

LINCOLN UNIVERSITY'S
VICTIMS' RIGHTS IN CASES
OF
SEXUAL ASSAULT,
DOMESTIC VIOLENCE,
DATING VIOLENCE, AND
STALKING



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VICTIMS' RIGHTS IN CASES OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

COMPLAINANT'S RIGHTS

Lincoln University prohibits the offenses of sexual assault, domestic violence, dating violence, and stalking. 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 by Lincoln University as well as federal law whether sexually based or not and include dating violence, domestic violence, and stalking. Because you are reporting a possible form of sex based discrimination, Lincoln University wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus as well as your rights and Lincoln University's responsibilities (see the "[Lincoln University Background on Statistical Reporting Requirements Under the Clery Act](#)" for information on the definition of these crimes). 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.

As a complainant of sexual assault, dating violence, domestic violence, or stalking, you will receive a full copy of Lincoln University's *Victims' Rights in Cases of Sexual Assault, Domestic Violence, Dating Violence, or Stalking*. This document has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, or stalking. Always remember, that no victim is ever to blame for being assaulted or abused. These procedures include our right to inform you of your right to file criminal charges as well as the availability of medical, counseling, and support services. We also offer additional remedies to prevent contact between a complainant and an accused party, such as temporary or permanent changes in housing, academic, transportation, and working conditions, if reasonably available. The policy also addresses possible sanctions and interim and/or long-term protective measures that Lincoln University may impose following a report through the final determination of our disciplinary process.

POSSIBLE SANCTIONS AND PROTECTIVE MEASURES FOLLOWING A CRIME OF RAPE, DATE/AQUAINTANCE RAPE, DOMESTICE 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).

Disciplinary sanctions for employees shall include an oral warning, a written reprimand, suspension or termination and referral for prosecution (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 [Residence Hall Director](#). 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.

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system, the university system, both criminal and university system, or not to report at all. Victims also have the option of contacting the Title IX coordinator or one of the other *campus security authorities* (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. A victim may also choose to speak confidentially to the Lincoln University Counselor located at the Thompkins Health Center.

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 and 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.

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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 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).

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

Office/Program	Location (Campus Map)	Phone Number
Athletics	202 Jason Gymnasium	(573) 681-5953
Access and Ability Services	822 Lee Drive	(573) 681-5162
Career and Academic Support Services	232A Page Library	(573) 681-5975
Dean of Students	301 Young Hall	(573) 681-5128
Lincoln University Department of Nursing (Ft. Leonard Wood Campus)	Building 733 Colorado Avenue, Fort Leonard Wood, MO	(573) 329-5160
Lincoln University Police Department	1118 Chestnut Street	(573) 681-5555
Lincoln University ROTC	903 Lafayette Street	(573) 681-5350
Residential Life	301 Young Hall	(573) 681-5971
Student Activities	210 Scruggs Center	(573) 681-5266
Student Conduct	301 Young Hall	(573) 681-5585
Student Health Services	822 Lee Drive	(573) 681-5476
Title IX Coordinator, Zakiya Brown	304C Young Hall	(573) 681-5003
Women's Resource Center	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 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).

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University Responsibilities in Regards to Orders of Protection

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 a class D felony (up to 4-years imprisonment and/or \$5,000 fine) for any subsequent offense 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 19th 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 \$1,000 fine per [569.140 RSMo.](#)

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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 policies 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. 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).***

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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.

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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](#) and the [Title IX Grievance Procedures](#) webpages for more information).

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 & Greek Life, 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 above](#)). 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.

External Counseling Services:

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

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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	http://www.mocadsv.org
US Dept. of Justice Office on Violence Against Women	http://www.ovw.usdoj.gov
National Coalition Against Domestic Violence	http://www.ncadv.org
National Sexual Violence Resource Center	http://www.nsvrc.org
Stalking Resource Center	http://www.victimsofcrime.org/our-programs/stalking-resource-center

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

Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims (employee or student), 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.