

Name of Policy: Sexual Misconduct, Sex Discrimination, and Sexual Harassment
Source: Student Affairs and Human Resources
Form to Complete: N/A

**Policy:**

KCAI is committed to maintaining an educational and work environment that is free from sexual misconduct, sex discrimination, and sexual harassment, in which all members of the KCAI community (e.g., faculty, staff, students, Continuing Education students, visitors, donors, vendors, etc.) are able to devote their full attention and best efforts to the job, educational pursuits, or other association with KCAI. To this end, KCAI encourages and expects reporting of any and all behaviors prohibited by this policy so that they may be promptly addressed. KCAI believes that each person should be given an equal right to succeed based on their abilities and academic or job performance, without being bothered or distracted by offensive behavior on the part of other individuals associated with the KCAI community. All members of the KCAI community are responsible for creating an atmosphere free of sexual misconduct, sex discrimination, and sexual harassment on and off campus; by not only following this policy, but also by engaging in appropriate bystander intervention should they observe inappropriate behavior. To ensure this vision is achieved, KCAI has put in place this policy on sexual misconduct, sex discrimination, and sexual harassment.

Sexual misconduct, sex discrimination, and sexual harassment either intentional or unintentional, has no place in the educational or work environment. Accordingly, KCAI prohibits any form of these behaviors of or by any student, employee (i.e., supervisory or non-supervisory) or others associated with KCAI. This means KCAI will thoroughly and promptly investigate all complaints of misconduct prohibited by this policy. If an investigation confirms that prohibited conduct occurred, KCAI will take prompt and appropriate remedial action to prevent the misconduct, eliminate any hostile environment, prevent its recurrence, and correct its effects on the complainant and others, if applicable. Individuals who violate this policy are subject to the full range of discipline, up to and including reprimand, probation, suspension, termination, and expulsion. KCAI imposes no statute of limitations for alleged violations of this policy, and will investigate and adjudicate such allegations, regardless of when they are made, to the extent possible.

**REPORTING SEXUAL MISCONDUCT, SEX DISCRIMINATION, AND SEXUAL HARASSMENT**

KCAI cannot resolve matters that are not brought to its attention, and encourages any member of its community to report instances where they feel subjected to sexual

misconduct, sex discrimination, or sexual harassment. Students are also encouraged to report these incidents when they observe them or otherwise have knowledge of their occurrence, even if the incidents occur off campus. Any employee (including RAs), regardless of academic standing, rank, status or position, who witnesses, or is otherwise aware that sexual misconduct, sex discrimination, or sexual harassment may have occurred on or off campus, involving any member of the KCAI community, is required to immediately report the incident to appropriate campus officials listed in this policy.

KCAI will investigate the complaint and determine appropriate action. Anyone reporting sexual assault and other crimes should also consider the option to pursue criminal complaints with the Kansas City, Missouri Police Department or other appropriate law enforcement agency. KCAI will assist anyone wishing to make a report to law enforcement officials. An individual may also decline to notify such authorities unless applicable federal or state law imposes a mandatory reporting obligation.

It should be remembered that absolutely anyone has the right to tell the discriminator or harasser that the conduct is offensive, insist that the conduct stop, and to report inappropriate actions. KCAI will protect privacy to the fullest extent, however, confidentiality cannot be guaranteed. In cases of sexual misconduct, KCAI must investigate reports, and may be required to take action to stop sexual misconduct and prevent recurrence with or without the cooperation of the person(s) filing the report and/or person(s) involved in the incident reported. KCAI may also investigate and take action if aware of an incident in which no formal report has been filed.

Anyone who wishes to make a complaint, or has questions or concerns about this policy, may contact the individuals listed below, suggestions are given based on whether the complainant is a student or employee.

**Students:**

Assistant Dean of Students: 816.802.3419

Director of Student Support: 816.802.3379

Director of Continuing Education: 816.802.3488

Safety and Security: 816.931.6666

Title IX Coordinator, Dean of Student Affairs: Gina Golba, Mineral Hall, [ggolba@kcai.edu](mailto:ggolba@kcai.edu), 816.802.3397.

