

# **Benedictine College – Main Campus**

## **2024 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT**

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Benedictine College ("College") with information on: the College's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by the Vice President of Student Life in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting the Student Life Office at 913-360-7500. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

### **General Safety and Security Policies**

#### **Campus Security Personnel & Relationship with Local Law Enforcement**

The Benedictine College Department of Safety and Security is responsible for campus safety at the College.

The Department of Safety and Security is located at 1301 N Third Street, adjacent to Rocky's Copies. The department is open and provides protection and services 24 hours a day, 365 days a year. Campus Security is staffed by both full-time and part-time officers. Benedictine College contracts with Allied Universal, a private security firm, to provide these security officers on campus. All the officers are trained in general security practices, as well as standard first aid and CPR. The security department's jurisdiction covers all the institution's property and the neighborhoods surrounding the main campus. All Campus Security officers are radio equipped for an efficient response to community needs and have designated patrol vehicles. Security officers have the authority to detain anyone who comes on campus, but do not have arrest authority.

The Department of Safety and Security works closely with the Atchison Police Department and the Atchison County Sheriff's Department in coordinating any necessary police responses or arrests on campus. The Department of Safety and Security has an excellent working relationship with local law enforcement agencies, which assures the delivery of professional police services. The College has a written Memorandum of Understanding (MOU) with the Atchison Police Department for the investigation of crimes occurring on campus.

## **Campus Security Authorities**

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- Mr. Matthew Fassero, Director of Operations at 913-360-7421; mfassero@benedictine.edu
- Mr. Patrick VanKirk, Director of Human Resources at 913-360-7326; pvankirk@benedictine.edu
- Dr. Sean Mulcahy, Vice Provost/Title IX Coordinator - 913-360-7965; smulcahy@benedictine.edu
- Mr. Eric Burghart, Director of Student Conduct/ Title IX Deputy Coordinator – 913-360-7500; eburghart@benedictine.edu

## **Reporting a Crime or Emergency**

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged when the victim of a crime elects to, or is unable to, make such a report.

Such reports should be made as follows:

- Situations that pose imminent danger or while a crime is in progress should be reported immediately by calling 911 (9-911 if using a campus phone) to reach the Atchison County Sheriff's Department dispatch center and then contacting the Department of Safety and Security at Ext. 8888 or 913-360-8888. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred.
  - A person making a report to the Department of Safety and Security will be asked to fill out an incident report form. These forms are available in the Department of Safety and Security Office, the Student Life Office, and the Human Resources Office.
- Students, staff, and visitors can also report criminal actions, accidents, injuries, or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of college staff will assist a student in making the report to the police.
- All college faculty and staff are required to inform the Title IX Coordinator, a Deputy Title IX Coordinator or Campus Security if they become aware of an incident of possible sexual misconduct (sexual harassment, sexual assault, domestic violence, dating violence and stalking).

- Anonymous incident reports can also be made at any time to one of the above-mentioned campus security authorities. Anonymous reports can be made by phone or by completing an anonymous crime through the online form at [https://benedictinecollege.formstack.com/forms/incident\\_report](https://benedictinecollege.formstack.com/forms/incident_report).

## **Confidential Reporting**

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the College's Title IX Sexual Harassment Policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system, or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

The College encourages its pastoral and professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

## **Security of and Access to Campus Facilities**

All academic buildings are secured during the evenings and weekends, and unlocked and accessible to the campus community during regular business hours, Monday - Friday. After-hour access to the buildings is only allowed for faculty/staff members and students who have special permission from faculty/staff members. The residence halls are always locked. Residents are furnished with a room key or provided access on their ID card and are always encouraged to keep their door locked for security reasons. If a student loses a room key, he/she is responsible for the cost of re-coring the lock. During short vacation periods, the outside doors remain locked throughout the vacation period and access is by key only for residents approved to stay during the vacation period. Students are not allowed in without special permission.

Security officers perform random "walk-arounds" near residence halls from 11:30 p.m. until 7:30 a.m. The officers also perform vehicle patrols of parking lots and surrounding areas.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others.

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to non-students and do not leave them unattended.
- Do not give access codes to anyone who does not belong to the campus community.

Benedictine College will make reasonable efforts to protect personal property; however, the College is not liable for the loss of, theft of, or damage to personal property. Neither is Benedictine College liable for failure or interruption of utilities. Authorized personnel may enter student rooms without the residents' permission for maintenance purposes, fire and safety inspections, damage inspection, in emergency situations and/or to enforce college policies as indicated in the student handbook.

## **Security Considerations in the Maintenance of Facilities**

Security also is a consideration in maintaining campus facilities.

Safety checks are completed by the Operations Department to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure pathways are well lighted and that egress lighting is working in hallways and stairwells.

## **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs, as well as programs designed to prevent crimes, are discussed below.

- Crime prevention programs are presented to current students each semester by the Campus Safety Committee, Campus Security, and the Student Life Office. In addition, handouts on crime prevention are available at the Student Life Office and for employees at the Human Resources Office. Periodically, e-mail blasts are sent out to students and employees with crime prevention and other safety tips.
- The College provides information at the beginning of each academic term to students and employees regarding the College's security procedures and practices. Among other things, it advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.
- Additional programming related to safety and security includes the following:
  1. Students checking into the residence halls receive handouts concerning proper fire alarm and tornado procedures including exiting procedures.
  2. Emergency Procedures pamphlets are present in employee offices, which includes fire, severe weather, utility failure, violent behavior/suspicious activity, and medical emergency.
  3. New students receive Title IX/VAWA training at the beginning of each academic year.
  4. All newly hired employees are assigned Title IX/VAWA, Sexual Harassment and other safety-related training as part of the onboarding process.
  5. Title IX training is conducted by Derek Teeter of Husch Blackwell for the faculty in August. Attendance rosters are collected, and web-based training (via SafeColleges) is assigned to all staff, and faculty who do not attend the live training. Quarterly trainings continue through the year and include Sexual Harassment, FERPA and other safety-related trainings.
  6. Resident Assistants receive training in crisis management, dealing with critical incidents, and monitoring facilities.

