

LINCOLN UNIVERSITY'S  
SEXUAL ASSAULT,  
DOMESTIC VIOLENCE,  
DATING VIOLENCE, AND  
STALKING PROCESSES  
AND PROCEDURES  
MANUAL



LINCOLN<sup>™</sup>  
UNIVERSITY  
MISSOURI



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## LINCOLN UNIVERSITY SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING PROCESSES AND PROCEDURES

### POLICY STATEMENT

Lincoln University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Lincoln University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Lincoln University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community. This policy applies equally to all students and employees regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved. No officer, employee, or agent of an institution participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this policy.

### DEFINITIONS

#### *Comparison of Missouri and Federal Sexual Assault Definitions*

Section 304 of VAWA stipulates that an Institution of Higher Education must provide the local statutory definition of consent for its jurisdiction in its Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy. The Final Rule was promulgated under rulemaking on November 1, 2014 and shall become effective July 2015. The final rule updates can be found in [34 CFR 668.46](#) & [34 CFR 668 Appendix A](#). No changes were made to [34 CFR 668.49 Institutional fire safety policies and fire statistics](#).

Definitions of sexual assault, domestic violence, dating violence, and stalking can be found in section 304 of Public Law 113-4 "[The Violence Against Women Act 2013](#)" (VAWA). However, institutions must also abide by the state statutes that reflect the federal definitions.

#### Definitions

Missouri sexual offenses statutes can be found in [RSMO. 566](#) (see [Sexual Offense and VAWA Crimes Tables](#) and [566.010 Definitions of Sexual Offenses](#) for more info).

#### **"Consent"** [556.061\(14\)](#)

Consent or lack of consent may be expressed or implied.

Assent does not constitute consent if:

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

(C) It is induced by force, duress or deception;

- ✓ “No” means “No”
- ✓ “No” can be expressed or implied (*it does not have to be spoken*)
- ✓ “Yes” means “No” if conditions *a, b, or c* listed above exist

**\*Note on consent and age (reason of youth) in regards to sexual activity in Missouri**

- If you are **21 or older**, **17** is the minimum age of consent.
- If you have sexual contact with an individual and you are more than **4 years older** than the individual that is at least **14**, you can be charged with Child molestation 4<sup>th</sup> degree ([566.071 RSMO](#)).

*(based on current Child molestation statutes in [566.067 through 566.103 RSMO](#), consult your legal counsel for more info)*

**"Incapacitated"** [556.061\(28\) RSMO](#), a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

**"Sexual contact"** [566.010\(6\) RSMO](#), any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person *or for the purpose of terrorizing the victim*;

**"Sexual assault"** [455.010\(1\)\(e\) RSMO](#), causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that persons consent;

**Sex Offenses (FBI UCR)** – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**A. Rape (FBI UCR)** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim ([Definition effective 01/01/13 from FBI UCR](#)).

*Also see ["Frequently Asked Questions about the Change in the UCR Definition of Rape May 20, 2013"](#)*

### **Corresponding Missouri Statutes**

Rape (*No longer forcible rape in Mo Statute*)

[566.030 Rape in the first degree, penalties—suspended sentences not granted, when.](#)

[566.031 Rape in the second degree, penalties.](#)

**(Count statutory rape as rape if it is without consent)**

**Sodomy** - Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Corresponding Missouri Statutes**

[566.060 Sodomy 1<sup>st</sup> Degree, penalties--suspended sentence not granted, when.](#)

[566.061 Sodomy 2<sup>nd</sup> Degree \(Formerly Deviate Sexual Assault 566.70\), penalties--suspended sentence not granted, when.](#)

[566.062 Statutory Sodomy 1<sup>st</sup> Degree](#)

[566.064 Statutory Sodomy 2<sup>nd</sup> Degree](#)

**Sexual Assault With An Object** -The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity (Please note that a finger or hand is also considered an object).

**Corresponding Missouri Statutes**

[566.060 Sodomy 1<sup>st</sup> Degree, penalties--suspended sentence not granted, when.](#)

[566.061 Sodomy 2<sup>nd</sup> Degree \(Formerly Deviate Sexual Assault 566.70\), penalties--suspended sentence not granted, when.](#)

[566.062 Statutory Sodomy 1<sup>st</sup> Degree](#)

[566.064 Statutory Sodomy 2<sup>nd</sup> Degree](#)

*34 CFR 668 Appendix A was updated during the 2013 rulemaking process to correspond with the 2013 UCR expanded definition of Rape (which includes the crimes of sodomy and sexual assault with an object).*

**B. Fondling (FBI UCR NIBRS)** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

**Corresponding Missouri Statutes**

Sexual Abuse

[566.100 Sexual abuse in the first degree, penalties.](#)

[566.101 Sexual abuse, second degree, penalties.](#)

[566.071 Child Molestation 4<sup>th</sup> degree](#)

[566.068 Child Molestation 2<sup>nd</sup> degree](#)

**C. Incest (FBI UCR NIBRS)** - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Corresponding Missouri Statutes**

[568.020 Incest](#)

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**D. Statutory Rape (FBI UCR NIBRS)** – Non-forcible sexual intercourse with a person who is under the statutory age of consent (See page 40 of [“The National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program 2013 Handbook \(NIBRS\)”](#)).

**Corresponding Missouri Statutes (Counted only if crime is non-forcible)**

[566.032 Statutory Rape 1<sup>st</sup> Degree](#) (twenty-one years of age or older, that has sexual intercourse with another person who is less than seventeen years of age.)