**Employees:**

Title IX Coordinator, Dean of Student Affairs: Gina Golba, Mineral Hall, [ggolba@kcai.edu](mailto:ggolba@kcai.edu), 816.802.3397.

A person may also file a complaint with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting: [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1.800.421.3481.

## **TITLE IX COORDINATOR**

It is the responsibility of the Title IX Coordinator to oversee the implementation of this policy. The Title IX Coordinator, or designee thereof, will coordinate dissemination of information and education and training programs to:

(1) assist members of the KCAI community in understanding that sexual misconduct, sex discrimination and sexual harassment are prohibited by this policy; (2) ensure that investigators are trained to respond to and investigate complaints of sexual misconduct, sex discrimination and sexual harassment; (3) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct, sex discrimination and sexual harassment; and (4) to implement the investigation and resolution procedures or to designate appropriate persons for implementing the procedures.

## **DEFINITIONS**

The following terms are defined below to provide context and greater understanding of this policy and prohibited conduct.

### **Advisor**

An advisor is someone who may be present for a hearing or any other meeting during the investigation process in support of the complainant or respondent. This person may only communicate with the complainant or respondent they are present in support of, and may not participate directly in the hearing/meeting, advocate on behalf of a party, and shall not perform any other function in the process other than advising. An advisor may be removed if they become disruptive or does not abide by the limitations discussed previously in this paragraph. Delays in the process will not be allowed based on the availability of an advisor.

### **Bystander intervention**

The interruption of a person's behavior or speech by a person who is present and had been a bystander prior to said interruption.

### **Coercion**

Coercion is an unreasonable amount of pressure to engage in sexual activity. Valid consent cannot be obtained through coercion.

### **Complainant**

The person or party bringing the complaint, or otherwise identified as an alleged victim of conduct prohibited by this policy.

### **Consent**

Consent is clear sexual permission and can only be given by someone of legal age. Consent can be given by a word or action, but non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Consent to one form of sexual activity should not, and cannot, be taken as consent to any other sexual activity. Consent cannot be inferred. Individuals who consent to sexual activity must be able to fully understand what they are

doing. A person incapacitated by alcohol or drugs, asleep, physically impaired or unable to communicate in clear and understandable words or actions is incapable of giving consent or mutual agreement. For example, when alcohol or other drugs have been used, a person may be unable to give valid consent if they cannot appreciate the who, what, where, when, why, or how of a sexual situation. Silence, without clear actions demonstrating permission, cannot be assumed to indicate consent. Mutually agreeable, or consent, means an informed agreement communicated in clear and understandable words or actions to participate in sexual activity.

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. Such a relationship is characterized by the expectation of affection or sexual involvement between the parties. The existence of such a relationship shall be determined based on a consideration of the (a) length of the relationship, (b) type of relationship, and (c) frequency of the interaction between the persons involved in the relationship.

### **Discrimination**

The term discrimination is defined by verbal, written, or physical acts indicative of unjust or prejudicial activity.

### **Domestic Violence**

Domestic violence is characterized as “domestic assault” under Missouri law. Domestic assault is defined in Mo. Rev. Stat. §§ 565.072-565.074. It generally involves violence or attempted violence perpetrated against a family or household member, including children. “Family or household member” is defined as “spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the complainant and anyone who has a child in common regardless of whether they have been married or have resided together at any time. See Mo. Rev. Stat. § 455.010.

### **Employee**

An employee is defined as anyone receiving a paycheck from KCAI. This includes faculty and staff, but excludes work study students.

### **Incapacitated**

When an individual lacks the ability to make rational, reasonable judgment as a result of alcohol or drug consumption.

### **Respondent**

The person or party responding to the complaint.

