that a sufficient basis exists to believe that a policy violation may have occurred.
- E. If the Student Conduct Administrator believes that a violation of the Student Code of Conduct may have occurred, the Administrator shall notify the reported student by campus email of the alleged violation [see item #2 – notice], will set a time to meet with the reported student in person [see item #3 – case conference/meeting], and will gather any other information needed to resolve the matter.

# University-wide: Student Code of Conduct

- F. At the meeting, the Student Conduct Administrator will review with the student the following:
  - i. An explanation of any Conduct Code violations at issue;
  - ii. A summary of the information gathered;
  - iii. Reasonable opportunity to respond, and;
  - iv. An explanation of the conduct process.
- G. During the meeting with the reported student, both the Student Conduct Administrator and the reported student may have witnesses available, but the witnesses need not be in the same room as the reported student.
- H. After carefully considering the information gathered, the Student Conduct Administrator shall determine whether it is more likely than not that a violation of the Student Code of Conduct has occurred and, if so, the appropriate sanction(s) that apply.

## 2. Notice

- A. The Student Conduct Administrator shall initiate the conduct process by sending written notice to the reported student at the University email address of the reported student. Notice to the student will be considered furnished when the email is sent to the student's Ottawa University-provided email address at least three (3) business days prior to a scheduled conference with the Student Conduct Administrator. The notice shall include:
  - i. A description of the reported misconduct;
  - ii. The Student Code of Conduct provision that are reported to have been violated;
  - iii. A statement informing the reported student that s/he will be given an opportunity to respond to the alleged violations of the Student Code of Conduct and to call relevant and necessary witnesses.
  - iv. A date and time for the conference in which the reported student must meet with the Student Conduct Administrator. If the reported student is unable to meet during this time, it is the reported student's responsibility to reschedule in advance of the conference.

The reported student shall have the right to a fair and consistent conference. If the reported student does not attend the conference meeting, the Student Conduct Administrator can decide the outcome of the case in the reported student's absence.

## 3. Conference Meeting

- A. At the conference meeting, the Student Conduct Administrator shall explain the conduct process and answer any questions the reported student may have. The Student Conduct Administrator shall review the report with the reported student. The reported student shall have the opportunity to present documents and to explain his/her understanding of what occurred. The Student Conduct Administrator may discuss the matter further with the reported student, pursue further investigation as needed, and based on information received, determine by a preponderance of the information whether or not the reported student has violated the Student Code of Conduct.
- B. A Student Conduct Advocate of the student's choosing may be present at the meeting. The Student Conduct Advocate may support, but is not permitted to speak and/or participate in the conference process during the conference.

## 4. The Decision

- A. After the conference meeting, the Student Conduct Administrator may find by "a preponderance of the information" that the reported student is not responsible, or may find that the reported student is responsible and issue a sanction based on that finding. The Student Conduct Administrator shall endeavor to have a decision that resolved the reported violation(s) no later than ten

(10) business days after the conference. Should the investigation require more research after the conference meeting, further conferences may be scheduled, and decisions may be delayed. Delay of decision does not absolve student responsibility.

## 5. Sanctions

Below is a non-exhaustive list of sanctions that may be imposed on responsible individuals under this Code. What sanction or sanctions are appropriate in a particular conduct event will depend on the circumstances. Multiple sanctions may be imposed in connection with any violation.

- i. Written Warning or Reprimand. A notice in writing to the student that the student is violating or has violated institutional policy(s).
- ii. Disciplinary Probation. This is a form of probation that is distinct from probation that may be imposed as a result of academic performance. A student may be placed on probation. Probation lasts for a specific period of time, and is implemented by semesters. Any violation of the Student Code of Conduct or the conditions of probation committed during the probationary period shall result in further disciplinary action such as suspension or dismissal.
- iii. Letter of apology or explanation of conduct.
- iv. Parental and/or Athletic Director/Coach notification. For Drug and Alcohol violations, parents and/or coaches may be notified.
- v. Restorative Response.
- vi. Financial restitution.
- vii. Educational project. Including but not limited to: writing a paper, reading a book, planning and presenting a program, or attending a class.
- viii. Counseling Referral to the Ottawa University Counselor. The Ottawa University Counselor may refer to off-campus counseling resources.
- ix. Exclusion or Restriction. Prohibited involvement from one or more activity, person, event, function, benefit, privilege, or physical location of or within Ottawa University. Exclusion or restriction may include a No Contact Order (NCO) in specific instances where a victim of domestic violence, sexual assault, or other instances where a victim requests no contact order. A no contact order can also be issued at the discretion of the Dean of Student Affairs or his/her designee.
- x. Administrative Move within the Residence Life system.
- xi. Residence Hall Suspension. Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission to the residence hall may be specified. Suspension from a residence hall may impact student status. See Campus Housing policy in the Student Handbook.
- xii. Residence Hall Dismissal. Permanent separation of the student from the residence halls. In some cases, this may impact the status of the student expelled as for many students it is compulsory to reside on campus. See Campus Housing policy in the Student Handbook.
- xiii. Suspension in Abeyance. The student is suspended from the University, but due to mitigating circumstances the suspension is deferred, allowing the student to continue with daily college activities and providing a student with a final opportunity to prove s/he can operate responsibly within the community. If the student, through the conduct process, is found to have violated the Student Code of Conduct during the period of the suspension in abeyance, the student shall immediately be suspended from the University for the dura-



tion of the abeyance as well as given additional sanctions, including an extension of the suspension, or dismissal. A suspension notation does not appear on the student's transcript during the period of suspension in abeyance.

- xiv. Suspension. The student is required to leave the University for a specific period of time. An indication of suspension appears on the student's transcript. After the period of suspension has expired, the transcript notation shall be removed. Suspension from the University includes an exclusion from campus property and University activities during the period of suspension.
- xv. Dismissal. The student required to permanently leave the University. A notation of dismissal remains permanently on the student's transcript. Dismissal from the University includes an automatic exclusion from campus.
- xvi. Special Note: Alcohol and Other Drugs Policy Violation Sanctions. Ottawa University recognizes the negative effects that alcohol and other drugs have on individuals and the larger Ottawa University community. For the health and safety of the community, Ottawa University operates dry campuses. University/Blue Mountain Apartments, a non-campus, University-owned and managed residential facilities, permit cereal malt beverages with limitations for students of legal drinking age. Ottawa University understands the implications of alcohol and drug abuse and misuse on individual's academic and personal endeavors, and seeks to provide a healthy and safe campus and living environment to all of its constituents.

Ottawa University has developed the following process regarding violations to its alcohol and other drug policies. Ottawa University has followed the guidelines set forth in the Drug-free Schools and Communities Act and Amendments of 1989 in implementing its enforcement of the alcohol and drug usage policy. For more information, see the Appendix C.

Sanctions for alcohol and drug violations may be more severe if the incident includes the following aggravating factor(s) including but limited to: public intoxication, provision of alcohol/drugs to minors, driving a vehicle under the influence of alcohol/drugs, damage to property, obstructions of a peace officer, or failure to cooperate with a University official. Sanctions may also be more severe if the incident is accompanied by other violations of the Student Code of Conduct.

## 6. Mitigating and/or Aggravating Factors

- A. In determining the sanction, the Student Conduct Administrator may consider mitigating and aggravating factors. A non-exhaustive list of factors that may be considered include the following:
  - i. Pre-Notification Admission. When a reported student voluntarily admits misconduct before learning that someone has referred the matter or is about to refer the matter.
  - ii. Other Admissions. Even an admission made after a notice has been initiated may have some mitigating value. This type of admission shows acknowledgment of the inappropriate nature of the reported student's conduct.
  - iii. Cooperation. The Student Conduct Administrator may consider how cooperative, or uncooperative, the reported student was during the process, including whether the reported student responded timely to inquiries and requests for meetings, provided requested information, and dealt honestly and civilly with the Student Conduct Administrator and others involved with the process.
  - iv. Intent. Conduct falls on an intent continuum that ranges from malicious, willful, intentional, reckless, and grossly neg-

ligent conduct on the more serious end, to merely negligent, careless, and accidental conduct on the less serious end. Where conduct falls on this continuum may be considered when determining sanctions.

- v. Degree of Harm or Seriousness of Violation. The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.
- vi. Prior Violations. Prior violations of the Student Code of Conduct may be considered as aggravating factors.
- vii. Discriminatory Motive. If a reported student is engaging in conduct prohibited under the Student Code of Conduct, also is found to have intentionally directed the conduct toward a person or group because of the race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, marital, or parental status of the targeted person or group, that discriminatory motive will be considered an aggravating factor in determining sanctions.