[566.034 Statutory Rape 2<sup>nd</sup> Degree](#)

*(Sexual Intercourse with a person who is under the age of 14 in Missouri)*



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## **Federal Law Violence Against Women Act (VAWA) Crime Categories Additions** **Definitions used in section the Violence Against Women Act of 1994 (42 U.S.C. 13925(a))**

After completion of the negotiated federal rule making these definitions will be codified in 34 CFR 668.48(a).

### ***Domestic Violence:***

1. A felony or misdemeanor crime of violence committed--
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
  - (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

***Dating Violence:*** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purpose of this definition--
  - (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (ii) Dating violence does not include acts covered under the definition of domestic violence.

### ***Stalking:***

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

## **Applicable Missouri Laws ([Revised Statutes of Missouri \(RSMO.\)](#))**

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## MISSOURI STATUTE DEFINITIONS ON DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING (See [RSMO. 455](#) For more info)

**Domestic Violence** ([455.010\(5\) RSMO.](#)) is “*abuse*” or “*stalking*” committed by a “*family or household member*”

**Dating Violence** is considered the same as domestic violence under current Missouri law in the definition for domestic assault based on the definition of “*Family*” or “*Household Member*”

“*Family or Household Member*” ([455.010\(7\) RSMO.](#)) “*spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;*”

“*Abuse*” ([455.010\(1\) RSMO.](#)) includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

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

“*Stalking*” ([455.010\(14\) RSMO.](#)) is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person, or a person who also resides together in the same household with the person seeking the order of protection when it is

reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

- a. "Alarm" means to cause fear of danger of physical harm; **and**
- b. "Course of conduct" means a pattern of conduct composed of **two or more** acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact;

## **MISSOURI STATUTE ON CRIMES THAT COVER DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING**

*Domestic Assault (RSMO. 565) (Similar to Domestic Violence in Federal but Domestic Violence includes Dating Violence in definition) (See [Missouri Bar Handbook on Domestic violence](#) )*

### [565.072 Domestic assault, first degree--penalty](#)

1. A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section [565.002](#).
2. The offense of domestic assault in the first degree is a class B felony unless in the course thereof the person inflicts serious physical injury on the victim, in which case it is a class A felony.

### [565.073 Domestic assault, second degree--penalty](#)

1. A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section [565.002](#), and he or she:
  - (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or
  - (2) Recklessly causes serious physical injury to such domestic victim; or
  - (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.
2. The offense of domestic assault in the second degree is a class D felony.

### [565.074 Domestic assault, third degree--penalty](#)

1. A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section [565.002](#).
2. The offense of domestic assault in the third degree is a class E felony.

### [565.076 Domestic assault, fourth degree--penalty](#)

1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section [565.002](#), and:
  - (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;
  - (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;

- (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means;
  - (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;
  - (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or
  - (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.
2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of assault of a domestic victim two or more times, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

[565.225 Stalking, first degree, penalty.](#)

1. As used in this section and section [565.227](#), the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.
2. A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and:
  - (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or
  - (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or
  - (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or
  - (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or
  - (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or
  - (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.
3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.
4. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.

5. The offense of stalking in the first degree is a class E felony, unless the defendant has previously been found guilty of a violation of this section or section 565.227, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.227, in which case stalking in the first degree is a class D felony.

#### [565.227. Stalking, second degree, penalty.](#)

1. A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.
2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.
3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.
4. The offense of stalking in the second degree is a class A misdemeanor, unless the defendant has previously been found guilty of a violation of this section or section 565.225, or of any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.225, in which case stalking in the second degree is a class E felony.

#### **Other VAWA Crimes Related in Missouri Statute**

#### [565.090 Harassment 1<sup>st</sup> degree \(harassment is a precursor to stalking\)](#)

A person commits the offense of harassment in the first degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress.

1. The offense of harassment in the first degree is a class E felony.
2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law.

#### [565.091 Harassment 2<sup>nd</sup> degree](#)

1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.
2. The offense of harassment in the second degree is a class A misdemeanor.

#### [565.240 Unlawful Posting Info on Internet](#)

1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person.
2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor.

#### [565.252. Invasion of privacy](#)

1. A person commits the offense of invasion of privacy if he or she knowingly:
  - (1) Photographs, films, videotapes, produces, or otherwise creates an image of another person, without the person's consent, while the person is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy; or

- (2) Photographs, films, videotapes, produces, or otherwise creates an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.
2. Invasion of privacy is a class A misdemeanor unless:
  - (1) A person who creates an image in violation of this section distributes the image to another or transmits the image in a manner that allows access to that image via computer;
  - (2) A person disseminates or permits the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of this section;
  - (3) More than one person is viewed, photographed, filmed or videotaped during the same course of conduct; or
  - (4) The offense was committed by a person who has previously been found guilty of invasion of privacy in which case invasion of privacy is a class E felony.
3. Prior findings of guilt shall be pleaded and proven in the same manner required by the provisions of section 558.021.
4. As used in this section, "same course of conduct" means more than one person has been viewed, photographed, filmed, or videotaped under the same or similar circumstances pursuant to one scheme or course of conduct, whether at the same or different times.

[573.110 Non-Consensual Dissemination of Private Sexual Images](#)

**See RSMO 573.110 for the complete statute.....**

2. A person commits the offense of nonconsensual dissemination of private sexual images if he or she:
  - 1) Intentionally disseminates with the intent to harass, threaten, or coerce an image of another person:
    - a) Who is at least eighteen years of age;
    - b) Who is identifiable from the image itself or information displayed in connection with the image; and
    - c) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part;
  - 2) Obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and
  - 3) Knows or should have known that the person in the image did not consent to the dissemination.