7. Alcohol Education programs are sponsored regularly by the Alcohol and Drug Task Force and Residence Life Department. Popular programs are campus-wide alcohol-free events sponsored by each residence hall throughout the year that include alcohol education as well as tailgates before varsity football and soccer games.
8. Safety and security issues are addressed by residence life and counseling staff during new student orientation and the first month of the academic year regarding, including such topics as the use of alcohol and illegal drugs, and managing physical and emotional stress, and being aware of potential problems in the surrounding environment.
9. Campus Security has also received A.L.I.C.E. (Alert/Lockdown/Inform/Counter/Evacuate) training and plans to use this training to teach students and employees how to survive if they were to be confronted by a violent person with a weapon in a group setting.
10. Employees and students are informed about the campus security procedures through briefings by campus security personnel, written communication from college officials, via campus postings, e-mail distribution, or internet posting.

Benedictine College firmly believes the foundation for a successful safety and security program requires the constant cooperation and input from the entire College community. The entire College community is best served if each member employs preventative attention to any hazards in our daily work, consistently uses safe practices, and immediately reports any unsafe or hazardous conditions.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The College does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the College will 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 the College 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 the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the College's activities, unless it is done in accordance with applicable College policies, and it also enforces the state's underage drinking laws.

The College also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violators of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

## **Federal Drug Laws (updated 08.05.2024)**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university **(21 U.S.C. § 860)** face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal\\_Trafficking\\_Penalties\\_Chart\\_6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

## Drug and Alcohol State Laws

Category	Summary (Kansas Statutes)
Possession of Marijuana	Possession of marijuana is a Class B nonperson misdemeanor in Kansas with the possibility of up to six months incarceration and a fine of up to \$1,000. Kan. Stat. Ann. §§ 21-5706(c)(3)(A), 21-6602, 21-6611. Penalties increase with additional convictions. §§ 21-5706(c)(3)(B)–(C), 21-6602, 21-6611. Distribution or possession with intent to distribute marijuana is a drug severity level 4 felony for quantities of less than 25 grams. § 21-5705. A Level 4 felony can result in up to 51 months imprisonment. § 21-6805. Kansas does not allow the medical use of marijuana.
Controlled Substances	<p>It is illegal in Kansas to be in possession of a controlled substance. § 21-5706(a)–(b). Penalties vary widely based on the offense and the defendant’s criminal history. §§ 21-5705 – 21-5710.</p> <p>Possession of opiates, opium, or certain stimulants (including methamphetamine) is a Level 5 felony for which a defendant faces up to 3.5 years in prison and \$100,000 in fines. §§ 21-5706(c)(1), 21-6611(a)(3). For certain other drugs, the first offense is a Class A nonperson misdemeanor, with up to a year in prison and up to \$2,500 in fines. Prior offenses result in a Level 5 felony. § 21-5706(c)(2)(B). Possession of drug paraphernalia is a Class B nonperson misdemeanor or a Level 5 felony, depending on how the paraphernalia is used. § 21-5709.</p> <p>Distribution of controlled substances is also illegal, with punishments dependent on the substance and the amount. § 21-5705. Possession of larger quantities of controlled substances results in an inference of an intent to distribute. § 21-5705(e).</p>
Alcohol and Minors	<p>No person under the age of 21 shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic beverages. § 41-727. A violation, for a person aged 18 to 20, constitutes a Class C misdemeanor with a fine of \$200 to \$500 and imprisonment for up to one month. <i>Id.</i> It may also result in 40 hours of community service and/or completion of an educational training program regarding the results of alcohol and other chemical substances. <i>Id.</i> Second convictions result in a 90-day loss of driving privileges. <i>Id.</i> Third convictions result in a one-year loss of driving privileges. <i>Id.</i></p> <p>Furnishing alcoholic liquor or cereal malt beverage to a minor is a Class B person misdemeanor, punishable by a fine of \$200 to \$1000 and imprisonment for up to 6 months. § 21-5607(c)(1). It is also illegal for any person under the age of 21 to display or have in possession any fictitious or fraudulently altered identification card for use in the purchase of any alcoholic liquor or cereal malt beverage. § 8-1327(c)(4). A first violation constitutes a Class B nonperson misdemeanor with a sentence of not less</p>

Category	Summary (Kansas Statutes)
	than 100 hours of public service, up to 6 months imprisonment, and a fine of not less than \$200 nor more than \$500. § 8-1327(d)(1).
Driving Under the Influence (DUI)	It is illegal to operate or attempt to operate a car with a blood alcohol content of 0.08 percent or greater or while under the influence of alcohol or any drug to a degree that renders a person incapable of safely driving a vehicle. § 8-1567(a). A first offense is a Class B nonperson misdemeanor with a minimum imprisonment of 48 consecutive hours up to six months (or 100 hours of public service in the court's discretion) and a fine of \$750–\$1,000. § 8-1567(b)(1)(A). For a second offense, the penalties increase to a Class A nonperson misdemeanor with a term of imprisonment of 90 days to one year and a fine of not less than \$1,250 nor more than \$1,750. § 8-1567(b)(1)(B). It is also unlawful for any person less than 21 years of age to operate or attempt to operate a vehicle with a breath or blood alcohol content of .02 or greater. § 8-1567a(a). For a first offense, the person's driving privileges will be suspended for 30 days and then restricted for an additional 180 days. § 8-1567a(f). It is generally illegal to operate a motor vehicle with an opened alcoholic beverage in your possession. § 8-1599. A violation is a misdemeanor punishable by a fine of not more than \$200 or by imprisonment for not more than six months, or both. <i>Id.</i>

## Drug and Alcohol Abuse Prevention Program

In compliance with the Drug Free Schools and Communities Act (DFSCA), the College has a drug and alcohol abuse and prevention program. Information is distributed annually to students and employees regarding the College's prohibition of unlawful drug and alcohol use and sanctions for violating the College's drug and alcohol policies, legal penalties under various laws for violating their prohibitions on drug and alcohol use, the health effects from abusing these substances, and a description of the educational programs aimed at preventing abuse and the resources available to individuals with a substance abuse problem. Further, the College conducts a biennial review of its drug and alcohol abuse prevention program to determine its effectiveness and ensure that sanctions are being consistently enforced. A copy of the biennial review can be obtained by contacting Dr. Linda Henry, Vice President of Student Life or survey results may be viewed online at <https://www.benedictine.edu/student-life/health/alcohol-drug/statistics/>. More information about the program, including the College's drug and alcohol policies for students can be located at <https://www.benedictine.edu/student-life/health/alcohol-drug> or by contacting the Student Life Office. In addition, employee policies related to alcohol and drugs can be found in the Employee Handbook at <https://www.benedictine.edu/resources/employee-handbook>.