## 7. Appeals

- A. A decision reached by the Student Conduct Administrator or a sanction imposed by the Student Conduct Administrator may be appealed by the Reported Student(s) to Dean of Student Affairs or his/her designee within three (3) business days of the decision. The Dean of Student Affairs, or his/her designee, may assign the appeal to the Campus Life Committee. The appeals shall be in writing and shall be delivered to the Student Conduct Administrator or his/her designee. If the student behavior resulting in the conduct process involved violent or dangerous behavior, the Dean of Student Affairs or his/her designee, shall be required to consider the safety of the Ottawa University community in its deliberations and recommendation, and any sanction imposed on the reported student shall not be stayed pending the appeal.
- B. Except as required to explain the basis of new information, an appeal shall be limited to a review of the record of the Student Conduct Administrator and supporting documents for one or more of the following purposes:
  - i. To determine whether the Student Conduct Administrator conference and deliberation was conducted fairly in light of the information presented, and in conformity with prescribed procedure giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the Reported Student, a reasonable opportunity to prepare and to present a response to those allegations.
  - ii. To determine whether the decision reached regarding the Reported Student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
  - iii. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
  - iv. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original deliberation, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct conference.
- C. If an appeal is upheld by the Dean of Student Affairs, or his/her designee, the matter shall be returned to the original Student Conduct Administrator for re-opening to allow reconsideration of the original determination and/or sanction(s). The decision on an appeal is considered final.

# University-wide: Student Code of Conduct

## GOOD SAMARITAN CLAUSE

Any student who seeks assistance for him/herself or another student from Campus Security, Residence Life, or professional medical personnel, for intoxication or overdose shall not be subject to formal Conduct System.

This refers to isolated incidents only and does not excuse or protect those who flagrantly and/or repeatedly violate the Ottawa University alcohol policy. It applies only to cases of suspected extreme intoxication or other life-threatening circumstances due to alcohol and does not extend to related infractions such as assault or property damage. Although formal disciplinary action may not be invoked, mandatory referrals for educational sessions and/or assessment at the student's own expense may be made.

## VIOLATION OF UNIVERSITY POLICIES

Any student found to have committed or attempted to commit misconduct is subject to disciplinary sanctions outlined herein, University catalog, or any other posted policy and emailed updates to policies. The policies listed herein are a summation; please see the University Policies and policies related to your specific campus for full policy content.

1. All forms of dishonesty including cheating, plagiarism and supplying false information, as well as forgery or use of documents or instruments of identification with intent to mislead or defraud.
2. Theft of or damage to the property of another person or of the University, as well as receiving, retaining or disposing of the lost or mislaid property of another person or of the University.
3. Unauthorized entry, use or occupation of University facilities, as well as the unauthorized possession, duplication or use of keys to any University facility.
4. Physical, verbal or written harassment or abuse of another person, as well as threatening or attempting to inflict personal injury, or creating a substantial risk of such injury to another person, or any violation of the university's policy regarding prohibited discrimination, harassment, and/or retaliation.
5. Misusing or tampering with fire alarms, fire fighting equipment or safety equipment.
6. The unauthorized selling, purchasing, producing, or possession of any lethal weapons, explosives, fireworks, or devices.
7. Engaging in illegal gambling.
8. Possession, use or distribution of illicit drugs and/or drug paraphernalia. Disruptive or disrespectful behavior, property damage or personal harassment as a consequence of illicit drug use.
9. Possession, consumption and being under the influence of or the providing of beverages containing alcohol on property owned or supervised by the University or at University functions. Disruptive or disrespectful behavior, property damage or personal harassment as a consequence of alcohol consumption. Funds collected by members of the University cannot be used to purchase such beverages.
10. Engaging in such conduct as public nudity, indecent exposure or unlawful cohabitation.
11. Engaging in or inciting others to engage in conduct, that disturbs the peace of the University, involves a significant disruption of University activity, or impedes reasonable freedom of expression or movement of other members of the University community or its guests.
12. Failing to comply with the directions of authorized University personnel in the performance of their assigned duties.
13. Violating other regulations of the University including, but not limited to, those pertaining to residence halls, motor vehicles, and all university facilities.
14. Hazing that constitutes an invasion of rights, causing bodily harm, physical exhaustion, suffering or personal offense, or that interferes with the regular activities of the University.
15. Inappropriate behavior off campus, which may bring embarrassment to the University.
16. Physically intimate sexual activities on or within the grounds and facilities of the campus community or at activities associated with a University-sponsored activity.
17. Using access codes or other telephone software elements to create harassing, threatening, racial, or lewd messages received by others and/or enable the calling party to have a call inappropriately billed to another party.
18. Tobacco use in any building on campus.
19. Solicitation except for student-, faculty- or staff- produced articles (such as paintings, pottery, cakes, jewelry, t-shirts, etc.) or with the consent of the appropriate campus provost or director.
20. Engaging in, or inciting others to engage in, conduct which disturbs the peace of the University, involves a significant disruption of University activity, or impedes reasonable freedom of expression or movement of other members of the University community or its guests is prohibited.

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## **APPENDIX A**

### **Sexual Misconduct Policy**

# APPENDIX A: Sexual Misconduct Policy (U-wide)

## SEXUAL MISCONDUCT POLICY

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

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

At points, this Policy discusses discrimination and harassment that does not fall under Title IX. This is because there are sometimes instances in which it may be difficult to determine if discrimination and/or harassment is motivated by gender/sex. Typically, it will be the Title IX Coordinator who makes this determination. As such, references to the non-Title IX nature of violations and procedures are included at relevant places below.

This Policy complies with the University’s obligations under Title IX of the Education Amendments of 1972 (Title IX)(As amended May 6, 2020 and implemented August 14, 2020) which prohibits discrimination on the basis of sex in the University’s programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and other applicable law.

### DEFINITION

- **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute a violation of this policy; or retaliation for engaging in a protected activity under this policy.
- **Complaint (formal)** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a violation of this policy or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.
- **Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- **Day** means a business day when the University is in normal operation.
- **Directly Related Evidence** is evidence connected to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.
- **Education Program or Activity** means locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- **Final Determination** A conclusion by the preponderance of evidence that the alleged conduct did or did not violate policy.
- **Finding** A conclusion by the preponderance of evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Formal Grievance Process** means a method of formal resolution designated by the University to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

- **Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- **Hearing Decision-maker** refers to those who have decision-making and sanctioning authority within the University’s Formal Grievance process. The Hearing Decision-maker may be one person or may be made up of a panel of more than one person.
- **Investigator** means the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- **Mandated Reporter** means an employee of Ottawa University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor. *Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.*
- **Notice** means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority (OWA) of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Official with Authority (OWA)** means an employee of OU explicitly vested with the responsibility to implement corrective measures for harassment and discrimination that does not fall under Title IX, but does fall under the OU Code of Conduct, and/or retaliation for those complaints on behalf of OU.
- Parties include the Complainant(s) and Respondent(s), collectively.
- University means a postsecondary education program that is a University of federal funding; in the context of this policy, the University is Ottawa University (OU).
- Relevant Evidence is evidence that tends to prove or disprove an issue in the complaint.
- Remedies are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University’s educational program.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- Resolution means the result of an informal or Formal Grievance Process.
- Sanction means a consequence imposed by OU on a Respondent who is found to have violated this policy.
- Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17.b., for greater detail.
- Title IX Coordinator is at least one official designated by OU to ensure compliance with Title IX and OU’s Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

### RATIONALE FOR POLICY

Ottawa University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, OU has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Ottawa University

values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

### APPLICABLE SCOPE

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

### TITLE IX COORDINATOR

Carrie Stevens, the Associate Vice President of Compliance, serves as the Title IX Coordinator and ADA/504 Coordinator and oversees implementation of OU's Title IX policy on sexual misconduct, sexual harassment and sexual discrimination. The Title IX Coordinator has the primary responsibility for coordinating OU's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

### INDEPENDENCE AND CONFLICT-OF-INTEREST

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

Reports of misconduct or discrimination committed by the Title IX Coordinator or raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Executive Vice President/CFO, Clark Ribordy, at [clark.ribordy@ottawa.edu](mailto:clark.ribordy@ottawa.edu). Concerns of bias or a potential conflict of interest, as well as reports of misconduct or discrimination by any other Title IX Team member should be raised with the Title IX Coordinator.