[573.112 Threatening the Non-Consensual Dissemination of Private Sexual Images](#)

Threatening the nonconsensual dissemination of private sexual images, offense of — elements — penalty.

1. A person commits the offense of threatening the nonconsensual dissemination of private sexual images if he or she gains or attempts to gain anything of value, or coerces or attempts to coerce another person to act or refrain from acting, by threatening to disseminate an image of another person, which was obtained under circumstances in which a reasonable person would know or understand that the image was to remain private, against the will of such person:
  - 1) Who is at least eighteen years of age;
  - 2) Who is identifiable from the image itself or information displayed in connection with the image; and
  - 3) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part.
  
2. The offense of threatening the nonconsensual dissemination of private sexual images is a class E felony.

**2017 Missouri Penalties and Fines for Offenses**

Felony Class	Penalties (Years of imprisonment <a href="#">558.011 RSMo.</a> )	Fines ( <a href="#">558.002 RSMo.</a> )
A	10 – 30, or life	-
B	5 - 15	-
C	3 - 10	Up to \$10,000
D	Up to 7	Up to \$10,000
E	Up to 4	Up to \$10,000
Misdemeanor Class	Penalties (Term of imprisonment <a href="#">558.011 RSMo.</a> )	Fines ( <a href="#">558.002 RSMo.</a> )
A	Up to 1 year	\$2,000
B	Up to 6 month	\$1,000
C	Up to 15 days	\$750
D	-	\$500
Infraction	-	\$400

(See [Missouri Sexual Offenses & VAWA Crimes Tables](#) for more info.)







## **Tips for Intervening In a situation potentially involving sexual assault, relationship violence, or stalking:**

- Approach everyone as a friend
- Do not be antagonistic
- Avoid using violence
- Be honest and direct whenever possible
- Recruit help if necessary
- Keep yourself safe
- If things get out of hand or become too serious, contact the police

See “*The Bystander Intervention Playbook*” for more info on intervening techniques  
(Adapted from information presented by the University of Wisconsin La Crosse)

## **WARNING SIGNS OF AN ABUSIVE PERSON**

This is a list of behaviors that are seen in people who abuse their partners. The first four behaviors (past abuse, threats of violence, breaking objects and any force during an argument) are almost always seen in an abusive person. If someone exhibits more than three of any of these warning signs, there is a strong potential for abuse in the relationship. An abuser may exhibit only a few of these behaviors, but they may be quite exaggerated.

- **Past abuse**  
An abuser may say, "I hit someone in the past, but she made me do it." An abusive person who minimizes what happened with a previous partner is likely to be violent with their current partner. Abusive behavior does not just go away; long-term counseling and a sincere desire to change are necessary.
- **Threats of violence or abuse**  
Threats can involve anything that is meant to control the victim. For example, "I'll tell your parents about your drug use if you don't do what I want." Healthy relationships do not involve threats, but an abusive person will try to excuse this behavior by saying that "everybody talks like that."
- **Breaking objects**  
An abuser may break things, beat on tables or walls or throw objects around or near the victim. This behavior terrorizes the victim and can send the message that physical abuse is the next step.
- **Use of force during an argument**  
An abuser may use force during arguments, including holding the victim down, physically restraining the victim from leaving the room, and pushing and shoving. For example, an abuser may hold a victim against the wall and say, "You're going to listen to me."
- **Jealousy**  
An abuser will say that jealousy is a sign of love. In reality, jealousy has nothing to do with love. It is a sign of insecurity and possessiveness. An abuser may question the victim about whom they talk to or be jealous of time spent with other people. As the jealousy progresses, the abuser will call the victim frequently, stop by unexpectedly or monitor the victim's activities.
- **Controlling behavior**  
An abuser will claim that controlling behavior is out of concern for the victim's welfare. They

will be angry if the victim is late and will frequently interrogate the victim. As this behavior gets worse, the abuser will control the victim's appearance and activities.

- **Quick involvement**

An abuser will often pressure someone to make a commitment after a very short amount of time. The abuser comes on quickly, claiming "love at first sight," and will tell the victim flattering things such as "You're the only person I could ever love."

- **Unrealistic expectations**

The abuser is dependent on the victim for everything and expects perfection. The victim is expected to take care of everything for the abuser, particularly all emotional support. The abuser will say things like, "You're the only person I need in my life."

- **Isolation**

The abuser will attempt to diminish and destroy the victim's support system. If a female victim has male friends, she is accused of being a "whore." If she has female friends, she is accused of being a "lesbian." If she is close to her family, she is accused of being "tied to the apron strings." The abuser will accuse people who are close to the victim of "causing trouble."

- **Blames others for problems**

Abusers will rarely admit to the part they play in causing a problem. She will blame the victim for almost anything that goes wrong.

- **Blames others for their feelings**

An abuser will tell the victim, "I hurt you because you made me mad," or "You're hurting me when you don't do what I ask." Blaming the victim is a way of manipulating them and avoiding any responsibility.

- **Hypersensitivity**

An abuser can be easily insulted. The slightest setbacks are seen as personal attacks. An abuser will rage about the everyday difficulties of life as if they are injustices -- such as getting a traffic ticket or not doing well on an exam.

- **Cruelty to animals or children**

An abuser may brutally punish animals or be insensitive to their pain or suffering. Pets can be used to control the victim or to emotionally abuse them.

- **"Playful" use of force during sex**

The abuser may like to hold the victim down during sex. They may want to act out sexual fantasies in which the victim is helpless. An abuser may show little concern about whether the victim wants to have sex and use sulking or anger to manipulate the victim into compliance. They may demand sex or start having sex with the victim when they are sleeping or very intoxicated.