### **Retaliation**

Intimidating, coercing, or acting in any manner consistent with the intent to achieve reprisal against someone who has engaged in protected activity is defined as retaliation. Protected activities include:

- Reporting sexual misconduct, sex discrimination, or sexual harassment
- Filing a complaint
- Assisting someone in making a report, or filing a complaint
- Participating, in any manner, in an investigation
- Protesting any form of sexual misconduct, discrimination, or harassment

Individuals accused of violating a policy may be held responsible for any retaliation that is done by a third party if they are found to have directed or caused the third party to engage in the retaliatory behavior. KCAI will also not tolerate any person retaliating against another, and any person who feels that retaliatory action has been taken should report that action to the Assistant Dean of Students, or Dean of Student Affairs.

### **Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that adversely affects the terms and conditions of educational pursuits or employment. There are two types of sexual harassment:

#### **Quid Pro Quo**

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where submission to, or rejection of, such conduct results in adverse educational or employment action. Quid pro quo harassment also exists when a threat of adverse action or a promise of benefit is explicitly conditioned on submission to, or rejection of, such requests.

#### **Hostile Environment**

When harassment is sufficiently severe, pervasive, persistent, objectively or subjectively offensive to the point that it interferes with, limits, or denies the ability to participate in, or benefit from educational programs, activities, or employment of a reasonable person. The following standards can be used to assess whether a hostile environment exists:

- Frequency of speech or conduct
- Nature and severity of speech or conduct
- Whether the conduct was physically threatening
- Whether the conduct or speech was humiliating
- The effect of the speech or conduct on the alleged complainant's mental and/or emotional state
- Whether the speech or conduct was directed at more than one person
- Whether the speech or conduct arose in the context of other discriminatory conduct
- Whether the speech or conduct unreasonably interfered with the alleged complainant's educational or work performance
- Whether a statement is a mere utterance of an epithet, which engenders offense in a student or employee, or offends by mere discourtesy or rudeness.

The crimes of domestic assault, dating violence, and stalking can also constitute sexual harassment when such an incident is motivated by a person's sex.

### **Sexual Misconduct**

Sexual misconduct is a broad term that includes any unwanted or unwelcome conduct of a sexual nature that is committed without valid consent. In this respect, it serves as an umbrella term encompassing both sexual harassment and sexual violence/assault. Sexual misconduct may occur between people of the same sex or between people of different sexes. Sexual misconduct can include both intentional conduct and conduct resulting in negative effects, even if those effects were unintended.

### **Sexual Violence/Assault**

Sexual Violence/Assault is a severe form of sexual harassment and includes any type of physical sexual contact or sexual exploitation that occurs without the explicit consent of the recipient. Falling under the definition of sexual violence/assault are sexual activities such as non-consensual sexual intercourse, non-consensual sexual contact, and sexual exploitation.

**Non-consensual sexual intercourse** (or attempts to commit the same) is defined as:

- Any sexual intercourse (anal, oral, or vaginal)
- However slight
- With any object
- By a person upon another person
- Without consent and/or by physical force

**Non-consensual sexual contact** (or attempts to commit the same) is defined as:

- Any intentional sexual touching
- However slight
- With any object
- By a person upon another person
- Without consent and/or by physical force

**Sexual exploitation** is defined as:

Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited.

Examples of sexual exploitation include, but are not limited to:

- Prostituting another student
- Non-consensual video or audio recording of sexual activity
- Exceeding the boundaries of explicit consent, such as allowing someone to hide in a closet and observe one's consensual sexual activity
- Engaging in voyeurism (peeping)
- Knowingly transmitting a sexually transmitted disease/infection or HIV to another person

## **Stalking**

A person commits the crime of stalking if they purposely, through their course of conduct, harass or follow with the intent of harassing another person. "Course of conduct" is a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. It does not include constitutionally protected activity. See Mo. Rev. Stat. § 565.225.

## **Student**

A student is defined as an individual who is accepted until the time of graduation, but does not include time periods in between acceptance and graduation when a student is not enrolled for a semester or more.