### ADMINISTRATIVE CONTACT INFORMATION

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Name: Carrie Stevens  
Title IX Coordinator  
1001 S. Cedar St.  
Ottawa, Kansas 66067  
785-248-2326  
[Carrie.stevens@ottawa.edu](mailto:Carrie.stevens@ottawa.edu)

OU has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section

below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012 TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

External inquiries and complaints involving employees may be made to the Equal Employment Opportunity Commission (EEOC):

US Equal Employment Opportunity Commission  
131 M Street, NE  
Washington, DC 20507  
202-663-4900/(tty) 202-663-4494

Gateway Tower II  
400 State Ave., Ste. 905  
Kansas City, KS 66101

Reuss Federal Plaza  
310 West Wisconsin Ave., Ste. 500  
Milwaukee, WI 53203

Phoenix District Office  
3300 North Central Ave., Ste. 690  
Phoenix, AZ 85012-2504

### NOTICE/COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a complaint with or give verbal notice to the Title IX using the contact information provided above. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed (at left).
- 2) Report using the harassment/discrimination hotline, either online or by phone using the following information:

[www.ottawa.ethicspoint.com](http://www.ottawa.ethicspoint.com) or 844-719-2846

This is an external hotline and reports can be made anonymously. However, it may be difficult to investigate an anonymous report. Further, OU tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as OU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

- 3) Filing a report with the University does not prevent a Complainant from also filing a report with law enforcement. The University can assist in providing information and support should a Complainant opt to do so.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that OU investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the OU) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that OU investigate the allegations.



# APPENDIX A: Sexual Misconduct Policy (U-wide)

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## SUPPORTIVE MEASURES

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. The University will act to ensure as minimal an academic/occupational impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program (for employees)
- Referral to community-based service providers
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator
- Timely Warnings

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

## EMERGENCY REMOVAL

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in writing, electronic or otherwise, in a timely manner (48 hours, inclusive of weekends), objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee/student worker, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

## PROMPTNESS

All allegations are acted upon promptly by the University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in University procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## PRIVACY

Every effort is made by the University to preserve the privacy of reports. The University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: The Office of Student Life/Student Affairs, University Security, the Behavioral Intervention Team, Counseling, Dean of Academics, Campus President, and Compliance. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this

knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

*For the purpose of this policy, privacy and confidentiality have distinct meanings. Privacy means that information related to a complaint will be shared with a limited number of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the University's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 18. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.*

## JURISDICTION OF THE UNIVERSITY

This policy applies to the education program and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by University's recognized student organizations. The Respondent must be a member of University's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to University's educational program. The University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or any OAW, as designated above, who will then contact the Title IX Coordinator.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and their employers will be notified of any reports filed against them.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

## TIME LIMITS ON REPORTING

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint..

## POLICY ON DISCRIMINATORY HARASSMENT

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. The University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of University policy, though supportive measures will be offered to those impacted. All policies encompass actual and/or attempted offenses.

### Discriminatory Harassment

Discriminatory harassment poses a specific type of harassment that may not fall under Title IX but should be addressed under this Policy. Discriminatory Harassment constitutes a form of discrimination that is prohibited by the University Code of Conduct and may be apparent in a Title IX Complaint. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law; relevant here when that harassment is based on sex/gender.

The University does not tolerate discriminatory harassment of any employee, student, visitor, or guest. University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

*This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational University's Investigative Guidance.*

# APPENDIX A: Sexual Misconduct Policy (U-wide)

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under University policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms. Typically, when violations of this policy are alleged, they will be addressed by the Dean of Student Life, if involving a student, or the Director of Human Resources, if involving a student.

## Sexual Harassment

Ottawa University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

### Quid Pro Quo:

- a. an employee of the University,
- b. conditions (implicitly or explicitly) the provision of an aid, benefit, or service of the University,
- c. on an individual's participation in unwelcome sexual conduct.

### Sexual Harassment:

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to the University's education program or activity.

*Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.*

### Sexual Assault, defined as:

#### a) Sex Offenses, Forcible:

- Any sexual act directed against another person,  
*A "sexual act" is specifically defined by federal regulations to include one or more of the following:*

##### Forcible Rape:

- 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 Complainant.

##### Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age# or because of temporary or permanent mental or physical incapacity.

##### Sexual Assault with an Object:

- The use of an object or instrument to penetrate,
- however slightly,

- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

##### Forcible Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- without the consent of the Complainant,
  - including instances in which the Complainant is incapable of giving consent.
- b. Sex Offenses, Non-forcible:
- Incest:
    - i. Non-forcible sexual intercourse,
    - ii. between persons who are related to each other,
    - iii. within the degrees wherein marriage is prohibited by the laws of the relevant state in which the Ottawa University campus is located.
  - Statutory Rape:
    - i. Non-forcible sexual intercourse,
    - ii. with a person who is under the statutory age of consent of the relevant state law.

### Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - The existence of such a relationship shall be determined based on the Complainant'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. For the purposes of this definition—
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.

### Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the relevant state in which the Ottawa University campus is located or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the laws of the relevant state in which the Ottawa University campus is located. \*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people

cohabitating must be current or former spouses or have an intimate relationship.

**Stalking, defined as:**

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - o would cause a reasonable person to fear for the person’s safety, or
  - o the safety of others; or
  - o Suffer substantial emotional distress.

**For the purposes of this definition—**

- i. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

**Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force**—Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not

demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion**—Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

**Incapacitation**—A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

**Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which are covered by Title IX, the University additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
  - o Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
  - o Invasion of sexual privacy.
  - o Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography
  - o Prostituting another person
  - o Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
  - o Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of com-



# APPENDIX A: Sexual Misconduct Policy (U-wide)

promising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity

- o Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- o Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- o Knowingly soliciting a minor for sexual activity
- o Engaging in sex trafficking
- o Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity as defined further in the Hazing Policy;
- Bullying, defined as:
  - o Repeated and/or severe
  - o Aggressive behavior
  - o Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
  - o That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other University policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities. The Title IX Coordinator may find that a violation of a Civil Rights Offense under this policy does not fall under Title IX and should be addressed through the Conduct process.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

## RETALIATION

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Ottawa University and any member of the University's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or

participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## MANDATED REPORTING

All University employees (faculty, staff, coaches, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at the University for a Complainant or third-party (including parents/guardians when appropriate):

### Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

### OUKS Students

- Onsite counseling services: 785-229-1081
- Off-campus advocates with onsite office hours: The Care Center, 785-843-8985/www.stacarecenter.org; The Willow Domestic Violence Center; 785-242-6300/24-hour hotline: 785-843-3333/franklincounty@willowdvcenter.org

### OUAZ Students

- Please contact the Office of Student Affairs for information on counseling services.

### All Students and Employees

- Chaplain John Holtzhuter: 785-248-2334/john.holtzhuter@ottawa.edu
- Employee Assistance Program (EAP), New Directions: www.ndbh.com/800-624-5544, participant code is ottawau.

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who are confidential and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

### Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

The Mandated Reporter must inform the Complainant that, if they request that a Mandated Reporter maintain the Complainant's anonymity, they cannot guarantee that the Complainant will remain anonymous. The Mandated Reporter may need to provide the name and details of the report if they reasonably believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.



Anonymous notice will be investigated by the University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the University's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

### **Mandated Reporters and Formal Notice/Complaints**

All employees of the University (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University.

Supportive measures may be offered as the result of such disclosures without formal University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action, including termination, for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

### **WHEN A COMPLAINANT DOES NOT WISH TO PROCEED**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Universities may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the University, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### **FEDERAL TIMELY WARNING OBLIGATIONS**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **FALSE ALLEGATIONS AND EVIDENCE**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

### **AMNESTY FOR COMPLAINANTS AND WITNESSES**

The University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the University maintains a policy of offering parties and witnesses amnesty from minor policy

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violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Please note that, under these Amnesty provisions, the University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

## FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and  
*VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.*
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with Campus Security at the residential campuses or the Campus Manager at the adult campuses, regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, Campus Security, 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.

## PRESERVATION OF EVIDENCE

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The University will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better)
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do
3. Try not to urinate
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence)
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

## INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY

### Overview

The University will act on any formal or informal notice/complaint of violation of Policy Against Sexual Discrimination and Harassment (“the Policy”) that is received by the Title IX Coordinator

The procedures below apply to qualifying allegations of sexual discrimination and harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

### Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the University needs to take.