- **Rigid sex roles**

Male abusers often expect women to serve and obey them. They view women as inferior to men and believe that a woman is not a whole person without a relationship with a man.

- **Jekyll-and-Hyde personality**

Explosiveness and mood swings are typical of abusers, and these behaviors are related to other

traits such as hypersensitivity. This is not always a sign of mental health problems but may be a way of controlling the victim by being unpredictable.

*Adapted from Wilson, K.J. [When Violence Begins at Home: A Comprehensive Guide to Understanding and Ending Domestic Abuse](#). Alameda, CA: Hunter House Publishers, (1997).*

## **Help Reduce Your Risk and Avoid Potential Attacks**

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, and how to avoid potential attacks.

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting the Campus Counselor and/or Student Health Center for support services
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners
3. Consider getting a [protective order](#) or stay away order
4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
5. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

## **Sexual Assault Prevention (From RAINN)**

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from un-opened containers or from drinks you have watched being made and poured
- Avoid group drinks like punch bowls
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
- If you suspect you have been drugged, go to a hospital and ask to be tested
- Keep track of how many drinks you have had
- Try to come and leave with a group of people you trust
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours

## **Traveling around campus (walking)**

- Make sure your cell phone is easily accessible and fully charged
- Be familiar with where emergency phones are installed on the campus
- Be aware of open buildings where you can use a phone
- Keep some change accessible just in case you need to use a pay phone
- Take major, public paths rather than less populated shortcuts
- Avoid dimly lit places and talk to campus services if lights need to be installed in an area
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone
- Walking back from the library very late at night is sometimes unavoidable, so try to walk with a friend
- Carry a noisemaker (like a whistle) on your keychain
- Carry a small flashlight on your keychain
- If walking feels unsafe, try calling campus security. Many campuses offer safe ride programs

## **EDUCATIONAL PROGRAMS**

Lincoln University engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking in federal and state laws in Missouri;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of Missouri;
- d. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- e. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Lincoln University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; participating in the Spring and Fall Faculty orientation program; presenting programs throughout the year on at least a quarterly basis, may include sessions such as: skits, a residence hall speaker series, an annual poster series.

## **POSSIBLE SANCTIONS AND PROTECTIVE MEASURES FOLLOWING A CRIME OF RAPE, DATE/AQUAINTANCE RAPE, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

Sexual offense, domestic violence, dating violence, and stalking cases referred to the Lincoln University Student Conduct system may result in the perpetrator being suspended from the university. More than one sanction may be recommended or imposed for any single violation when deemed appropriate by the Judicial Officer or Disciplinary Committee. All disciplinary sanctions are noted in the student's non-academic student file. Records of suspended students are kept indefinitely. Sanctions for students may involve change in living arrangements, counseling, community service, suspension, "No-Contact" order, or expulsion depending on the circumstances specific to the case (see the [Lincoln University Student Code of Conduct](#) for more info).

Faculty or staff found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, demotion, or termination. (See the Lincoln University [Employee Handbooks](#) for more information). Any disciplinary sanction may include the completion of an appropriate counseling or other rehabilitation program. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law (See [Missouri Sexual Offenses & VAWA Crimes Tables](#)).

## **PROCEDURES VICTIMS SHOULD FOLLOW IF A SEXUAL OFFENSE, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING HAS OCCURED**

The first priority of a victim of sexual assault or domestic violence is to get to a place of safety, then to obtain necessary medical attention as soon as possible. [Jefferson City Capitol Region Hospital](#), [SSM Health St. Mary's Hospital](#), and [Phelps County Regional Medical Center](#) (Ft. Wood Campus) have certified ER hospital staff members that are authorized to perform medical/legal examinations. An assault should be reported directly to the [Lincoln University Police Department \(LUPD\)](#) (573-681-5555 or 911), Ft. Wood Military Police (573-596-6141 or 911), the [Dean of Students](#) (681-5128), the [Student Health Center](#) (681-5476), the [Director of Student Housing](#) (681-5971), or if applicable, the [Director of a Student's Residence Hall](#). Reports can also be made online at <https://bluetigerportal.lincolnu.edu/web/title-ix/report-online> (anonymous reporting is also available on webpage). Although Lincoln University strongly advocates that a victim of sexual assault or domestic violence, dating violence, or stalking report the incident to the Lincoln University Police Department in a timely manner, it is the victim's choice to make such a report and the victim has a right to decline involvement with the police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the Lincoln University Police Department or other law enforcement agency to preserve evidence in the event that the victim changes his or her mind at a later date.

## Preserving Evidence for Sexual Assaults

Physical evidence is crucial in helping to prosecute assailants in cases of rape or sexual assault. Physical evidence must be collected in a timely manner by a certified medical facility. Prior to a medical/legal exam victims of rape or assault should not bathe, change clothes, douche, use toilet (if possible), smoke, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours or so that the evidence may be preserved. If victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.

## Preserving Evidence for Victims of Violence

Victims of violence should not bathe or change clothes prior to documentation of physical evidence. Preserving evidence may be necessary to prove criminal domestic violence, dating violence, stalking, or in obtaining a protection order. If victims do not opt for forensic evidence collection, health care providers can still treat injuries.

## Preserving Evidence for Victims of Stalking

Victims of stalking should save evidence such as any letters, notes, e-mails, phone calls, videos, photos, texts, social media postings (i.e...facebook, twitter,..etc...etc), computer screenshots, voicemails, or any other form of evidence that would be helpful.