## **EXAMPLES OF SEXUAL MISCONDUCT, SEX DISCRIMINATION, AND SEXUAL HARASSMENT**

The list of prohibited conduct under this policy includes, but is not limited to:

- Threat, advance, or suggestion of sexual relations or sexual contact that is not freely or mutually agreeable to both parties
- Threats or insinuation that the person's grades, academic success, educational reference or other conditions related to academics, or the person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances
- Repeated requests for social engagements or interactions, when prior social invitations have been refused or when the person has otherwise indicated such invitations are unwelcome
- Continual or repeated verbal abuse of a sexual nature including graphic commentaries regarding a person's body; comments regarding sexual behavior; sexually degrading words to describe a person; sexually suggestive gestures, including staring, leering, or ogling the person's body; unwelcome requests for sexual behavior; lewd comments, sexual innuendoes, and other vocal activity such as catcalls, wolf whistles, etc.
- Unwanted touching, rubbing, patting, or other physical contact with a person
- Display of photographs, cartoons, articles, or other written materials or images of a sexual nature in the educational environment, or workplace, which are outside of the context of art and design education. The art and design education context, however, may not be used as a screen for harassment
- Transmitting or accessing sexually explicit materials by computerized, electronic, or other means, such as e-mail, voice mail, text messaging, and social media which is outside of the context of art and design education. The art and design education context, however, may not be used as a screen for harassment. KCAI may review, audit, intercept, access, and disclose all matters on KCAI's computer, electronic, or telephone systems or equipment at any time, with or without notice, and that access may occur during or after working hours. The use of KCAI-provided password or code does not restrict KCAI from accessing communications on its computer, electronic, or telephone equipment or systems.
- Sexual violence, sexual assault, rape, sexual battery, and sexual coercion
- Offensive language, jokes, or other verbal or non-verbal graphic or physical conduct that is sexual in nature.

- Engaging in grooming, or desensitizing a person or group of people to the impact of sexual advances, sexual misconduct, discrimination, or harassment.
- An employee, or another student, repeatedly asks a student out on a date despite several rejections and the conduct reaches the level of sexual harassment as defined above.
- Bullying related to sexuality, gender, or sex.

## **INVESTIGATING COMPLAINTS**

KCAI will thoroughly and promptly investigate all claims of sexual misconduct, sex discrimination, and sexual harassment. Based on the investigation, KCAI will determine whether the complained-of conduct violates this policy under a preponderance of the evidence standard. The totality of the circumstances, the nature of the sexual misconduct, sex discrimination or sexual harassment, and the context in which the alleged incidents occurred will be considered in making this determination. KCAI's investigation is independent of any criminal investigation, and a law enforcement investigation does not relieve KCAI of its duty to investigate and resolve complaints.

### **Informal Resolution**

In some situations, the complainant may desire an informal approach to resolving the complaint rather than using the investigation and resolution procedures described below, and KCAI is willing to use informal resolution methods. However, informal resolution may only be used with the consent of both parties and the Title IX Coordinator or appropriate designee. Either party may end the informal approach at any time and move forward with formal procedures described below. In no case will an informal approach be used for complaints of sexual violence/assault.

### **Interim and Remedial Measures**

If sexual misconduct, sex discrimination or sexual harassment is alleged to have occurred, appropriate corrective action will be taken, and may include any remedial measures up to and including discharge from employment or expulsion from KCAI. Interim measures such as relocation, and no contact orders, etc. may be used to ensure the safety of individuals and the community while an investigation is taking place. If requested, KCAI will assist in changing the academic, living, transportation, or working situations, if such accommodations are reasonably available, for all parties involved.

### **Information Provided to Complainant and Respondent**

A complainant who makes a claim of sexual misconduct, sex discrimination or sexual harassment to KCAI will be given a copy of the document titled "Rights and Options After Filing a Complaint Under KCAI's Sexual Misconduct, Sex Discrimination and Sexual Harassment Policy." This document provides information about this policy and the procedures used to investigate and resolve complaints of this nature, options for filing complaints with local police, resources that are available on campus and in the community, etc. A person against whom a complaint has been filed will also be given similar information about the process and resources.

### **Complaints Against Parties That Are Not Students Or Employees**



If a member of the KCAI community believes that he or she has been discriminated or harassed by someone who is not a student or employee, KCAI will take appropriate action to address the situation, to the extent possible.