The Title IX Coordinator will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
2. An informal resolution (upon submission of a formal complaint); and/or
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The University uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

### Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - o If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - o If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - o If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.

- o If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
  - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
    - an incident, and/or
    - a pattern of alleged misconduct
  - If it does not, the Title IX Coordinator determines that Title IX does not apply and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, and may refer the matter for resolution under other policies such as the code of conduct. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit the University’s authority to address a complaint with an appropriate process and remedies.

*If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.*

### Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer University about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by school counselors, academic advisors, law enforcement officers and/or campus security, student conduct officers, coaches, compliance officers, or other BIT members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

### Dismissal (Mandatory and Discretionary)

The University must dismiss a formal complaint or any allegations therein if, at any time during the

investigation or hearing, it is determined that:

- The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- The conduct did not occur against a person in the United States; and/or
- At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University. Note that a Complainant is still entitled to supportive measures even when the formal grievance process is no longer applicable.

The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. [The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.] A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

### Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### Right to an Advisor

The parties may each have an Advisor\* of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available\*\*.

*\*This could include an attorney, advocate, or support person. Typically, the University allows for one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally). However, in some circumstances, the University may permit an advisor and advocate for all parties.*

*\*\* “Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.*

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is

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at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties, on a case-by-case basis.

## Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the University's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

## Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

## Advisors in Hearings/University-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

## Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

## Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the University's policies and procedures.

## Advisor Violations of University Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

## Sharing Information with the Advisor

The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before University is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the University will comply with that request at the discretion of the Title IX Coordinator.

## Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. [These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

## Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

## Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

## Assistance in Securing an Advisor

The Title IX Coordinator can assist in securing an Advisor for either party.

Additionally, the following resources may be helpful:

- Respondents may wish to contact organizations such as:
  - FACE (<http://www.facecampusequality.org>)



- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsof-crime.org>), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

At the Ottawa, Kansas campus, Complainants may wish to contact:

- The Care Center: <http://www.stacarecenter.org> or call 785-843-8985
- The Willow Domestic Violence Center: email [FranklinCounty@willowdvcenter.org](mailto:FranklinCounty@willowdvcenter.org) or call 785-242-6300

### Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Ottawa University encourages parties to discuss any sharing of information with their Advisors before doing so.

#### Informal Resolution

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place; see discussion in b., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of

the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

#### Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;

- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

#### Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the Osame point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

#### Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.

#### Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

#### Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)



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- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

## Pool Member Appointment

The Title IX Coordinator, in consultation with the Executive Vice President/CFO and Director of Human Resources, appoints the Pool, which acts with independence and impartiality. Members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, sometimes using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

## Pool Member Training

The Pool members receive annual training based on their respective roles. This training includes, as applicable to their position, but is not limited to:

- The scope of the University's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are University employees), and Chairs. The materials used to train all members of the Pool are publicly posted on the University website.

## Pool Membership

The Pool typically includes members from:

- Academic Affairs administration and/or faculty
- administration/staff
- Campus Safety

- Human Resources
- Athletics

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

## Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related, and/or relevant evidence obtained during the review and comment period,
- A statement about the University's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the University's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' University-issued email. Once emailed and/or received in-person, notice will be presumptively delivered.

## Resolution Timeline

The University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

### Ensuring Impartiality

Any individual materially involved in the administration of the resolution process (including the Title IX Coordinator, Investigator(s), and Decision-maker(s)) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Executive Vice President, Clark Ribordy, who can be reached by email at: Clark.ribordy@ottawa.edu.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

### Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### Delays in the Investigation Process and Interactions with Law Enforcement

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the University will implement supportive measures as deemed appropriate.

University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations or Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

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- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) may share the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator(s) will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

## Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

## Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

## Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

## Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool or from an outside service.

## Hearing Decision-maker Composition

The University will designate either a single Decision-maker or a three-member Decision-maker panel from either the Pool or an outside service, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter. The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

## Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider:

- 1) incidents not directly related to the possible violation, unless they evidence a pattern;
- 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, in align with the University's progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

If an external Decision-maker is brought in for the hearing, the Title IX Coordinator will appoint a member of the Pool to conduct the sanction. The determination of sanctions may be done in consultation with BIT members.

## Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering ques-

tions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.

- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Decision-maker may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.  
*The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.*
- An invitation to each party to submit to the Decision-maker(s) an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can or cannot bring mobile phones/devices into the hearing (this may vary by situation).

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

## 22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing.

The Title IX Coordinator or Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### Pre-Hearing Preparation

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay

the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

### Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this

advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) may be recorded if all parties are informed of the recording.

### Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator if needed, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.



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The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused.

## Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair and/or the hearing facilitator then conducts the hearing according to the hearing script]. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors

to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

## Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party’s Advisor of choice refuses to comply with the University’s established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

## Recording Hearings

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

## Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may, at their discretion, consider the statements, but they are not binding.



The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Dean of Student Life or other relevant administrator and may recommend the appropriate sanction(s); if the Decision-maker is from an outside source, they will not provide recommendations on sanctions.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations, if applicable. The Title IX Coordinator finalizes the sanctions with consultation with relevant University administration.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome may be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (please note that this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### Statement of the Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to University officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.

- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by University law enforcement and/or other University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; both on campus and in the community.
- The right to a University-implemented no-contact order [or a no-trespass order against a non-affiliated third party] when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - o Relocating an on-campus student's housing to a different on-campus location
  - o Assistance from University staff in completing the relocation
  - o Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
  - o Transportation accommodations
  - o Visa/immigration assistance
  - o Arranging to dissolve a housing contract and a pro-rated refund
  - o Exam, paper, and/or assignment rescheduling or adjustment
  - o Withdrawing from a course (may be retroactive)
  - o Transferring class sections
  - o Temporary withdrawal/leave of absence (may be retroactive)
  - o Campus safety escorts
  - o Alternative course completion options.
- The right to have the University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right to have inadmissible prior sexual history or irrelevant character evidence excluded by the decision-maker.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

# APPENDIX A: Sexual Misconduct Policy (U-wide)

- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received [at least eight hours of] relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, [preponderance of the evidence; clear and convincing evidence] to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- The right to a fundamentally fair resolution as defined in these procedures.

## Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation

- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

## Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at University.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend University-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- **Withholding Diploma:** The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including University registration) for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

## Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced supervision, observation, or review
- Required or Recommended Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion

- Transfer
- Reassignment
- Delay of tenure track progress
- Assignment to new supervisor
- Restriction of stipends, research, and/or professional development resources
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate.

### Withdrawal or Resignation While Charges Pending

#### Students

If a student has an allegation pending for violation of this, the University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses of University. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to University unless and until all sanctions have been satisfied.

#### Employees

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus of the University, and the records retained by the Title IX Coordinator will reflect that status.

All University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. The Appeal Decision-maker will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

### Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- 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; and
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision in no more than 10 business days, barring exigent circumstances. The Chair will apply the preponderance of the evidence standard, where applicable.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

### Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

# APPENDIX A: Sexual Misconduct Policy (U-wide)

## Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

## Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## Recordkeeping

University will maintain for a period of at least seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. University will make these training materials publicly available on University's website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the University's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Ottawa University will also maintain any and all records in accordance with state and federal laws.

## Disabilities Accommodations in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will review the request and determine which accommodations are appropriate and necessary for full participation in the process.

## Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

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This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL

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# Student Handbook

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## **APPENDIX B** **Alcohol and Other Drug Policy**

# APPENDIX B: Alcohol and Other Drug Policy (U-wide)

## ALCOHOL AND OTHER DRUG POLICY

The alcohol policy for Ottawa University is in compliance with the laws of the states of Arizona, Indiana, Kansas, and Wisconsin. Students who fail to comply with the policies are subject to disciplinary action.

The alcohol policy at Ottawa University is based upon the recognition that:

1. The majority of the undergraduate student at the residential campuses cannot legally consume alcohol;
2. A number of students who are of legal age to consume or possess alcohol choose not to do so; and,
3. Alcohol abuse on college campuses across the nation can be problematic.

Ottawa University recognizes that abuse of alcohol and other drugs is a problem on our nation's campuses. Ottawa University condemns excessive consumption of alcohol. The University also considers the decision of whether to consume alcohol to be a value judgment on the part of each individual of legal age. All University-housing units on the residential campuses are dry, substance-free buildings. Some off campus University and University-sponsored housing options permit alcohol consumption with limitations for students of legal drinking age (reference your campus section for details).

### ALCOHOL IS PROHIBITED ON CAMPUS

Alcohol is prohibited on Ottawa University campuses. Exceptions to this policy may be authorized by the campus Provost/President or Dean of Student Affairs after review of specific situations, which present unique circumstances. Committing a city and/or state crime also constitutes a University violation.