Also, note that the Benedictine College Counseling Center utilizes the prevention model, assisting students by anticipating and intervening in situations where substance abuse may negatively influence student performance in the community and environment. Individual counseling, alcohol and other drug use assessment, referral for further evaluation and treatment, and educational programming are important components of this service. Contact: The Counseling Center: <https://www.benedictine.edu/student-life/health/counseling-center/index> or 913-360-7621.

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**



Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Title IX Sexual Harassment Policy: <https://www.benedictine.edu/about/policies/title-ix>
- Student Handbook: <https://www.benedictine.edu/resources/student-handbook>
- Employee Handbook: <https://www.benedictine.edu/resources/employee-handbook>
- Faculty Handbook: <https://www.benedictine.edu/resources/faculty-handbook>

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### **Primary Prevention and Awareness Program:**

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### **Crime Definitions**

<b>Crime Type (Kansas Statutes Annotated)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Kansas law does not define the term dating violence.
Domestic Violence	<ul style="list-style-type: none"> <li>• Domestic Violence (Kan. Stat. Ann. § 21-5111): “Domestic violence” means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. “Domestic violence” also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.</li> <li>• Domestic Battery (Kan. Stat. Ann. § 21-5414(a)): Domestic battery is (1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or (2) knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>or a family or household member, when done in a rude, insulting or angry manner.</p> <ul style="list-style-type: none"> <li>Aggravated Domestic Battery (Kan. Stat. Ann. § 21-5414(b)): Aggravated domestic battery is: (1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner; or (2) knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.</li> </ul> <p>For purpose of the above definitions:</p> <ul style="list-style-type: none"> <li>“Dating relationship” means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.</li> <li>“Family or household member” means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and person who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. “Family and household member” also includes a man and woman if the woman is pregnant and the man is the alleged father, regardless of whether they have been married or have lived together at any time.</li> </ul>
Stalking (Kan. Stat. Ann. § 21-5427)	<ul style="list-style-type: none"> <li>Stalking is: (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; (2) Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or (3) After being served with, or otherwise provided notice of any protective order...that prohibits contact with a targeted person, recklessly engaging in at least one act listed [below] that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the</li> </ul>

<b>Crime Type (Kansas Statutes Annotated)</b>	<b>Definitions</b>
	<p>targeted person is actually placed in such fear; or intentionally engaging in a course of conduct targeted at a specific child under the age of 14 that would cause a reasonable person in the circumstances of the targeted child, or a reasonable person in the circumstances of an immediate family member of such child, to fear for such child's safety.</p> <ul style="list-style-type: none"> <li>• "Course of conduct" means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof: (A) Threatening the safety of the targeted person or a member of such person's immediate family; (B) Following, approaching or confronting the targeted person or a member of such person's immediate family; (C) Appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family; (D) Causing damage to the targeted person's residence or property or that of a member of such person's immediate family; (E) Placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person; (F) Causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family; (G) Utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns; and (H) Any act of communication.</li> <li>• "Immediate Family" means: (A) father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; (B) any person residing in the household of the targeted person; or (C) any person involved in an intimate relationship with the targeted person.</li> </ul>
Sexual Assault	The institution has determined, based on good-faith research, that Kansas law does not define the term sexual assault.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Kansas law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Kan. Stat. Ann. § 21-5503): (1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances: (A) When the victim is overcome by force or fear; or (B) when the victim is unconscious or physically powerless; (2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; (3) sexual intercourse with a child who is under 14 years of age; (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or (5) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.</p> <ul style="list-style-type: none"> <li>• Fondling: The institution has determined, based on good-faith research, that Kansas law does not define the term fondling.</li> <li>• Incest (Kan. Stat. Ann. § 21-5604(a)): Incest is marriage to or engaging in otherwise lawful sexual intercourse or sodomy, as defined in K.S.A. 21-5501, and amendments thereto, with a person who is 18 or more years of age and who is known to the offender to be related to the offender as any of the following biological relatives: Parent, child, grandparent of any degree, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.</li> <li>• Aggravated Incest (Kan. Stat. Ann. § 21-5604(b)): Aggravated incest is (1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or (2) engaging in the following acts with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece: (A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 21-5501, and amendments thereto; or (B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 21-5506, and amendments thereto.</li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Kansas law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Kansas law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Criminal Sodomy (Kan. Stat. Ann. § 21-5504(a)): Criminal sodomy is: (1) Sodomy between persons who are 16 or more years of age and members of the same sex* [this provision was found</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>unconstitutional as applied by <i>State v. Franco</i>, 319 P.3d 551 (2014) and thus unenforceable with regard to any intercourse between consenting adults of the same sex conducted in private; (2) sodomy between a person and an animal; (3) sodomy with a child who is 14 or more years of age but less than 16 years of age; or (4) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.</p> <ul style="list-style-type: none"> <li>• Aggravated Criminal Sodomy (Kan. Stat. Ann. § 21-5504(b)): Aggravated criminal sodomy is: (1) Sodomy with a child who is under 14 years of age; (2) causing a child under 14 years of age to engage in sodomy with any person or an animal; or (3) sodomy with a victim who does not consent to the sodomy or causing a victim, without the victim's consent, to engage in sodomy with any person or an animal under any of the following circumstances: (A) When the victim is overcome by force or fear; (B) when the victim is unconscious or physically powerless; or (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.</li> <li>• Sexual Battery (Kan. Stat. Ann. § 21-5505(a)): Sexual battery is the touching of a victim who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.</li> <li>• Aggravated Sexual Battery (Kan. Stat. Ann. § 21-5505(b)): Aggravated sexual battery is sexual battery, as defined in subsection (a), under any of the following circumstances: (1) When the victim is overcome by force or fear; (2) when the victim is unconscious or physically powerless; or (3) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.</li> <li>• Indecent Liberties with a Child (Kan. Stat. Ann. § 21-5506(a)): Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age: (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.</li> <li>• Aggravated Indecent Liberties with a Child (Kan. Stat. Ann. § 21-5506(b)): Aggravated indecent liberties with a child is: (1) Sexual</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>intercourse with a child who is 14 or more years of age but less than 16 years of age; (2) engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age and who does not consent thereto: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or (3) engaging in any of the following acts with a child who is under 14 years of age: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.</p> <ul style="list-style-type: none"> <li>• Unlawful voluntary sexual relations (Kan. Stat. Ann. § 21-5507): Unlawful voluntary sexual relations is: <ul style="list-style-type: none"> <li>○ (1) Engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age: <ul style="list-style-type: none"> <li>▪ (A) Voluntary sexual intercourse;</li> <li>▪ (B) voluntary sodomy; or</li> <li>▪ (C) voluntary lewd fondling or touching;</li> </ul> </li> <li>○ (2) when the offender is less than 19 years of age;</li> <li>○ (3) when the offender is less than four years of age older than the child;</li> <li>○ (4) when the child and the offender are the only parties involved; and</li> <li>○ (5) when the child and the offender are members of the opposite sex.</li> </ul> </li> </ul>
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Kansas law does not define the term consent (as it relates to sexual activity).