### **CONFIDENTIALITY**

KCAI will take reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, KCAI cannot guarantee confidentiality to those who make complaints, unless a complaint is made to a counselor employed by KCAI and currently working in KCAI counseling services. Campus counselors are not allowed to maintain confidentiality when working with clients who are minors, and are obligated to report allegations involving minors to local and KCAI authorities. Students may request on campus counseling services by completing a request online at <https://mykcai.kcai.edu/ics>. Students must log in, select the Student Resources tab, then click on Counseling on the left side of the page.

Confidentiality may also be maintained by outside resources, such as professional counselors not affiliated with KCAI, health care professionals, religious officials, or victim advocates. Students and employees may request off campus counseling services by contacting the Employee/Student Assistance Program through New Directions ([ndbh.com](http://ndbh.com) with passcode kcai). All other KCAI employees, besides those designated as counselors above, who receive reports of misconduct prohibited by this policy are required to report the misconduct. If a complainant insists that his or her name not be disclosed to the respondent, KCAI will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality; however, KCAI's ability to discipline a respondent may be limited. KCAI reserves the right to initiate and proceed with an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to others.

Requests for confidentiality will be evaluated by the Title IX Coordinator. The Title IX Coordinator may consult with other appropriate college officials, such as the Assistant Dean of Students, Vice President for Academic Affairs, Director of Human Resources, and legal counsel as necessary when assessing a confidentiality request.

### **RESOLVING COMPLAINTS**

Upon receipt of a complaint, an appropriate KCAI official(s) will be appointed to conduct a preliminary investigation to determine if there is reasonable cause to charge an individual with an alleged violation of this policy. If such a charge is made, KCAI will conduct a prompt and thorough investigation to gather information and determine whether conduct in violation of this policy occurred. How long an investigation will take depends on a number of factors, such as the complexity of the allegations, the number and availability of witnesses, and intervening college breaks/closures when school is not in session. The investigator will provide the parties with periodic updates regarding the status of the investigation. Upon completion of the investigation and review of evidence, a hearing will take place if the complainant, or alleged victim, is a student, or a determination of responsibility will be made by the investigator. Sanctions and remedial measures will be imposed, if necessary. In determining whether conduct violating this policy has occurred, KCAI will use, a preponderance of the evidence standard. This standard can be defined simply as "more

likely than not” that a violation of the policy occurred. Both the respondent and the complainant have the opportunity to appeal.

Because KCAI’s procedures for investigating and resolving a complaint of this nature differ from that of a criminal investigation and can be complicated, the list below will articulate the steps in the process:

- A report or complaint alleging sexual misconduct, sex discrimination, or sexual harassment is made to the proper KCAI official(s) as listed in this policy.
- KCAI officials responsible for these matters will conduct a preliminary investigation to determine: if there is reasonable cause to charge the respondent, what policies are alleged to have been violated, and assign investigators as appropriate.
- If the preliminary investigation determines there is not reasonable cause to charge the respondent, written notice will be provided to both parties within seven business days and the matter will be deemed to have been determined.
- If there is cause to charge the respondent, both parties will be provided written notice that a formal investigation has commenced. Written notice will include a description of the parties involved, the specific sections of the policy allegedly violated, the specific alleged misconduct, and the date(s) and location(s) of the misconduct. The parties shall receive written notice at least three business days before they are interviewed by the investigator(s). KCAI officials will determine if any interim measures are needed to ensure the safety of the individuals involved and or the campus community.
- The investigator will then determine the scope of the investigation and thereafter gather facts and information from the complainant, respondent, and other witnesses, and consult with appropriate KCAI official(s) about the complaint to determine appropriate actions.
- Upon conclusion of the investigation, the investigator will prepare a preliminary report summarizing the relevant evidence collected during the investigation. Each party will have five business days to review the report and provide any comment or response. Thereafter, the investigator will finalize the report and include a determination as to whether or not the respondent was found to have violated the policy as alleged.
- If a hearing is necessary, it will be done within seven business days of the notice of hearing. A hearing will be held when the complainant, or alleged victim, is a student. A hearing will not be used for any cases involving students in Continuing Education programs and/or KCAI employees. The investigator will make the finding for all other cases.