1. All Ottawa University community members are expected to abide by any and all city, state, and federal laws, in addition to the policies specific to Ottawa University.
2. Possession or consumption of alcoholic beverages by an individual who is under 21 is a violation of policy and city and state law.
3. Use of false identification to justify underage possession or consumption of alcoholic beverages is a violation of policy.
4. Furnishing alcoholic beverages to a minor is a violation of policy. It is also a criminal violation of city and state law.
5. Hosting an event where alcohol is consumed by minors is a violation of policy. It is also a criminal violation of city and state law.
6. Abusive or disruptive behavior related to the use/abuse of alcohol or beer (alcoholic beverages) will not be tolerated on or off campus.
7. Paraphernalia related to alcohol consumption, including, but not limited to beer bong, beverage containers, funnels, keg taps, bottle caps, etc. are prohibited in/on University and University-sponsored properties.
8. Organizations that receive budgetary support from the University, or organizations that solicit funds for the purpose of college activities are not allowed to use the funds to purchase alcoholic beverages.
9. Ottawa University reserves the right to report any incident of possible legal violation to law enforcement officials.
10. Alcohol policy violations are cumulative during a student's enrollment tenure at Ottawa University.

### ILLEGAL DRUGS ARE PROHIBITED ON CAMPUS

Students who are involved with drugs are encouraged to seek assistance through the University's Student Health and Counseling Services or our community professional partners. These services are confidential. Ottawa University will not tolerate unlawful possession, use, manufacture, distribution, or dispensing of illegal substances in or on property controlled by Ottawa University or at University-sponsored events or programs. Drug paraphernalia and water pipes are also prohibited. Examples of violations include:

- Misuse of over-the-counter drugs

- Misuse or sharing of prescription drugs
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug
- Possessing paraphernalia (i.e. rolling papers, pipes, bong, etc.) for intended or implied use of any form of illegal drug
- Possessing paraphernalia that contains or appears to contain illegal drug residue
- Purchasing or passing illegal drugs from one person to another
- Using mail services to purchase, pass, or distribute illegal drugs

Students found responsible for possession, use, or distribution of illegal drugs will face appropriate disciplinary action including but limited to separation from the University. Ottawa University is a partner with the local community law enforcement and does not provide immunity or protection from prosecution by local authorities. This policy provides flexibility for the University in addressing drug-related offenses which occur on or off campus. The focus of the policy is to ensure that students are engaging in behaviors that will lead to successful completion of their academic goals, and to that end, the University also considers any violations relative to illegal drugs a major offense that may be referred to local law enforcement.

### SAFE HARBOR

The University seeks to empower students with addiction problems to seek assistance. A safe harbor rule exists at Ottawa University to assist students in obtaining the resources necessary to overcome addiction issues. If any University student brings their own use, addiction, or dependency to the attention of a University official outside the threat of drug tests or imposition of the conduct process and seeks assistance, a student conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and the campus conduct process will be initiated.

### GOOD SAMARITAN CLAUSE

Any student who seeks assistance for him/herself or another student from Campus Security, Residence Life, or professional medical personnel, for intoxication or overdose shall not be subject to formal Conduct System.

This refers to isolated incidents only and does not excuse or protect those who flagrantly and/or repeatedly violate the Ottawa University alcohol policy. It applies only to cases of suspected extreme intoxication or other life-threatening circumstances due to alcohol and does not extend to related infractions such as assault or property damage. Although formal disciplinary action may not be invoked, mandatory referrals for educational sessions and/or assessment at the student's own expense may be made.

### VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

1. University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code, if both possible violations result from the same factual situation, without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Student Conduct Administrator. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual based on his/her status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of

the Student Code and of how such matters are typically handled with the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with campus policies or sanctions. Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## ALCOHOL

Alcohol sanctions differ between campuses, as well as University and University-sponsored housing units. It is the student's responsibility to know the sanctions that apply to his/her circumstances.

Containers promoting alcohol consumption and/or once contained any alcoholic beverage are prohibited on University and University-sponsored properties. This prohibition includes, but not limited to:

- Shot glasses
- Beer cans/bottles
- Liquor bottles
- Wine bottles
- Kegs
- Funnels
- Beer bongs
- Flasks
- Games/Activities simulating alcohol consumption
- Items with the intent to conceal alcohol
- Items promoting any alcoholic brand (i.e. t-shirts, posters, etc.)

Please note, any décor made from any type of alcohol container is considered paraphernalia and is not permitted. Discovery of an empty alcoholic beverage container or other alcoholic paraphernalia will require immediate discarding of the item in the presence of a residence life staff member. If a student is asked on more than one occasion to dispose of empty alcohol containers or paraphernalia, they will be referred to a Conduct Administrator.

### Alcohol Violations and Sanctions

Ottawa University seeks to educate students about responsible drinking behaviors. To clearly note, a total of three (3) alcohol violations are deemed the maximum number a student may accumulate throughout his/her career at Ottawa University. The fourth violation at any tier or combination of any of the tiers is grounds for suspension or dismissal. As part of the readmissions process, all students who are suspended based on cumulative alcohol violations must provide evidence they may successfully engage in their education at Ottawa University without further issues with alcohol.

Tier One Violations (may include, but are not limited to):

- Being in the presence of alcohol, on more than one occasion
- Possessing Alcohol Containers & Alcohol Paraphernalia, on more than one occasion

Tier One Sanctions (may include, but are not limited to):

- Disciplinary Warning for up to the academic year
- Fine of \$50-\$150
- Five to Ten (5-10) Hours Community Restitution
- Alcohol Education Program
- Reflection Paper

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 1 Violation during his/her time at Ottawa University. A second Tier 1 Violation moves the violation to a Tier 2 status.

Tier Two Violations (may include, but are not limited to):

- More than one (1) Tier 1 Violation
- Possessing or consuming alcohol
- Your guest in possession (regardless if they are signed in to the hall or not) of alcohol (any quantity)
- Public consumption- public areas, such as buildings within the perimeters of campus and University grounds.
- Public intoxication
- Destruction of property related to alcohol

Tier Two Sanctions (may include, but are not limited to):

- Disciplinary Probation up to suspension for the remaining semester
- Parent Notification Letter (if a student is under 21 at the time of violation)
- Fine of \$150-\$300
- Alcohol Education Program
- Reflection Paper
- Ten to Twenty (10-20) Community Restitution Hours
- Removal from Ottawa University Housing or change in housing assignment
- Referral to Ottawa University Counselor. Follow all recommendations.
- Repayment of any costs to repair/replace property damaged

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 2 Violation during his/her time at Ottawa University. A second Tier 2 Violation moves the violation to a Tier 3 status.

Tier Three Violations (may include, but are not limited to):

- More than one (1) Tier 2 Violation
- Ticketed and/or arrested as a result of alcohol
- Providing alcohol to minors
- Coercing or forcing another individual to consume alcohol
- Public intoxication leading to harm to self or others
- Public intoxication leading to property damage, disruption to the community

Tier Three Sanctions (may include, but are not limited to):

- Disciplinary Probation up to expulsion for an academic year
- Parent Notification Letter (if a student is under 21 at the time of violation)
- Fine of \$300-\$500
- Alcohol Education Program
- Reflection Paper
- Twenty to Forty (20-40) Community Restitution Hours
- Removal from Ottawa University Housing or change in housing assignment
- Referral to Ottawa University Counselor. Follow all recommendations.
- Repayment of any costs to repair/replace property damaged

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

# APPENDIX B: Alcohol and Other Drug Policy (U-wide)

A student may only have one (1) Tier 3 Violation during his/her time at Ottawa University. A subsequent violation will lead to suspension or dismissal from Ottawa University.

## CONTROLLED SUBSTANCES AND DRUG

Violations associated with controlled substances and illegal drugs are managed under drug sanctions. Drug sanctions differ between campuses. It is the student's responsibility to know the sanctions that apply to his/her circumstances and locations.

Students can only have two drug-related policy violations in total with the exception of a Tier 3 violation in which the student faces immediate suspension/dismissal.