### College Definition of Consent

Though Kansas law does not specifically define consent (as it relates to sexual activity), the College uses the following definition of consent in its Sexual Harassment Policy for the purpose of determining whether sexual violence (including sexual assault) has occurred.

“Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent. Consent must be given voluntarily. It cannot be procured through physical violence, threats, blackmail, or other unreasonable pressure for sexual activity. Consent to some form of sexual activity cannot be

automatically taken as consent to any other form of sexual activity. Previous relationships or prior consent do not imply consent to future sexual acts. In order to give effective consent, a person must be of legal age.

### Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.
- If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:
- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.
- It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

### Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. The College desires to promote a culture of community accountability in which bystanders are actively engaged in the prevention of violence without causing further harm. You may not always know what to do even if you want to help. If you or someone else is in immediate danger, dial 911 or Campus Security at 913-360-8888.

### Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the College. Methods include, but are not limited to, online presentations, distribution of written materials, periodic email blasts, and guest speakers. The programs are carried out by collaborating efforts of the Vice President of Student Life and departmental staff, Director of Human Resources, Campus Security, and the Title IX Coordinator.

A summary of this programming is provided below:



- Providing Title IX/VAWA educational training, including healthy relationships information, to all new students during orientation.
- Providing Title IX/VAWA training for all faculty, staff, and employees. All new employees complete an online training module on these topics upon hire and retake the online training each year.
- Distributing a Title IX/VAWA informational brochure to all students
- Updating and maintaining a Title IX/VAWA webpage on the College website that includes information about the Sexual Harassment Policy, available resource, etc.
- Providing a Health Fair on campus
- Conducting various bystander intervention and healthy relationships workshops
- Hosting Alcohol Education programs and healthy relationships speakers on campus as well as an Awareness Campaign via posters across campus
- Promoting campus activities of student lead Alcohol and Drug Task Force peer group
- Offering educational sessions and literature in coordination with nationally recognized observances, such as Sexual Assault Awareness Month
- Providing training for Title IX/VAWA Investigators and Student Life staff regarding expectations/challenges

In summary, because the College recognizes that the prevention of sexual assault, domestic violence, dating violence, and stalking is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks.

### **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call 911 or Campus Security at 913-360-8888. You may also contact the College's Title IX Coordinator Dr. Sean Mulcahy at 913-360-7965, [smulcahy@benedictine.edu](mailto:smulcahy@benedictine.edu). Students may also contact the College's Deputy Title IX Coordinator, Eric Burghart, Director of Student Conduct. Mr. Burghart can be reached at 913-360-7500, [eburghart@benedictine.edu](mailto:eburghart@benedictine.edu).

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Amberwell Atchison, 800 Raven Hill Road, Atchison, KS 66002; 913-367-2131.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### Security/Law Enforcement & How to Make a Police Report

- Department of Safety and Security (Campus Security) at 1301 N Third Street, Atchison, KS 66002: 913-360-8888
- Atchison Police Department at 515 Kansas Avenue, Atchison, KS 66002; 911 (9-11 from campus phone) or 913-367-4323 for non-emergency
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

In Kansas, victims may obtain a Protection from Abuse Order, which provides protective relief for victims of dating violence, domestic violence, or sexual assault. A victim of stalking may also obtain a Protection from Stalking Order. Information about these protection orders and required forms can be found at: <https://www.kansasjudicialcouncil.org/legal-forms/protection-orders>.

There are three main types of protection orders in Kansas:

- Emergency (only applies to Protection from Abuse Orders) – expires at 5:00 p.m. on the first day when the court resumes business.
- Temporary – remains in effect until a final order is served or until it is terminated by order of the court.
- Final – will expire after one year or on the date stated in the order unless an extension or modification is requested and granted from the court before the order expires.

A Petition for Order of Protection should be filed for in the Atchison District Court, located in the Atchison Courthouse. The address is: 423 North 5th Street, Atchison, Kansas 66002. The phone number for the Clerk of District Court is 913-804-6060.

Information about obtaining an Order of Protection in Atchison Kansas can be found by contacting the Clerk of the District Court or the Atchison Police Department.

The circuit court clerk's office can provide the necessary forms and may assist in completing the forms. A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection. Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.

The Atchison Police Department encourages victims of domestic violence to work with advocates through the Alliance Against Family Violence in Leavenworth, KS. The crisis line is 913-675-7217. Victims may also contact the Kansas state-wide Crisis Hotline by calling 1-888-363-2287.

The College will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the College and can be enforced on campus, if necessary. Upon learning of any orders, the College will take all reasonable and legal action to implement the order.

The College does not issue legal orders of protection. However, as a matter of institutional policy, the College may impose a no-contact order between individuals in appropriate circumstances. The College may also issue a "no trespass warning" if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

#### College Resources

- Benedictine College Counseling Center: 913-360-7621
- Benedictine College Student Health Center: 913-360-7117
- Benedictine College Ministry Department: 913-360-7735
- Benedictine College Department of Safety and Security: 913-360-8888
- Benedictine College Financial Aid Office: 913-360-7484. Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College's financial aid website can be found at: <https://www.benedictine.edu/admission/financial-aid/index>.
- Benedictine College Center for International Education: 913-360-7538
- Benedictine College Resident Director (RD) On-Call number: 913-360-7070

- Students and employees may receive professional, confidential, no-cost crisis counseling services through the College Counseling Center, located in the Student Health Building. Counseling is available even if a violation hasn't been reported. The phone number is 913-360-7621.
- The local Alliance Against Family Violence provides 24 Hour support for victims of sexual assault and dating, or domestic violence and these services can be reached by calling 1-913-675-7217.
- Victims seeking support can also share information in confidence to official clergy on campus. Appointments can be scheduled with Fr. Ryan Richardson, College Chaplain, and Fr. Brett Taira, Assistant Chaplain, by calling 913-360-7735.