- After a complaint has been resolved, KCAI will notify both the complainant and the respondent of the outcome in writing, including any sanctions imposed, within three business days of the hearing or investigator's determination and will also provide information to both parties about the appeal process.
- Appeals, as described below, must be submitted within five business days of the notice of outcome.
- A decision on any appeals will be provided in writing to both the complainant and the respondent within seven business days of the filing of any appeal.

During the investigation and any subsequent hearing proceedings, both the complainant and the respondent have equal rights which are listed below:

- A safe environment
- Respect
- Resources and support
- Prompt and equitable conduct process
- Opportunity to review evidence
- Opportunity to have witnesses
- Opportunity to have an advisor
- Opportunity to file a complaint with law enforcement
- Freedom from retaliation and harassment
- Privacy
- Timely communication and resolution
- To be informed, simultaneously and in writing, of all relevant information related to the case as the complaint process progresses and is resolved.

## **APPEALS**

Both the complainant and the respondent may appeal the resolution within five business days of the issued resolution letter. The written appeal must be submitted by either party in writing via hand delivered letter to the Assistant Dean of Students, or designee thereof. Employee appeals will follow the same procedures, but should be directed to the Registrar, or designee thereof. If the party receives the resolution letter via US mail, the request for appeal must be submitted within five business days of the postmarked letter. The party waives the right to appeal if not filed in writing within five business days. The Assistant Dean of Students, Director of Student Support, Registrar, or designee thereof will consider the request for appeal and conduct the appeal review, if applicable. If the Assistant Dean of Students participated in the initial hearing, the Director of Student Support will consider the appeal. If the Director of Student Support participated in the initial hearing, the Assistant Dean will consider the appeal. If both the Dean and Assistant Dean participated in the initial hearing, a designee will be selected to consider the appeal. An appeal will be considered when:

- A. A procedural error occurred that significantly impacted the outcome of the hearing.
- B. New information is available that was unavailable at the time of the hearing that could substantially impact the original finding or sanction.
- C. The sanction is substantially disproportionate to the severity of the violation.

The written request for appeal must include:

- A. Name of the appealing party.
- B. Time, date, and location of the violation.
- C. Type of violation.
- D. Resolution and sanctions.
- E. Reason for appeal (see reasons for reversal listed above).
- F. Supporting material, if applicable.

The Assistant Dean of Students, Director of Student Support, Registrar, or designee thereof will render a written decision to both parties within seven business days of the appeal. Notice will be hand delivered by Security personnel, mailed via US postal service to the parties' local or current addresses, and/or emailed to the parties' official KCAI email accounts.

The Assistant Dean of Students, Director of Student Support, Registrar, or designee thereof may:

- A. Uphold the original resolution and sanctions.
- B. Uphold the original resolution and alter the sanction(s).
- C. Overturn original resolution and sanctions.

The decision of the Assistant Dean of Students, Director of Student Support, Registrar, or designee thereof is final and binding. There are no further appeals available. The decision will be provided to both the complainant and the respondent in writing, and the notice will specify any changes made to the original determination and/or the sanctions imposed.

### **CONFLICTS OF INTEREST**

KCAI officials and other employees involved in an investigation, hearing, or appeal under this policy must recuse themselves if they have or had a relationship with a complainant or respondent, or a past interaction with a complainant or respondent, that could affect their ability to act impartially. In situations where it is unclear whether a conflict exists, err on the side of caution. The Title IX Coordinator or other KCAI official without a conflict will make the ultimate determination on recusal when there is a connection in a particular situation that causes concern about impartiality.

### **DOCUMENTATION**

Throughout all stages of the investigation, resolution, and appeal, the investigator, chair of the hearing panel, and person resolving the appeal, as the case may be, are responsible for maintaining documentation of the investigation, resolution, and appeal, including documentation of all proceedings conducted under these procedures, which may include

written statements, documentary evidence, written findings of fact, transcripts, and audio recordings.