The illegal possession, use, sale, manufacturing, or distribution of drugs is a violation of the law and is prohibited. The illegal possession or use of drugs may subject individuals to criminal prosecution. The University will refer violations to appropriate authorities for prosecution on any Ottawa University campus or at any Ottawa University event. This prohibition includes, but not limited to:

- The use of non-prescribed controlled substances
- Improper use of prescription medications
- Possession and trafficking (manufacturing, dispensing, or selling) of controlled substances
- Possession of drug related paraphernalia (i.e. water bong, bong, bowls, and other common containers) is not permitted
- Disruptive or disrespectful behavior, property damage or personal harassment as a consequence of illicit drugs or controlled substances is strictly prohibited. Any person found in violation of this policy will be subject to various applicable University disciplinary actions which could include suspension or dismissal and will be reported to the appropriate local, state and Federal authorities.

Containers promoting drug usage and/or once containing any illegal drugs are prohibited. This prohibition includes, but not limited to:

- Bong
- Bowl
- Rolled Papers
- Pipes
- Homemade One-Time Use Devices
- Items with the intent to conceal drugs
- Items promoting any drug company

Please note, any décor made from any type of drug container is considered paraphernalia and is not permitted. Discovery of an empty drug container or paraphernalia will require immediate discarding of the item in the presence of a residence life professional staff member.

### Drug Violations and Sanctions

Below is the list of drug-related violations and sanctions.

Tier One Violations (may include, but are not limited to):

- Possession of Drug Paraphernalia/Drug Container Violation
- In the presence of drugs (illegal, non-prescribed (to you), synthetic, etc.)

Tier One Sanctions (may include, but are not limited to):

- Disciplinary Probation for up to the academic year
- Fine of \$100-\$300
- Ten-Twenty (10-20) Hours Community Restitution
- Educational Sanction(s)
- Drug Assessment and Treatment as deemed necessary by University Counselor
- Parent Notification Letter

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due

date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 1 Violation during his/her time at Ottawa University. A second Tier 1 Violation moves the violation to a Tier 3 status.

Tier Two Violations (may include, but are not limited to):

- The use of non-prescribed controlled substances
- Improper use of prescription medications
- Possession of drugs (regardless of amount)
- Disruptive or disrespectful behavior as a consequence of illicit drugs or controlled substances
- Public inebriation leading to harm to self or others
- Public inebriation leading to property damage, disruption to the community
- Failure of Athletic Drug Test
- Ticketed and/or arrested as a result of drugs or controlled substances

Tier Two Sanctions (may include, but are not limited to):

- Disciplinary Probation up to suspension/dismissal
- Fine of \$300-\$500
- Twenty-Thirty (20-30) Hours Community Restitution
- Educational Sanction(s)
- Drug Assessment and Treatment as deemed necessary by University Counselor
- Parent Notification Letter
- Repayment of any costs to repair/replace property damaged
- Removal from Ottawa University Housing or change in housing assignment

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).

A student may only have one (1) Tier 2 Violation during his/her time at Ottawa University. A subsequent violation may result in suspension or dismissal.

Tier Three Violations (may include, but are not limited to):

- Two violations of the drug policy (any combination of Tier 1 or Tier 2 violations)
- Coercing or forcing another individual to consume a controlled substance and/or illicit drugs
- Dealing, selling and/or trafficking controlled substances
- Dealing, selling and/or trafficking illicit drugs

Tier Three Sanctions (may include, but are not limited to):

- Suspension/Dismissal
- Fine of \$500+
- Thirty-Forty (30-40) Hours Community Restitution
- Educational Sanction(s)
- Drug Assessment and Treatment as deemed necessary by University Counselor
- Parent Notification Letter

Please note, all assigned sanctions will correspond with a penalty fee and have a due date. Each penalty fee will be added to a student's account and remain unless the sanction(s) are completed by their corresponding due date. Students who fail to complete their sanction(s) by the designated due date will forfeit the opportunity to remove the fee associated with each sanction and will still be held responsible for completing their sanction(s).



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## FURTHER CONSIDERATIONS REGARDING VIOLATIONS

1. In the absence of clear mitigating circumstances (resident away for the evening, etc.), all residents of the room/suite in which an Alcohol and Other Drug Policy violation occurs will be charged with a violation.
2. Violations of this policy by individuals or groups will be referred to the Office of Student Affairs. The University conduct process will apply. All violations of this policy are cumulative and carry over throughout a student's career at Ottawa University. The degree of sanctioning for a student may depend on a number of factors including but not limited to the level of the violation, any mitigating factors regarding the incident, and the number and type of past violations.
3. Student-athletes are also subject to additional sanctions from the Athletic Department. The Director of Athletics will be notified of any alcohol-related issue/violation.
4. Additional sanctions may be recommended for any level of violation based on the circumstances of each individual incident. These additional sanctions may include but are not limited to:
  - Suspension of co-curricular activities
  - Required involvement with a student organization
  - Other educational sanctions as developed and assigned by a Conduct Administrator



# Student Handbook

Arizona, Kansas,  
Wisconsin, Online, International

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## **APPENDIX C**

### **Drug and Alcohol Abuse Prevention Policy**

Required by Drug-free Workplace and Drug-free Schools and Communities Acts

# APP. C: Drug/Alcohol Abuse Prevention Policy (U-wide)

## DRUG AND ALCOHOL ABUSE PREVENTION POLICY

### INTRODUCTION

Ottawa University is committed to providing a safe, healthy learning community for all its members. The University recognizes that the improper and excessive use of alcohol and other drugs may interfere with the University's mission by negatively affecting the health and safety of students, faculty and staff. Problems such as vandalism, assault, harassment, sexual misconduct, and disruption of sleep and study space increase in relation to misuse. It is due to the harm caused by excessive and illegal use that the University has a vested interest in establishing policies to prohibit unlawful behavior and sanctions to address policy violations by members of the University community.

Under the Drug-free Workplace Act and the Drug-free Schools and Communities Act, the University is required to have an alcohol and other drug policy and distribute this policy annually to all employees and students. This Policy must outline the University's prevention, education and intervention efforts, and consequences that may be applied by both the University and external authorities for policy violations. The law also requires that individuals be notified of possible health risks associated with the use and abuse of alcohol and other drugs, and sources of assistance for problems that may arise as a result of use.

### UNIVERSITY ALCOHOL AND OTHER DRUG POLICY

For the purpose of this Policy, the term "drug" includes:

1. controlled substances, as defined in 21 USC 802, which cannot be legally obtained
2. legally obtainable controlled substances which were not legally obtained, including:
  - o Prescribed drugs when prescription is no longer valid (e.g. use of medication after a course of treatment is completed);
  - o Prescribed drugs used contrary to the prescription;
  - o Prescribed drugs issued to another person.

All members of the campus community also are governed by laws, regulations and ordinances established by the state and local municipalities, and will be held accountable by law enforcement representatives of those entities for any illegal activity. It is the responsibility of all campus members to be aware of these laws.

Kansas, Wisconsin, Indiana, and Arizona law prohibits the dispensing, selling or supplying of drugs or alcoholic beverages to a person under 21 years old. Employees, students, faculty and campus visitors may not unlawfully manufacture, consume, possess, sell, distribute, transfer or be under the influence of alcohol, illicit drugs or controlled substances on University property, while driving a University vehicle or while otherwise engaged in University business. University property, as defined in this Policy, includes all buildings and land owned, leased, or used by the University, and motor vehicles operated by employees, including personal motor vehicles, when used in connection with work performed for or on behalf of the University unless exempted by the Board.

Any person taking prescription drugs or over-the-counter medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on University property, while driving a University or privately owned vehicle, or while otherwise engaged in University business. It is illegal to misuse prescription medication, i.e. continue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Misusing prescription drugs can result in conviction with jail time. The specific details of the University Alcohol and Other Drug Policy can be found in Appendix B of the Student Handbook.

### OTTAWA UNIVERSITY ALCOHOL AND OTHER DRUG PREVENTION STRATEGIES

The University uses evidenced-based strategic interventions, collaboration, innovation and the incorporation of the wellness dimensions to reduce harmful consequences of alcohol and other drug use.

- Providing education and awareness activities.
- Offering substance-free social, extracurricular, and public service options.
- Creating a health-promoting normative environment.
- Restricting the marketing and promotion of alcohol and other drugs.
- Limiting availability of alcohol and other drugs.
- Developing and enforcing campus policies and enforce laws to address high-risk and illegal alcohol and other drug use.
- Providing early intervention and referral for treatment.

For more detailed information on the University alcohol and other drug prevention strategies, contact the campus Office of Student Affairs at 623-233-7611 (OUAZ — Surprise, Arizona) or 785-248-2313 (OUKS — Ottawa, Kansas) or the University Director of Compliance at 785-248-2326.