#### State and Local Resources

- Kansas Legal Services, 712 S. Kansas Ave., Topeka, KS 66603, 1-800-723-6953
- Amberwell Atchison, 800 Raven Hill Drive, Atchison, KS 66002: 913-367-2131
- The Guidance Center, 201 Main Street, Atchison, KS 66002; 913-367-1593
- Alliance Against Family Violence Hotline: 913-675-7217
- Atchison Police Department, 515 Kansas Avenue, Atchison, KS 66002: 911 (9-911 on campus phone) or 913-367-4323 for non-Emergency
- Atchison County Attorney Office, 423 North 5th Street, Atchison, KS 66002: 913-360-8200
- Kansas Coalition Against Domestic and Sexual Violence: <http://www.kcsdv.org/find-help/in-kansas/dv-sa-services.html>
- Kansas Crisis Hotline: 1-888-363-2287

#### National Resources

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

#### **Accommodations and Protective Measures:**

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests of this nature should be made to the Title IX Coordinator, Dr. Sean Mulcahy, at 913-360-7965, [smulcahy@benedictine.edu](mailto:smulcahy@benedictine.edu) or Title IX Deputy Coordinator, Eric Burghart, at 913-360-7500, [eburghart@benedictine.edu](mailto:eburghart@benedictine.edu). The Title IX Coordinator or Deputy Coordinator is responsible for deciding what, if any, accommodations, or protective measures will be implemented.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault, or stalking will be processed through the College's Title IX Sexual Harassment Policy, or through policies set forth in the Student Handbook, Employee Handbook, or Faculty Handbook, as appropriate. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

Title IX Coordinator  
Dr. Sean Mulcahy  
Vice Provost and Title IX Coordinator  
Student Success Center, Room 101  
1020 North 2nd Street  
Atchison, KS 66002  
(913) 360-7965; eburghart@benedictine.edu

Deputy Title IX Coordinator  
Mr. Eric Burghart  
Director of Student Conduct  
St. John Paul II Student Center, Room 204  
Benedictine College 1020 North 2nd Street  
Atchison, KS 66002  
(913) 360-7500; eburghart@benedictine.edu

An electronic form available at <https://www.benedictine.edu/student-life/health/title-ix/index> can also be used to file a report.

Pursuant to the Title IX Sexual Harassment Policy, once a formal complaint is made, the Title IX Coordinator will provide notice to the parties of the investigation, including a description of the process to be utilized, the identities of the parties, the conduct at issue, and the date and location of the alleged incident.

During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses, including both fact and expert witnesses, and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Prior to the conclusion of the investigation, both parties will be provided an opportunity to review the evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint. Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of notice.

Upon completion of the investigation, both parties will be given a copy of an investigation report, and a live hearing will be conducted to make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. During the hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions including those bearing on credibility. The decision maker(s) will issue a written determination of responsibility, a statement of any disciplinary sanctions and whether any remedies will be provided to the complainant, and a description of the procedures and permissible grounds for appeal. Although the length of each adjudication by hearing will vary, the College strives to issue the hearing officer's written determination within 14 days.

In lieu of the hearing process, the parties may consent to have a formal complaint resolved by administrative adjudication. The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation. After meeting with each party, the administrative officer will objectively reevaluate all relevant evidence. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint. Thereafter, the administrative officer will consult with any College official and the Title IX Coordinator, in the manner specified in the Sexual Harassment Policy and will prepare and transmit a written decision in the manner specified in that Policy which shall serve as a resolution for purposes of informal resolution. Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right

of appeal. Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the College strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice.

Both parties have an opportunity to appeal the determination by filing a written appeal with the Vice President of Student Life within seven (7) days of being notified of the outcome of the investigation or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The non-appealing party will be notified of the appeal and permitted to submit a written statement in response. The Vice President of Student Life will resolve the appeal within twenty-one (21) days of receiving it and may take any and all actions that she determines to be in the interest of a fair and just decision.

At any time after the parties are provided written notice of the Formal Complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College. Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days.

However, if the alleged violation for sexual misconduct does not meet the jurisdictional requirements for Title IX, the matter will be referred to the respective college official (Vice President of Student Life, Human Resources Director, or Dean of the College) to address the sexual misconduct allegation in accordance with the applicable Student, Employee, or Faculty Handbook.

Pursuant to the Student Handbook, in particular the Student Community Code's Disciplinary Procedures, there are two general avenues in which an alleged violation of the Student Community Code may proceed.

When, in the opinion of the Director of Student Conduct, a minor violation of the Student Community Code has been alleged, a Residence Director will investigate the allegations, talk with appropriate parties who may have information regarding the matter, review any evidence, make a decision on the matter, and provide an outcome letter to the student. A student may appeal decisions of a Residence Director to the Director of Student Conduct or an appropriate delegate within 24 hours of receiving his/her outcome letter. If an appeal is timely filed, the Director of Student Conduct or delegate will review the appeal, talk with appropriate parties as needed, and make a final decision on the matter. The Director of Student Conduct may take any action he/she deems appropriate in resolving the matter, including altering any sanctions previously imposed. The Director of Student Conduct will document his/her decision and notify the student of it.

When, in the opinion of the Director of Student Conduct, a more serious violation of the Student Community Code has been alleged (typically this involves a situation in which suspension or expulsion may occur), the Director of Student Conduct will choose one of two courses of action depending on situation:

1. Administrative Meeting with the Director of Student Conduct or an appropriate delegate.
  1. When an Administrative Meeting occurs, the student will meet with the Director of Student Conduct or appropriate delegate. The student will be given an opportunity to provide a statement and answer any questions. If a violation is determined to have occurred, the student will be so notified via an outcome letter and informed of the sanctions imposed. Decisions resulting from an Administrative Meeting may be appealed to the Vice President of Student Life in accordance with the procedures outlined below.
2. Refer the matter to the Student Conduct Board for a hearing.
  1. Student Conduct Board hearings will be conducted in the manner described below. Decisions resulting from a Student Conduct Board hearing may be appealed to the Vice President of Student Life in accordance with the procedures outlined below.