Documentation of the findings of student code of conduct violations will be placed in the student's disciplinary file but are not placed in the student's transcript. Student records developed in connection with proceedings arising out of the student code of conduct, academic honesty and sexual misconduct policies are ordinarily retained for a period of ten (10) years after completion of the matter, or until the completion of any legal or administrative proceeding, whichever is later. Students may request to review their student file on such matters by submitting a written request to the Assistant Dean of Students. Recordings are the property of the college and will not be duplicated. After the retention period has expired, the files are typically purged and destroyed according to KCAI document destruction protocols. In its discretion, KCAI may retain specific files or classes of files (such as files relating to suspension or expulsion decisions) for longer periods.

### **KCAI'S COMMITMENT TO EFFECTIVE POLICIES THAT PROHIBIT SEXUAL MISCONDUCT, SEX DISCRIMINATION, AND SEXUAL HARASSMENT**

If any member of the KCAI community feels KCAI has not met its obligations under this policy, the person should contact the Title IX Coordinator. Effective policies that prohibit sexual misconduct, sex discrimination, and sexual harassment depend on everyone, working together to address this very important subject.

### **RESOURCES AND SUPPLEMENTAL INFORMATION**

#### Campus Resources:

Assistant Dean of Students – 816-802-3419  
Dean of Student Affairs – 816-802-3397  
KCAI Counseling Services – 816-802-3376  
Academic Support – 816-802-3440

#### For Employees:

Human Resources - 816-802-3434  
Employee Assistance Program (counseling) - [ndbh.com](http://ndbh.com) with passcode kcai, or 816-237-2352

#### Local Resources:

Kansas City Missouri Police Department, call 911, [www.kcpd.org](http://www.kcpd.org)  
Metropolitan Organization to Counter Sexual Assault (MOCSA), [www.mocsa.org](http://www.mocsa.org)  
Kansas City Anti-Violence Project (LGBT resource), <http://www.kcavp.org/home>  
Rose Brooks Center – emergency shelter for women and children experiencing domestic violence, 816-861-6100

#### National Resources:

Not Alone: Together Against Sexual Assault, [www.notalone.gov](http://www.notalone.gov)  
National Sexual Violence Resource Center, <http://www.nsvrc.org/>  
The United States Department of Justice, <http://www.ovw.usdoj.gov/sexassault.htm>  
Rape, Abuse, and Incest National Network, <http://www.rainn.org/>  
The Hotline (domestic violence resources), <http://www.thehotline.org/>

The National Center for Victims of Crime, <http://www.victimsofcrime.org/>  
Stalking Resource Center, <http://www.victimsofcrime.org/our-programs/stalking-resource-center>

**Hotlines:**

MOCSA's 24-hour Crisis Line: 816-531-0233 or 913-642-0233

RAINN's 24-hour Crisis Line: 1-800-656-HOPE (4673)

Kansas City Anti-Violence Project's Hotline: 816-561-0550

Domestic Violence 24-hour Crisis Lines: 816-461-HOPE and 816-HOTLINE

National Domestic Violence 24-hour Crisis Line: 1-800-799-SAFE

**Local Hospitals:**

St. Luke's, 4401 Wornall Road, Kansas City, MO 64111, (816) 932-2000

University of Kansas Hospital, 3901 Rainbow Boulevard, Kansas City, KS 66160

Truman Medical Center, 2301 Holmes Street, Kansas City, MO 64108-2640

## **FREQUENTLY ASKED QUESTIONS**

### **Will my parents/guardians be notified?**

Whether you are the respondent, or the complainant, KCAI's primary relationship is with the student, not the parent. It is, however, recommended that students contact their parents/guardians to seek support and assistance. KCAI staff may directly inform parents/guardians when requested to do so by a student, in a life-threatening situation, if the health and well-being of the student is in question, or if the student is a minor.

### **Will I have to confront the respondent?**

At a complainant's request, KCAI will create a situation where this process can take place without the complainant and respondent having to come into direct contact with each other. This can include implementing a no contact order, rearranging class schedules, or other interim measures. It may also include the use of video conference, teleconference, or physical barriers at any hearing.