## Reporting an Incident to LUPD

To report the incident to LUPD, an individual should contact the Lincoln University Police Department at (573) 681-5555 or by dialing 911 or by use of any red campus emergency phone, or by reporting to the on-scene officer, if he or she has already been summoned. If a report of an assault has been made to another university official, they will assist in making a report to the Lincoln University Police Department, if requested.

Filing a police report with a Lincoln University Police Officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

However, filing a police report will however do the following:

- Ensure that a victim of sexual assault, dating violence, or domestic violence receives a safe escort to Capitol Region or St. Mary's Hospital to receive the necessary medical treatment at no expense to the victim (if the victim chooses to do so);
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (see information on preserving evidence above);

***Please note that evidence can still be collected a Sexual Assault Nurse Examiner even if the victim chooses not to make a report to law enforcement.***

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the university's Student Conduct System, or only the latter. Victims also have the option of contacting the Title IX coordinator, various Responsible Employees or a *campus security authority* (CSA)'s to discuss reporting options. One of these university representatives will guide the victim through the available options and support the victim in his or her decision.

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A victim may also choose to speak confidentially to the Lincoln University Counselor located at the Thompkins Health Center.

## Reporting an Incident to Other Campus Security Authorities

It will be the role of the campus security authority (CSA) to be there for students as someone to whom they can report crimes, look to for guidance if they have been victims of a crime, or ask if they simply need advice as to whether or not they should report an incident. If an individual chooses not to report a crime to LUPD and chooses to report to any of the other local police, CSA's can assist an individual in contacting other law enforcement agencies such as the [Jefferson City Police Department](#) at (573) 634-6400 or [Cole County Sheriff's Office](#) at (573) 634-9160. **Please note** that on-campus crimes reported to these agencies will typically be referred to LUPD, since it is the local law enforcement agency that has the jurisdiction for Lincoln University. CSA's will not be responsible for taking any actions in regards to suspected perpetrators of a crime, nor are they to make any judgments as to whether or not a crime took place; they are simply responsible for reporting crimes to the Lincoln University Police Department.

CSA's are also not responsible for convincing victims of a crime to contact the police if victims do not want the police contacted. LUPD will send all Campus Security Authorities requests for information on crimes which were reported to the CSA for inclusion in yearly campus safety statistical reporting. As noted by law, all Universities receiving federal financial aid must report the statistical information on crimes that occur on campus and include them in an annual report. If it is determined by Lincoln University that the alleged perpetrator(s) pose a serious and immediate threat to the University community the University is also obligated by law to make timely warnings to protect the campus. The statistical information and "Timely Warnings" will not contain any names or specific locations to maintain the confidentiality of a victim (see "[Confidentiality of Victims](#)" for more information).

The following programs and offices listed below have CSA's that can assist a victim of sexual assault, domestic violence, dating violence, and stalking:

<b>Office/Program</b>	<b>Location (<a href="#">Campus Map</a>)</b>	<b>Phone Number</b>
<a href="#">Athletics</a>	202 Jason Gymnasium	(573) 681-5953
<a href="#">Access and Ability Services</a>	822 Lee Drive	(573) 681-5162
<a href="#">Career and Academic Support Services</a>	232A Page Library	(573) 681-5975
<a href="#">Dean of Students</a>	301 Young Hall	(573) 681-5128
<a href="#">Infantry Scholars/Male Initiative Program</a>	Dawson Hall Annex	(573) 681-6019
<a href="#">Lincoln University Department of Nursing (Ft. Leonard Wood Campus)</a>	Building 733 Colorado Avenue, Fort Leonard Wood, MO	(573) 329-5160
<a href="#">Lincoln University Police Department</a>	1118 Chestnut Street	(573) 681-5555
<a href="#">Lincoln University ROTC</a>	903 Lafayette Street	(573) 681-5350
<a href="#">Residential Life</a>	301 Young Hall	(573) 681-5971
<a href="#">Student Engagement</a>	210 Scruggs Center	(573) 681-5266



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Office/Program (Continued)	Location ( <a href="#">Campus Map</a> )	Phone Number
<a href="#">Student Conduct</a>	301 Young Hall	(573) 681-5585
<a href="#">Student Health Services</a>	822 Lee Drive	(573) 681-5476
<a href="#">Title IX Coordinator, Zakiya Brown</a>	304C Young Hall	(573) 681-5003
<a href="#">Women's Resource Center</a>	B-11 Young Hall	(573) 681-5306

In cases where an individual may be a “**Responsible Employee**” (under Title IX) and CSA (under Clery), the individual will make it known that their role as a “Responsible Employee” takes precedence over CSA responsibilities for confidentiality purposes (see the “[STATISTICAL REPORTING AND TIMELY WARNING OBLIGATIONS UNDER THE CLERY ACT](#)” section located in the [Title IX Sexual Harassment, Sex Equity, and Gender-Based Discrimination Processes and Procedures](#)).

## Reporting an Incident to a Counselor

Campus “Pastoral Counselors” and “Professional Counselors,” when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics and the information can be disclosed confidentially. However, pastoral counselors and professional counselors are encouraged; if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis (see [counseling services](#) section below for contact info for the campus counselor and additional off-campus resources).