The Board will conduct an inquiry into the matter and determine disciplinary sanctions as it deems appropriate. The student will receive a notice of charges and be given an opportunity to present information and evidence on the matter in question to the board. The student or the Director of Student Conduct, or appropriate delegate, may appeal decisions of the Student Conduct Board to the Vice President of Student Life.

Any party may appeal decisions of an Administrative Meeting or Student Conduct Board Hearing to the Vice President of Student Life.

1. An accused student or a complainant may request an appeal by notifying the Vice President of Student Life and following the procedures noted below.
  1. Within three (3) days of receiving the outcome letter, filing an “Intent to Appeal” form in the Student Life Office, 204 Student Union.
  2. Within 72 hours of receiving the outcome letter, delivering a written appeal of the disciplinary decision to the Student Life Office.
  3. The appeal needs to be based on one of the four grounds provided for appeals.
2. The Vice President of Student Life shall determine whether the matter is appropriate for appeal based on the written rationale and documentation provided by the student in the appeal request. The appeal is not a rehearing, so the student is advised to thoroughly present his/her rationale for why he/she believes the original disciplinary decision needs to be changed. The purpose of an appellate hearing is to consider an appeal, not to re-hear a case, i.e., the basis for the appeal must fall within one or more of the aforementioned guidelines. Disagreement with the result of the hearing or any sanctions levied does not itself constitute the basis for an appeal.
3. Except when testimony or written statements shall be required for the presentation of new evidence, an appeal shall be limited to review of record of the initial hearing and supporting documents.
4. If an appeal is granted, the Vice President of Student Life may:
  1. Overturn all or any part of the original decision and issue a new decision.



2. Remand the matter to the original judicial body for reopening of the hearing to allow reconsideration of the original determination and/or sanction(s).
5. In cases involving appeals requested by students accused of violating the Student Community Code, review of the sanction(s) by the Vice President of Student Life may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the Vice President of Student Life may, upon review of the case, reduce, but not increase, the sanctions imposed following the original disciplinary hearing.
6. In cases involving appeals requested by persons other than students accused of violating the Student Community Code, the Vice President of Student Life may, upon review of the case, reduce or increase the sanctions imposed following the original disciplinary hearing or remand the case to the original judicial body.
7. In cases involving suspension and expulsion, a final appeal may always be made to the President of the college.
8. Nothing in this appeals process shall interfere with the right of the President of the College to make a final determination on any disciplinary matter.

Pursuant to the Employee Handbook, serious discipline or termination will not be initiated until after the faculty member and appropriate administrators have attempted to resolve the dispute by mutual agreement. The termination of a contract before the end of a specified term, the failure to renew a contract with a tenured faculty member, or serious discipline of a faculty member shall not occur without adequate cause. Adequate cause includes serious violation of policies and procedures of the College such as those governing sexual harassment.

Serious discipline may involve a reduction in salary, relief from duties without pay, demotion in rank, or other action seriously impacting the economic security or status of a faculty member where such action is for disciplinary reasons as opposed to unsatisfactory performance.

Ordinarily, the College's procedures governing serious discipline/termination will be promptly initiated once there has been an allegation of dating violence, domestic violence, sexual assault, or stalking. In the event the President determines that serious, immediate harm would come otherwise to the faculty member, to students, to other individuals, or the College, the President may impose an immediate, interim suspension of the faculty member that shall take effect prior to completion of the College's procedures governing serious discipline/termination. Notice of such immediate, interim suspension together with a specific statement of the reasons for such action shall be promptly provided to the faculty member affected thereby. The immediate, interim suspension may be lifted at the discretion of the President prior to completion of the College's procedures governing serious discipline/termination but otherwise shall remain in effect unless and until the College's procedures governing serious discipline/termination result in a finding in favor of the faculty member.

Except in cases of financial exigency or removal of the subjects taught by the faculty member from the offerings of the College, any matter involving termination of a contract before the end of a specified term, failure to renew a contract, and serious discipline for adequate cause will be preceded by a written notice including a statement of reasons approved by the President, and the individual concerned will have the right to be heard by a hearing committee of his or her peers. The faculty member shall request a hearing within ten (10) calendar days from the date of the notice. The termination or serious discipline, other than

immediate suspension, will not become effective until after the ten-day period to request a hearing has expired or the hearing and appeals procedures have been exhausted, whichever is earlier. Should the hearing and appeals process find for the faculty member, any pay that was withheld as the result of immediate suspension will be reinstated retroactive to the initial date of the suspension.

The hearing committee will consist of the Dean of the College (who will serve as Chair), two tenured faculty members recommended by the faculty member, and two tenured faculty members appointed by the Dean of the College. In the event the Dean of the College is unable to serve, the President may appoint another member of the administration to serve in the Dean's stead. A member of the committee may remove himself or herself from the case if he or she wishes to be disqualified by bias or interest. Each party will have a maximum of two challenges to the committee membership without stated cause except that the seat filled by the Dean of the College (and/or another member of the administration in the event the Dean is unable to serve) is not subject to challenge.

The hearing shall be held no sooner than twenty (20) calendar days after the faculty member receives the written notice specifying the statement of reasons for imposition of termination/serious discipline.

During the hearing, the faculty member will be permitted to have an academic advisor or counsel of the faculty member's own choice. In the event the faculty member chooses to have legal counsel, the faculty member has sole responsibility for compensating such counsel.

An audio record of the hearing will be made, and, upon request, a copy will be available to the faculty member without cost.

The burden of proof that adequate cause exists rests with the College and shall be satisfied only by clear and convincing evidence in the record considered as a whole, except to the extent applicable law requires the use of a different standard (i.e., such as preponderance of the evidence in cases involving sexual harassment).

The hearing committee may grant adjournment to enable either party to investigate evidence as to which a valid claim of surprise is made.

The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the College will, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.

The faculty member and the administration and their representatives will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the hearing committee determines that the interest of justice require admission of their statements, the hearing committee will identify the witnesses, disclose their statements, and if possible, provide for interrogatories.

In the hearing of charges of incompetence, the testimony must include that of qualified faculty members from this or other institutions of higher education.

The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved.

The hearing committee may promulgate procedures to govern the conduct of the hearing and submission of evidence and argument.

At the conclusion of the hearing process, the hearing committee shall issue to the faculty member and President a written report that includes findings of fact and a determination as to whether or not adequate cause exists for the termination/serious discipline imposed. The hearing committee's findings of fact and determination shall be based solely on the evidence and arguments submitted by the parties during the hearing process.