### **Do I have to name the alleged perpetrator?**

Yes. If formal conduct action is to be taken, the respondent must be named. Please review sections on reporting and confidentiality. Informal reports can be taken but this places serious limitations on what KCAI can do to respond and remedy the situation.

### **What should I do if I am accused of sexual misconduct?**

Do not contact the complainant. It is recommended that you contact the Assistant Dean of Students, or Title IX Coordinator who can explain the procedures for dealing with complaints of sexual misconduct. Counselors may also be available on campus and can speak with you confidentially.

### **How can KCAI support complainants and respondents and remedy potential effects of sexual misconduct?**

Possible options include, but are not limited to:

- Changing rooms and or floors within the Living Center
- Inquiring about rescheduling exams or due dates for projects
- Taking an incomplete in a class
- Switching sections in a class
- Leave of absence from KCAI
- Alternative course completion options
- No contact order
- Counseling and Psychiatric services
- Escorts to and from campus buildings

Interim or remedial measures will be implemented in a fair and equitable manner for all parties involved.

**What should be done to preserve evidence of sexual violence/assault, domestic assault, dating violence, and stalking?**

If you feel you have been a victim of sexual violence/assault, domestic assault, or dating violence, you should go immediately to a hospital emergency room before washing yourself or your clothing. If you have changed clothes, bring the clothes that were worn at the time of the time of the alleged incident. It may also be advisable to take a change of clothes if possible. A SANE (Sexual Assault Nurse Examiner) Nurse may be available at the hospital and can counsel you. Local police will be contacted. Unless you are a minor, you are not obligated to speak with them, or prosecute at that time. The preservation of evidence may be necessary for proof of the crime committed or in obtaining a protection order.

It is also important to take steps to preserve evidence in cases of stalking, the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

**Will either party’s use of drugs or alcohol be considered when reporting sexual misconduct?**

This will only be considered if drug or alcohol use is a relevant factor in the complaint (i.e., consent, etc.), and in most cases amnesty in a related drug/alcohol violation is offered to the complainant. This is not meant to excuse inappropriate use of drugs or alcohol, but rather to ensure that reporting of sexual misconduct is not inhibited.

**RISK REDUCTION TIPS**

Tips of this nature have the potential to make a complainant feel blamed for sexual misconduct that has occurred. Sexual misconduct is never the fault of the complainant, and these tips are offered with the intent of helping recognize patterns that will reduce the risk of victimization.

- Make your limits known before engaging in any sexual encounter or situation
- Give clear verbal messages such as “yes” or “no” and do not leave room for interpretation
- Remove yourself from situations with potential sexual aggressors if possible
- Ask someone nearby for assistance

- Be cautious about your alcohol intake, and be aware that it may lower your sexual inhibitions
- Watch out for your friends, and ask them to watch out for you
- Be mindful of non-verbal messages you are sending that may conflict with your verbal messages
- Be forceful and firm, do not worry about being polite
- Trust your feelings or instincts

### **TRAINING AND PREVENTION**

KCAI is committed to educating students and employees about sexual misconduct, discrimination, and harassment. Students and employees are trained annually regarding related KCAI policies and reporting procedures, as well as prevention and bystander training. The procedures that are described above are implemented by KCAI officials who receive annual training on issues related to sexual misconduct, domestic assault, dating violence, stalking, and how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability.

### **CAMPUS SEX CRIMES PREVENTION ACT**

The Campus Sex Crime Prevention Act is a federal law that requires sex offenders who already must register in a state to indicate if they are employed or enrolled at an institution of higher education. The state collects information on the offender and then turns that information over to local law enforcement with jurisdiction where the institute of higher education is located. The Act further requires institutions of higher education, such as the Kansas City Art Institute, to inform the campus community how to obtain local law enforcement information on registered sex offenders. The Jackson County Sheriff Department Website [www.jacksongov.org/sheriff](http://www.jacksongov.org/sheriff), currently provides a link to the Missouri Sex Offender Registry Website and a link to the National Sex Offender Public Website. Registry lists may be obtained free of charge through these internet sites.