## University Responsibilities in Regards to Orders of Protection

The purpose of an *Ex Parte* Order of Protection and a Full Order of Protection is to restrain a respondent from committing or threatening domestic violence, stalking, communicating or disturbing a complainant’s peace, and entering a complainant’s place of residence. An *Ex Parte* Order of Protection is a temporary order in place until a hearing by a judge. After reading a Petition, the Judge will either grant or deny an *Ex Parte* Order of Protection. This initial decision is made solely on the determination of an immediate and present danger to the complainant based on what is written in the Petition. Court hearings are typically held within 15 days of filing an *Ex Parte* Order of Protection as noted in Missouri law. A complainant must be prepared to present documentation, photos, or other forms of evidence with the paperwork when filing a petition for an *Ex Parte* Order. At a court hearing, a judge can issue a Full Order of Protection for a period of 180 days up to one year. A Full Order of Protection can be renewed twice; each renewal can last up to one year. No new incident of abuse is required if the Order is renewed before the old one expires. The Court may, upon a finding that it is in the best interest of the parties, include a provision that any Full Order of Protection for one year shall automatically renew unless the Respondent requests a hearing by 30 days prior to its expiration (see [Chapter 455](#) and specifically [455.010](#), [455.035](#), & [455.050](#) RSMO. for more information).

All commissioned LUPD officers possess the same powers on the Lincoln University campus as city police officers within their particular city. The Lincoln University Police Department shall enforce any violation of an *Ex Parte* Order of Protection or Full Order of Protection by a respondent in the same manner as any police officer in any jurisdiction. A violation of either type of order in Missouri is considered a class A misdemeanor (1-year imprisonment and/or \$1,000 fine) for the first offense and any subsequent offense is treated as a class D felony (up to 4-years

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imprisonment and/or \$5,000 fine) per [455.085 RSMO](#). Any person who obtains an Order of Protection from Missouri or any other state should provide a copy to LUPD and/or the Title IX Coordinator. Depending on conditions specified in a particular order the University may make arrangements with both parties that permit access to classrooms, library, the cafeteria, and/or any other public places. These arrangements shall be made to ensure normal access to public areas that do not violate the terms and conditions of the Order of Protection under normal day to day activities

## How to File an Order of Protection

In Jefferson City a [Petition for Order of Protection](#) can be filed at the [Cole County Circuit Clerk's Office](#). This office is located in the [Cole County 19<sup>th</sup> Judicial Circuit Court](#) building located at 301 East High Street, Jefferson City, MO 65101. The Missouri Adult Abuse Act requires that court clerks explain how to file all of these necessary forms and documents. In addition, most counties have victim advocates to assist you in the process for filing for an Order of Protection and they may even go with you to court. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from domestic violence or a motion for hearing on violation of any order of protection may be filed with the [Cole County Sheriff's Office](#) at 350 East High Street, Jefferson City, MO 65101 (contact [LUPD](#), [JCPD](#), [Cole County Sheriff's Office](#), or review the [Missouri Courts Forms](#) Adult Abuse page and the "[Domestic Violence and the Law: A Practical Guide for Survivors](#)" from the Missouri Bar for more info on Orders of Protection).

## Ft. Wood Campus Information for Filling an Order of Protection

[Pulaski County Circuit Clerk's Office](#), 301 Historic 66 East Suite 202, Waynesville, MO. 65583 at (573) 774-6196 and the [Pulaski County Sheriff's Department](#), 301 Historic 66 East Suite 136, Waynesville, MO. 65583, at (573) 774-6196.

## "No Trespass" Orders

If there is enough reason to believe (through investigation) that an individual is likely to cause harm to any member on campus the Lincoln University Police Department can issue a *No Trespass* order. Any individual found to be on campus after a *No Trespass* order has been issued against them may be immediately be arrested by the Lincoln University Police Department. "*No Trespass*" orders can be issued against any member of the Lincoln University community (students, faculty, or staff) or the public. No Trespass Orders can be issued by LUPD for a 5 day period and can be extended to a year or longer upon approval by the Lincoln University President. A violation of a No Trespass Order is a class B Misdemeanor that could result in up to 6 months in jail and/or \$500 fine per [569.140 RSMO](#).

Retaliation against any member of the Lincoln University community, acting in good faith, who has made a complaint of threatening or potentially violent behavior, is a very concerning violation of the student code of conduct. Any violation of these polices will also result in serious disciplinary action and/or academic suspension or expulsion.

## "No Contact" Order

If the circumstances of an alleged violation is judged to be severe enough by the Dean of Students or LUPD, the university reserves the right to impose a "No Contact" order prior to a conduct hearing has occurred. The use of a "No Contact" order is used when there is a threat to the health

and safety of the respondent and/or other members of the university community. “No Contact” orders restrict individuals from entering specific university buildings and activities to eliminate contact with alleged victims and/or other forms of contact with certain person(s). A “No Contact” order can be a temporary order in place while a conduct case or appeal is pending, or extended to a longer period of time to protect the student(s) and/or other members of the university community from threats to their health or safety (see the [Lincoln University Student Code of Conduct](#) for more info on “No Contact” Orders).

## **PROCEDURES FOR INSTITUTIONAL ACTION IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

If the assailant is a student, regardless of criminal or civil action, campus administrative action may be initiated through the Student Conduct system. Specific violations related to domestic violence, dating violence, sexual assault, stalking, and retaliation in the [Lincoln University Student Code of Conduct](#) are **Assault** (Article II.B.7), **Harassment** (Article II.B.8), and **Sexual Misconduct** (Article II.B.9).