### HEALTH RISKS

The use or abuse of alcohol and other drugs increases the risk for a number of health-related and other medical, behavioral and social problems. Below is a general description of the health risks associated with drug use.

#### Alcohol

Can cause short-term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long-term effects include risk of liver and heart damage, malnutrition, cancer and other illnesses; can be highly addictive to some persons.

#### Amphetamines

Can cause short-term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly; long-term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition and death.

#### Cannabis

Can cause short-term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long-term health effects include permanent damage to lungs, reproductive organs and brain function; can interfere with physical, psychological, social development of young users.

#### Cocaine (crack)

Can cause short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long-term effects may include damage to respiratory and immune systems; malnutrition, seizures and loss of brain function; highly addictive.

#### Designer Drugs/Synthetic Cannabinoids (bath salts, K2, spice)

Can cause short-term effects such as elevated heart rate, blood pressure and chest pain; hallucinations, seizures, violent behavior and paranoia; may lead to lack of appetite, vomiting and tremor; long-term use may result in kidney/liver failure, increased risk of suicide and death.

#### Hallucinogens (PCP, LSD, ecstasy, dextromethorphan)

Can cause extreme distortions of what's seen and heard; induces sudden changes in behavior, loss of concentration and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.

**Inhalants (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons)**

Can cause short-term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions; may lead to rapid and irregular heart rhythms, heart failure and death; long-term use may result in loss of feeling, hearing and vision; can result in permanent damage to the brain, heart, lungs, liver and kidneys.

**Opiates/Narcotics**

(heroin, morphine, opium, codeine, oxycodone, china white) Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest and death; long-term use leads to malnutrition, infection and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly.

**Sedatives**

Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death; long-term use can produce physical and psychological dependence; tolerance can increase rapidly.

**Tobacco (cigarettes, cigars, chewing tobacco)**

Can cause diseases of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer, particularly lung cancer and cancers of the larynx and mouth; nicotine is highly addictive.

For an extensive list of health-related risks please visit The National Institute on Drug Abuse: <http://www.drugabuse.gov/>

**COUNSELING AND TREATMENT PROGRAMS**

The University encourages individuals with alcohol- or other drug-related problems to seek assistance. For information on these services, contact:

**On-campus**

**Counseling Services**

**OUKS (Ottawa, Kansas)**  
785-248-2582

**OUAZ (Surprise, Arizona)**  
602-749-5166

**Health Service**

**OUKS (Ottawa, Kansas)**  
785-248-2319

**OUAZ (Surprise, Arizona)**  
602-749-5166

**Other Services for Students (Residential Offices of Student Affairs)**

**OUKS (Ottawa, Kansas)**  
785-248-2313

**OUAZ (Surprise, Arizona)**  
623-233-7611

**Services for Faculty and Staff**  
785-248-2350

**Off-campus**

**Narcotics Anonymous**  
[www.na.org](http://www.na.org)

**Alcoholics Anonymous**  
[www.aa.org](http://www.aa.org)

**EAP Program**  
800-624-5544  
[www.ndbh.com](http://www.ndbh.com)

- Confidential counseling and consultation service for University faculty, staff, and their families.

- Serve as an early intervention resource when work, health, and life related issues arise.
- Offer 24-hour availability for consultation and intervention on issues relating to substance use disorders, both for leaders with questions on how to handle workplace situations, as well as for faculty and staff who want assistance, assessment, referral, and post-treatment monitoring.

**Ottawa, Kansas**

**Elizabeth Layton Center**  
785-242-3780 (weekdays)

785-242-3781 (emergencies)

**The Sexual Trauma and Abuse Care Center**  
785-843-8985

[support@stacarecenter.org](mailto:support@stacarecenter.org)

**Willow Domestic Violence Center**  
800-770-3030

785-843-3333

**Surprise, Arizona**

**Community Bridges**  
602-861-2255

**ALCOHOL PREVENTION PROGRAMS**

The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

The Office of Student Affairs provides overall coordination of student-focused drug and alcohol prevention programs. The Office of Human Resources focuses on staff and faculty. Many services are provided collaboratively by various departments within the University.

**UNIVERSITY SANCTIONS**

The use or abuse of alcohol and other drugs also increases the risks for behavioral and social problems such as negative effects on academic work performance; conflicts with co-workers, classmates, family, friends and others; conduct problems resulting in disciplinary action, including loss of employment or dismissal from an academic program; and legal problems resulting in ticketing, fines and imprisonment.

The laws of the state of Arizona, Kansas, and Wisconsin, and the University's policies prohibit the consumption or possession for personal consumption of alcoholic beverages by persons under the age of 21 years. Further, they also prohibit the sale, service or giving of alcoholic beverages to persons under the age of 21. University policies, local ordinances, state laws and federal laws also prohibit the unlawful possession, use and/or distribution of illicit drugs and alcohol.

Violation of University policies will be subject to campus disciplinary review and action, as follows:

- Students  
The University community has established expectations for nonacademic student conduct under the Alcohol and Other Drug Policy in Appendix B of the Student Handbook that specifically addresses the illicit use of alcohol and other drugs.
- Staff and Faculty  
Sanctions for violations by faculty and staff are governed by the Employment Policies Handbook. Appropriate sanctions may include: verbal or written warnings, a mandated rehabilitation program, probation, suspension, and termination. In each case, there are likely to be different circumstances that are relevant for understanding the situation and determining the appropriate sanction.

The following behaviors contradict the values of the University community and are subject to action under this policy:



# APP. C: Drug/Alcohol Abuse Prevention Policy (U-wide)

- Illegally possessing or using alcohol and drugs
- Illegally distributing, manufacturing, or selling alcohol and drugs
- Disruptive or disrespectful behavior, property damage or personal harassment as a consequence of using alcohol or drugs

The policy is administered by University and campus administration. At the residential campuses, it is administered by the Office of Student Affairs. These designees are charged with facilitating the resolution process used to determine responsibility. Administration/staff work with parties to determine appropriate educational measures and sanctions. These measures cover a wide range of educational assignments and obligations, including but not limited to counseling (on- or off-campus), community service, probation, suspension, or expulsion.

## EXTERNAL SANCTIONS

Violations of laws and ordinances may result in misdemeanor or felony convictions accompanied by the imposition of legal sanctions, which include, but are not limited to, the following:

- Fines as determined under local, state, or federal laws;
- Imprisonment, including up to life imprisonment, for possession or trafficking in drugs such as heroin, cocaine, marijuana and prescription drugs;
- Forfeiture of personal and real property; /
- Denial of federal benefits such as grants, contracts and student loans;
- Loss of driving privileges;
- Required attendance at substance abuse education or treatment programs.

## State Laws

The following State laws for Arizona, Kansas, and Wisconsin are not inclusive of drug and alcohol violations and sanctions and are listed here only as a reference for the most common drug and alcohol violations. This list is not provided as legal advice.

### Arizona

#### Alcohol

Under state law, it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first-time conviction may result in a fine, substance abuse education and treatment, community service and court-ordered drug screenings. There also is a provision for possible imprisonment or probation for a second or subsequent offense. Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation and community service.

Individuals can be arrested and/or convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher. If a student is under 21, there is a "zero tolerance" law in the state of Arizona and any blood alcohol level of .01 or higher can lead to a minor in possession (MIP) citation as well as being cited for operating a vehicle while intoxicated, if applicable. This is in addition to suspension of driving privileges in the state of Arizona. State law requires drivers who are arrested by the police for a suspected violation of this law to submit to scientific tests that determine the amount of alcohol and/or drugs in their blood. Those who refuse will automatically lose their driving privilege in Arizona for 1 year.

#### Marijuana

Although the use of medical marijuana is legal in the state of Arizona with a valid state issued medical marijuana card, the possession of any amount of marijuana on the University campus, including University housing and University-sponsored housing, is a criminal violation and is subject to criminal prosecution, regardless of whether the possessor has a medical marijuana card or not.

### Kansas

#### Alcohol-related offenses

It is illegal for anyone under 21 years of age to possess, purchase, attempt to purchase or consume cereal malt beverage or alcoholic liquor except where specific exemptions are provided by law. Maximum Penalty: \$200 minimum fine (18-21 years of age); \$500 fine (under 18 years of age); perform 40 hours of public service; attending an alcohol education program; and up to 1 year suspension of driving privileges.

It is illegal for anyone to furnish cereal malt beverage or alcoholic liquor to another person under 21 years of age. Maximum Penalty: 6 months in jail; \$200 minimum fine.