If the hearing committee's report concludes that adequate cause for termination/serious discipline does not exist, the President may, within ten (10) calendar days of the date of the hearing committee's report, serve on the faculty member a notice of rejection stating the reasons for the President's rejection of the hearing panel's determination. The faculty member shall have the right to appeal the President's rejection of the hearing committee's decision to the Board of Directors, as outlined in Number 14.

Except for such simple announcements as may be required, e.g., covering the time of the hearing and similar matters, public statements, and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Academic Affairs Committee of the Board of Directors.

If the hearing committee determines that adequate cause for serious discipline/termination exists, or if the President rejects the hearing committee's determination that adequate cause for serious discipline/termination does not exist, the faculty member may appeal the determination or rejection to the Academic Affairs Committee of the College's Board of Directors. The faculty member must give notice of his/her intent to appeal no later than ten (10) calendar days after the determination or rejection is filed. Such notice shall be provided to the President, in writing, and shall state with specificity the grounds upon which the faculty member is appealing. Upon receipt of the notice, the President shall cause the notice of appeal and the record of evidence and arguments from the hearing to be provided to the faculty member and transmitted to the Chair of the Academic Affairs Committee of the Board. The hearing record includes all the evidence introduced at the hearing as well as an audio recording or transcript of the hearing itself, together with the hearing panel's findings."

The Academic Affairs Committee shall review the hearing record of the case and reach a recommendation as to whether to affirm the hearing committee's determination, or the President's rejection as the case may be, reverse the same, or modify the same. The Chair of the Board may participate in the Academic Affairs Committee's deliberations but shall not have voting rights. The Academic Affairs Committee's review shall be confined to the hearing record. The Academic Affairs Committee will apply a clear error standard of review to the hearing panel's findings of fact and a de novo standard of review to the hearing panel's interpretation and construction of applicable policies, rules, regulations, and standards. In conducting its review, the Academic Affairs Committee may invite the faculty member and President to present oral argument or further written statements, but whether and to what extent such argument and statements will be permitted is solely within the discretion of the Academic Affairs Committee. In the event the Academic Affairs Committee permits oral argument or further written statements, both the faculty member and the President shall have an equal right to appear or submit statements, as the case may be. While the review of a hearing committee's determination is pending, the President and faculty member are prohibited from engaging in any ex parte communications with the Academic Affairs Committee, the Board President, and/or the Class A and B Board Members to the extent such

communications relate to the subject matter of the serious discipline/termination or the hearing committee's determination."

At the conclusion of its review, the Academic Affairs Committee shall forward its recommendation to the Class A and Class B members of the Board of Directors, along with the hearing record and a record of any additional oral argument or written submissions that Academic Affairs Committee received from the parties. The Class A and Class B members of the Board of Directors will review the recommendation and vote to affirm the hearing committee's determination, or the President's rejection as the case may be, reverse the same, or modify the same. In the event that a majority of the total number of Class A and Class B members of the Board of Directors cannot agree, the recommendation of the Academic Affairs Committee shall stand as the resolution of the appeal. After receiving the decision from the Class A and Class B members of the Board of Directors, the Chair of the Academic Affairs Committee shall issue and serve on the faculty member and President a written statement setting forth the determination of the appeal. The Class A and Class B members of the Board of Directors' determination shall be subject to further review only as permitted by the Alternative Dispute Resolution section of the Faculty Handbook.

Pursuant to the Employee Handbook, employees are expected to comply with all established Benedictine College rules, standards, policies, and procedures. Whenever possible, the College attempts to counsel employees and work toward identification and correction of performance issues.

Ordinarily, the Corrective Counseling process described below will be followed and documented to the employee's personnel file. However, the College reserves the right to skip or repeat any step(s) depending on the circumstances of the situation. At the discretion of Cabinet members, some situations are deemed so egregious or such a serious violation of policies and/or expected conduct that immediate suspension or separation of service will be deemed necessary.

#### Corrective Counseling Process

1. Ongoing: Informal coaching with or without a written record to personnel file;
2. Corrective Counseling With Verbal Warning: With or without written record to personnel file;
3. Corrective Counseling With Written Warning: With written record to personnel file and a Performance Improvement Plan prepared and signed and dated by the supervisor and employee;
4. Critical Counseling With Final Written Warning: With written record to personnel file, and may or may not include disciplinary action or sanctions;
5. Disciplinary Action: Up to and including demotion, suspension, reassignment, or separation of service.
6. Corrective counseling may occur for misconduct, performance problems, and/or performance deficiencies. The receipt of a rating of needs improvement or unacceptable in a periodic performance evaluation will be deemed equivalent to the employee being placed on a step of corrective counseling. The appropriate level of formal corrective counseling will be noted in the performance evaluation. Communications issued to the employee to address performance deficiencies identified between evaluations will also indicate the appropriate level of corrective counseling. If the employee does not improve performance, the employee may

advance through the steps of corrective counseling including the possibility of separation of service prior to the issuance of the next performance evaluation. Any combination of performance or misconduct related counseling sessions may also result in separation of service.

Sexual or other forms of harassment, including dating violence, domestic violence, sexual assault, and stalking, are examples of grounds for possible suspension or immediate dismissal of an employee without warning.

### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the 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.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Such training addresses topics such as the definition of sexual harassment; the scope of the University's education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest. Training is received through workshops and webinars from various sources (i.e., ATIXA, KICA, NASPA, Husch Blackwell, and Heartland Campus Safety Summit).
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of

advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.

4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

### **Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

Following a final determination in the institution’s disciplinary proceeding that domestic violence, dating violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions for a student include verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from college property; cancellation of contracts; and any combination of the same. In addition to the above sanctions, an employee may be terminated permanently or suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Vice President of Student Life (student) to determine reentry status on a case-by-case basis or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

In addition, the College can make available to the victim a range of protective measures. They include forbidding the accused from entering the victim’s residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

### **Publicly Available Recordkeeping:**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by

the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Danny Fairley, Security Account Manager at 913-360-7256 or [dfairley@benedictine.edu](mailto:dfairley@benedictine.edu). State registry of sex offender information may be accessed at the following link: <https://www.kbi.ks.gov/registeredoffender/>

## **Timely Warnings and Emergency Response**

### **Timely Warnings**

In the event of criminal activity occurring either on campus or off campus that in the judgment of the President of the College or his designee constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- The Department of Safety and Security, 913-360-8888
- Security Account Manager, 913-360-8888

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

### **Emergency Response**

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Department of Safety and Security at 913-360-8888 of any emergency or potentially dangerous situation.