### Student Conduct Procedures

All Student Conduct proceedings shall provide a prompt, fair, and impartial investigation and resolution; and be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

### Filing a Complaint

Any university official or student may file a complaint against a student based on a violation of Lincoln University’s [Student Code of Conduct](#) or other [University Policies](#). In order to file a complaint, an individual must fill out the Lincoln University Incident Form (IRF). This form is available online at: [https://www.formstack.com/forms/LU\\_MO-irf](https://www.formstack.com/forms/LU_MO-irf). The University Judicial Officer has the responsibility to receive and, where appropriate, investigate complaints arising out of a claim(s) that the one the University policies has been violated. After receiving a complaint, the Judicial Officer will determine through investigation if the alleged charges have merit. Any student charged with a violation will be scheduled for a Pre-Hearing Conference meeting to begin the investigative process. *Please note that all Lincoln University employees other than professional and pastoral counselors also have reporting requirements that must be fulfilled under the Title IX policy (see the [Title IX Sexual Harassment, Sex Equity, and Gender Discrimination Processes and Procedures](#) for more info).*

### Pre-Conference Hearings

If the case merits a hearing, a written notice along with a hearing date and time will be sent to the student. The student will be given the choice to waive his/her right to a hearing. If the student waives his/her right to a hearing, he/she accepts responsibility for all charges. In the event that a student waives the right to a hearing during the Pre-Hearing Conference, the Judicial Officer will examine the information available, and if the information reviewed indicates that the accused student is responsible, render a sanction ([see possible sanctions](#)). If the information available does not indicate that the accused student is responsible, the student will be found not responsible. If the student pleads “not responsible,” the case will be forwarded to the appropriate disciplinary

committee. When a student waives the right to a hearing, sanctions may be appealed to the University President.

## Conduct Hearings

In the case of a Conduct Hearing, the Judicial Officer will arrange for the hearing by scheduling a meeting of the Student Life Review Board or the Residence Hall Conduct Council.

- Student Life Review Board (SLRB): The Board generally hears cases that may result in suspension. The SLRB consists of a combination of faculty, staff, and students. The quorum is five voting members; the chair shall not have a vote. The SLRB makes confidential recommendations for disciplinary actions to the Dean of Students who will impose sanctions. Suspension sanctions may be appealed to the President.
- Residential Hall Conduct Council: The council hears cases of residential hall violations. The council consists of resident advisors, resident directors, students and staff. The quorum is five members. The council's decisions may be appealed to the Dean of Students and these decisions are final.

## Standard of Evidence

The standard of proof used for a student conduct case is a *preponderance of evidence*. This means a **greater** than 50% chance (based on the evidence by the complainant), that the student is responsible for the code violation in the complaint.

## Rights of the Accuser and the Accused

The accuser and the accused are entitled to a prompt, fair, and impartial proceeding that is:

1. Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
2. Conducted in a manner that—
  - a. Is consistent with the institution's policies and transparent to the accuser and accused;
  - b. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  - c. Provides timely and equal access to the accuser, the accused, and appropriate officials to information that will be used during informal and formal disciplinary meetings and hearings (as permitted by state and federal laws); and
3. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

Both the accuser and the accused shall be simultaneously informed, in writing, of:

- the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
- the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; and

- any change to the results that occurs prior to the time that such results become final; and when such results become final.

***Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).***

### Formal Title IX Complaint Process

Title IX protects individuals from harassment connected to any of the academic, educational, extracurricular, athletic, and other programs, activities or employment of schools, regardless of the location. Title IX protects both males and females from sexual harassment by any school employee, student, and a non-employee third party. This policy applies equally to all students and employees regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the university's [Title IX Sexual Harassment, Sex Equity, and Gender Discrimination Processes and Procedures](#) which can be obtained at Lincoln University Human Resources Office in order to remedy any hostile environment (see the [Title IX website](#) and the [Title IX Grievance Procedures](#) webpages for more information). Reports can also be files online here at <https://bluetigerportal.lincolnu.edu/web/title-ix/report-online>.

### **CONFIDENTIALITY OF VICTIMS**

Lincoln University will protect the confidentiality of victims of sexual assaults, domestic violence, dating violence, and stalking to the fullest extent of the law. The following programs and offices of Student Activities, Residential Life, Student Development/Civic Engagement, Student Health Services, Athletics, Career and Academic Support Services, LU ROTC, LU Department of Nursing (Ft. Wood Campus), LUPD, and the Dean of Students will cooperatively work together to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal University complaint ([contact information](#)). Additionally, person identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. The University does not publish the name of a crime victim nor specific housing information regarding victims in the LUPD Daily Crime Log. Victims may request that directory information on file be removed from public sources. Please contact the Director of Residential life at (573) 681-5971 for more information on removing information from public sources.

### **COUNSELING SERVICES**

Lincoln University has a counselor on staff with [Student Health Services](#) located at the Thompkins Health Center that can be reached at (573) 681-5167. The campus counselor is available during normal office hours on weekdays between 8:00am to 5:00pm. Counseling and support services available to victims who choose counseling and support outside the university system are listed in the table on the next page.

## External Counseling Services:

External Organization	Phone Number
<a href="#"><u>St. Mary's (SSM) Behavior Health Unit</u></a>	(573) 761-0458
<a href="#"><u>Capital Region Medical Center</u></a>	(573) 632-5560
<a href="#"><u>Pathways Community Based Healthcare</u></a>	(573) 634-3000
<a href="#"><u>Pathways Community Based Healthcare Crisis Hotline after hours</u></a>	(800) 833-3915
<a href="#"><u>Rape and Abuse Crisis Service Hotline</u></a>	(573) 634-4911
<a href="#"><u>Cole County Prosecutors Office Victims' Advocate</u></a>	(573) 634-9180
<a href="#"><u>Planned Parenthood</u></a>	(573) 443-0427
<a href="#"><u>Birthright</u></a>	(573) 635-8822
<a href="#"><u>St. Mary's Health Center (SSM)</u></a>	(573) 634-5303

Please note that services from external sources can be held confidential and some external sources can be contacted 24 hours a day such as the [Rape and Abuse Crisis Service \(RACS\) Hotline](#)

Legal support services may also be obtained by utilizing the [Cole County Prosecutors Office Victims' Advocate](#) at (573) 634-9180.