It is illegal for anyone to host a person under 21 in such a manner that permits the minor to consume alcoholic liquor or cereal malt beverages. Maximum Penalty: 1 year in jail, \$1,000 minimum fine; performance of community service.

It is illegal for anyone to operate a vehicle under the influence of alcohol, drugs, or both alcohol and drugs, with a breath or blood alcohol content of .08 or more. For anyone under 21, it is illegal to do so with a breath or blood alcohol content of .02 or greater. If convicted, you are subject to the following penalties:

#### First Conviction (Misdemeanor)

Maximum Penalty: 6 months in jail ; \$1,000 fine; required completion of an alcohol education program; suspended driver's license for 30 days; then use of ignition interlock device for 180 days (1 year suspension and subsequent 1 year ignition interlock device if alcohol concentration is .15 or greater)

#### Second Conviction (Misdemeanor)

Maximum Penalty: 1 year in jail; \$1,750 fine; completion of alcohol treatment program; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (2 years, if alcohol concentration is .15 or greater)

#### Third Conviction (Misdemeanor)

(Felony if prior conviction within preceding 10 years) Maximum Penalty: 1 year in jail;\$2,500 fine; completion of alcohol treatment program; suspended driver's license for 1 year; use of ignition interlock device for 2 years (3 years, if alcohol concentration is .15 or greater), with costs.

#### Fourth Conviction (Felony)

Maximum Penalty: 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year, then use of ignition interlock device for 3 years (4 years, if alcohol concentration is .15 or greater), with costs.

#### Fifth & Subsequent Convictions (Felony)

Maximum Penalty: 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year, then use of ignition interlock device for 10 years, with costs.

#### Drugs

The illegal possession or illegal use of drugs may subject individuals to criminal prosecution. The University will refer violations of proscribed conduct to appropriate authorities for prosecution.

Kansas law also mandates for certain offenders a non-prison sanction of placement in drug abuse treatment programs. Certain other offenders, including habitual drug users and those convicted of unrelated felonies, remain subject to punishment of imprisonment.

The manufacture of a controlled substance is a drug severity level 2 felony. Maximum Penalty: 12 years imprisonment; \$500,000 fine.

Illegal possession or use of opiates, amphetamines and narcotics is a drug severity level 5 felony. Maximum Penalty: 3 1/2 years imprisonment; \$100,000 fine.

Unlawful possession or use of depressants\*, stimulants, hallucinogenic drugs (including marijuana and K-2), anabolic steroids, simulated controlled substances and paraphernalia, as well as unlawfully obtaining and distributing prescription drugs is a Class A non-person misdemeanor and may escalate to a level 5 felony. Maximum Penalty: 1 year imprisonment; \$2,500 fine. With a prior conviction for this offense: 3 1/2 years imprisonment; \$100,000 fine.

The sale or distribution of these drugs is a drug severity level 4 felony and may escalate to a drug severity level 1 felony. Maximum Penalty: 4 years & 3 months imprisonment; \$300,000 fine. With prior convictions for this offense: 17 years imprisonment; \$500,000 fine.

**Refusal to Submit to Alcohol or Drug Testing (Felony)**

Penalty:

- 1st time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for two years.
- 2nd time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for three years,
- 3rd time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for four years,
- 4th time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for five years,
- 5th time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for ten years.

**Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)**

Schedule	Substance / Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4,999 grams mixture	<p><b>FIRST OFFENSE:</b> Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>SECOND OFFENSE:</b> Not less than 10 years and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><b>FIRST OFFENSE:</b> Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>SECOND OFFENSE:</b> Not less than 20 years, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 OR MORE PRIOR OFFENSES:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance / Quantity		Penalty		
Any amount of other schedule I & II substances		<p><b>FIRST OFFENSE:</b> Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><b>SECOND OFFENSE:</b> Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Any drug product containing gamma hydroxybutyric acid				
Flunitrazepam (Schedule IV) 1 gram				
Any amount of other schedule III drugs		<p><b>FIRST OFFENSE:</b> Not more than 10 years. If death or serious bodily injury, not less than 15 years or more than life. Fine \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>SECOND OFFENSE:</b> Not more than 20 years. If death or serious bodily injury, not more than 30 years or more than life. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
Any amount of other schedule IV drugs (other than one gram or more of Flunitrazepam)		<p><b>FIRST OFFENSE:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>SECOND OFFENSE:</b> Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>		
Any amount of other schedule V drugs		<p><b>FIRST OFFENSE:</b> Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>SECOND OFFENSE:</b> Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

# APP. C: Drug/Alcohol Abuse Prevention Policy (U-wide)

Possession, use, attempting to obtain, sale, and manufacture of altered or false driver's licenses or identification cards are prohibited by criminal laws. Criminal convictions may jeopardize employment status in professions requiring licensing, certification, or security clearances.

It is illegal to lend a driver's license or identification card to a person under 21 years of age in order to obtain cereal malt beverage and/or alcoholic liquor.

Possession or display of any fictitious or fraudulently altered driver's license or identification card is a Class B nonperson misdemeanor. Maximum Penalty: 6 months in jail; \$1,000 fine; completion of alcohol/drug education or training program.

Lending a driver's license or identification card to a person under 21 years of age for use in obtaining cereal malt beverage and/or alcoholic liquor, is a Class B nonperson misdemeanor (first conviction): Maximum Penalty: at least 100 hours public service; \$500 fine; 6 months in jail; (severity level and penalties increase with subsequent convictions).

Other crimes relating to false identification can have more severe consequences. Dealing in false identification documents is a severity level 9 nonperson felony. Penalties will vary based upon factors considered in sentencing guidelines. Maximum Penalty: 23 months in jail; \$100,000 fine.

## Wisconsin

### Alcohol

Under state law, it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first-time conviction may result in a fine, substance abuse education and treatment, community service and court-ordered drug screenings. There also is a provision for possible imprisonment or probation for a second or subsequent offense.

Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation and community service.

Individuals can be arrested and/or convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher.

If a student is under 21, there is a "zero tolerance" law in the state of Wisconsin and any blood alcohol level of .02 or higher can lead to a minor in possession (MIP) citation, as well as being cited for operating a vehicle while intoxicated, if applicable. This is in addition to suspension of driving privileges in the state of Wisconsin.

### Marijuana

The laws of the state of Wisconsin make the possession of marijuana (for the first two infractions) a misdemeanor, punishable by a fine of \$1,000 and/or imprisonment of up to one year.

### Federal Laws

A full description of federal sanctions for drug felonies can be found at: [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30) (or see the chart at the bottom of the previous page). The information, including

the chart, in this section is not intended as legal advice; individuals should seek independent legal counsel for advice.

## EMPLOYEE REPORTING REQUIREMENT

Under the Drug-Free Workplace Act, in addition to the other requirements of this Policy, the University requires all employees who work in any capacity under a federal grant or contract to notify his or her University supervisor or department head in writing of his or her conviction for a violation of any criminal drug statute occurring in the workplace or on work-related activities no later than five (5) calendar days after such conviction. The supervisor or department head will notify University Human Resources, who will consult with the appropriate staff in the regarding satisfying the University's reporting obligations.

## ALCOHOL MARKETING STANDARDS

The University will refuse advertising inconsistent with the fundamental missions of the University, or in conflict with the image the University seeks to project or the well-being of the University community. Examples of advertisements that will not be accepted include:

- Alcoholic beverages
- Tobacco products
- Sex as a product
- Gambling
- Paraphernalia associated with illegal drugs
- Dishonest, deceptive, or illegal advertising.

## DISTRIBUTION OF POLICY

A copy of this policy will be distributed to all faculty, staff and students annually via email at the beginning of fall semester and/or at the time a student enrolls during the year if outside of the fall semester.

## REVIEW OF UNIVERSITY PREVENTION PROGRAM AND POLICY

Biennially the University shall review its Drug and Alcohol Abuse Prevention Policy to determine effectiveness and implement changes, if needed, and to ensure that the University's disciplinary sanctions are consistently enforced.

## FOR MORE INFORMATION

For more information concerning this Policy, contact the University Director of Governmental, Regulatory, Legal Affairs.

Carrie Stevens  
*Director of University Compliance/Title IX Coordinator*

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## DISCLAIMER

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The provisions of this handbook are not to be regarded as a contract between any student and the University. The University reserves the right to change any of the policies, rules, regulations, and standards of conduct at any time as may be necessary in the interest of the University. The University also reserves the right to modify or discontinue any of the services, programs or activities described in this handbook.

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