The Emergency Operations Management Team will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution’s response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Emergency Operations Management Team Leader, currently the Director of Operations, will consult with other appropriate College officials to determine the appropriate segment or segments of the College community to be notified.

The Emergency Operations Management Team Leader and the Director of Marketing & Communications, along with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The President, Emergency Operations Management Team Leader or Director of Marketing & Communications will direct the issuance of emergency notifications, which will be accomplished using one or more of the following means, depending on the nature of the threat and the segment of the campus community being threatened:

At the direction of the Emergency Operations Management Team, the Director of Marketing & Communications will contact local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

#### *Methods for Issuing Timely Warnings and Emergency Notifications*

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

<b>Method</b>	<b>Sign Up Instructions</b>
Raven Alert, a text messaging system	All students are automatically entered into the Raven Alert text messaging system with an opt-out option. All faculty and staff are encouraged to sign-up for Raven Alerts through a link on the college website at <a href="https://www.benedictine.edu/student-life/services/raven-alerts">https://www.benedictine.edu/student-life/services/raven-alerts</a>
E-mail notification	All students, faculty and staff are assigned a college email address for communication purposes.
Benedictine College Website	Available publicly at <a href="https://www.benedictine.edu/">https://www.benedictine.edu/</a>

#### *Testing & Documentation*

The College tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the College's emergency response plan.



The Campus Safety Committee (Chair, Director of Operations) maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

### **Missing Student Policy**

If a member of the Benedictine community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the Vice President of Student Life at (913) 360-7520, Campus Security (913) 360-8888, Director of Residence Life (913) 360-7500, or any other College official. Any College employee receiving a missing student report must immediately refer it to Campus Security.

When a student is reported missing, the Vice President of Student Life will initiate an investigation into the welfare of the student if the student has been absent from campus for more than 24 hours without a known reason. This investigation will include a good-faith effort to contact the student or an emergency contact using any information the student has provided to Benedictine College for this purpose. The Vice President of Student Life will gather all essential information about the student from the reporting person and from the student's acquaintances. The Vice President of Student Life will then contact the Dean of Students and Campus Security. Appropriate campus staff will be notified to aid in the search for the student. If the actions are unsuccessful in locating the student or it is apparent immediately that the student is missing, the Vice President of Student Life or appropriate designate will contact the Atchison Police Department to report the student as a missing person and they will take charge of the investigation.

Note that a student may also be a "*missing person*" at any time prior to the expiration of 24 hours the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

In addition to registering any general emergency contact, students residing in on-campus housing will be informed and given the opportunity during each semester registration process to register confidential contact information to be used by the Vice President of Student Life in the event that student is determined to have been missing for more than 24 hours.

To register this information, students can complete the online screen during the registration process or go to emergency contact information registration on the College website and follow the directions indicated. This information will remain in effect until changed or revoked by the student, will be kept confidential, will be accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

Within 24 hours of a determination that the student is missing, the Vice President for Student Life will make a good-faith effort to contact the student's emergency or confidential contact identified by the student. If a reported missing student is under the age of 18 and is not emancipated, the Vice President for Student Life also will immediately make a good-faith

effort to contact the custodial parent or legal guardian of the student. Regardless of the age of the student, the College will also notify local law enforcement within 24 hours of the determination that the student is missing (unless the local law enforcement agency made the determination that the student is missing).

## Crime Statistics

The statistical summary of crimes for the College's main campus over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non-Campus			Public Property		
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	1	0	0	1	0	0	0	0	0	0	0
Fondling	0	1	2	0	1	2	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	1	0	0	0	0	0	0
Burglary	0	4	1	0	1	1	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	1	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	117	112	197	116	111	197	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	10	8	4	10	8	4	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	1	0	0	1	0	0	0	0	0	0	0
Stalking	1	2	0	0	0	0	0	0	0	0	0	0

### Hate crimes:

2023: No hate crimes reported.

2022: No hate crimes reported.

2021: No hate crimes reported.

**Crimes unfounded by the College:**

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

**Statistics for unfounded crimes provided by law enforcement agencies:**

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.

## **Annual Fire Safety Report**

**Housing Facilities and Fire Safety Systems**

The College maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Benedictine College (Atchinson, KS) - Main Campus, 1020 N 2nd St, Atchison, KS 66002-1499

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
Elizabeth (formerly named Ferrell), 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1
Legacy Apartments 1020 North 2nd Street, Atchison,	X		X	X	X	X	1

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
Kansas 66002							
McDonald, 1020 North 2nd Street, Atchison, Kansas 66002	X			X	X	X	1
Memorial, 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1
Newman, 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1
Our Lady of Guadalupe, 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1
Row Houses, 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1
St. Gabriel, 1020 N. 2nd Street, Atchison, KS 66002	X		X	X	X	X	1

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
St. Joseph, 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1
St. Michael, 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1
St. Scholastica, 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1
Turner, 1020 North 2nd Street, Atchison, Kansas 66002	X		X	X	X	X	1

### **Policies on Portable Appliances, Smoking and Open Flames**

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Only surge-protected extension cords are permitted. Only the following portable cooking appliances are permitted to be used in campus housing: popcorn poppers, microwaves, and coffee pots. Appliances that are NOT permitted in dorm rooms include: hot plates, grills, skillets, toaster ovens, refrigerators larger than 4 cubic feet, and gas appliances. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

The College reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

## **Fire Evacuation Procedures**

In the event of a fire, the College expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

## **Fire Education and Training Programs**

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire and inform them of the College's fire safety policies. Information distributed includes maps of each facility's evacuation route and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a "buddy" assigned to assist him or her.

## **Reporting Fires**

The College is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Danny Fairley, Chief of Security/Security Account Manager at Danny Fairley, Chief of Security/Security Account Manager at 913-360-7256 or the On-call security number at 913-360-8888. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

## **Plans for Future Improvements**

The College periodically reviews its fire safety protections and procedures. At this time, it has no plans for future improvements.

## **Fire Statistics**

### **Benedictine College (Atchinson, KS) - Main Campus**

#### **2023**

One fire was reported in Newman Hall laundry room and one fire was reported in the Dining Hall Dishroom in 2023.

#### **2022**

No fires were reported in 2022.

#### **2021**

No fires were reported in 2021.