## Online Resources:

Organization	Website
Missouri Coalition Against Domestic Assault and Sexual Violence	<a href="http://www.mocadsv.org"><u>http://www.mocadsv.org</u></a>
US Dept. of Justice Office on Violence Against Women	<a href="http://www.ovw.usdoj.gov"><u>http://www.ovw.usdoj.gov</u></a>
National Coalition Against Domestic Violence	<a href="http://www.ncadv.org"><u>http://www.ncadv.org</u></a>
National Sexual Violence Resource Center	<a href="http://www.nsvrc.org"><u>http://www.nsvrc.org</u></a>
Stalking Resource Center	<a href="http://www.victimsofcrime.org/our-programs/stalking-resource-center"><u>http://www.victimsofcrime.org/our-programs/stalking-resource-center</u></a>

## Faculty & Staff Specific Counseling Services

The current *Employee Assistance Program* (EAP) is made available through the University's current health care provider. The university's benefit plans, including hospitalization and salary continuation (to the extent vacation and sick leave annual balances are available), may be used for domestic/dating violence and/or sexual assault counseling as for any other diseases or disabilities. Please contact Human Resources at (573) 681-5018 or visit the [HR website](#) to obtain more information on counseling services from the current health care provider.

## OPTIONS FOR SUPPORTIVE SERVICES

Lincoln University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. Please review other portions of this document or contact a [Campus Security Authority](#) for more information on these services.

## **OPTIONS FOR CHANGING ACADEMIC, TRANSPORTATION, LIVING AND WORKING SITUATIONS**

After a sexual assault, domestic violence, dating violence, or stalking incident has been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate temporary or permanent relocation of the victim to safe and secure working location, alternative housing, and/or transfer of classes if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Please contact the [Director of Residential Life](#) (681-5971) or [LUPD](#) (681-5555) for more information on changing living arrangements.

## **VICTIMS' RIGHTS**

A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with [a written explanation of the student or employee's rights and options](#).

## **SEX OFFENDER REGISTRY**

Pursuant to [20 U.S.C. §1092\(f\)\(1\)](#) and section 121 of the Adam Walsh Child Protection and Safety Act of 2006 ([42 U.S.C. 16921](#)), Lincoln University provides the following information regarding sex offenders. Section 121 (also known as Megan's law) amended 42 U.S.C. § 14071(j) also known as the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act of 1994*.

Pursuant to the afore cited federal laws, persons who are required to register under a state sex offender registry are required to notify the state regarding each post-secondary school at which the offender works or is a student. In the state of Missouri, sex offenders are required to register with the county sheriff's department ([589.400 RSMO.](#)). The Missouri State Highway Patrol maintains a [statewide sex offender registry](#). In addition to the state sex offender registry, the U.S. Department of Justice also maintains a [nation-wide sex offender registry](#).

## **SEXUAL ASSAULT PROCEEDING DISCLOSURE**

Lincoln University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in [Section 16 of Title 18, United States Code](#)), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. This information is guaranteed privacy protection under the Family Education Rights and Privacy Act (FERPA) and disclosure to the victim or next of kin does not violate any of its provisions.

## **MANDATORY REPORTER LAW IN MISSOURI ([RSMO. 210](#))**

At various times throughout the year faculty and staff members may be responsible for the supervision of various programs in which minors (**individuals under the age of 18**) participate on campus. If a faculty or staff member suspects that a minor on campus is a victim of physical

or sexual abuse they should notify the Lincoln University Police Department, a campus administrator (i.e. supervisor), and the Children’s Division of the Department of Social Services (*the Department*).

By law, a mandatory reporter must notify the Department directly and not just supervisors. All faculty and staff responsible for the supervision of a child for any part of a 24 hour day are considered mandatory reporters under [RSMO. 210.110](#) & [210.115](#). Responsible employees cannot leave the onus of reporting in the hands of the chain of command of an organization. Lincoln University shall not impede or inhibit any employee from reporting. No person making a report shall be subject to any sanction, including any adverse employment action, for making such report. If it is discovered that a mandatory reporter has *not* notified the department of possible abuse, the individual could be subject to be found guilty of a class A misdemeanor (up to 1 year in jail or \$1000 fine) per [RSMO. 210.165](#).

### [How to Make an Official Report](#)

If an individual is not sure it’s abuse or neglect, they can call *the [local Children’s Division office](#)* to discuss their concerns. They can advise the individual whether or not to call the hotline.

They can also give advice that might help you help the family in crisis.

An individual may call the hotline at 1 (800) 392-3738, The Children’s Division staff this hotline 24 hours a day, 7 days a week, 365 days a year. They will take information from you and respond to child abuse and neglect. If you live outside Missouri and want to report abuse or neglect of a Missouri child, call (573) 751-3448.

#### **Be sure you have:**

the name of the child  
the name of the parent(s)  
the name of the alleged abuser  
where the child can be located

#### **You will also be asked:**

Is the child in a life-threatening situation now?  
How do you know about the abuse/neglect?  
Did you witness the abuse/neglect?  
Were there other witnesses and how can they be contacted?

Since 2016 the Children’s Division of the Dept. of Social Services has developed an online reporting form that is now available for mandated reporters only and should only be used to report non-emergencies. If it is an emergency or life-threatening situation, call 911 immediately and then report it directly to the Child Abuse and Neglect Hotline.