



Complainant Rights and Options

After a Report of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

The following document provides a summary of your rights and options as a Complainant under the Lindenwood University Sexual Harassment Policy, herein referred to as “the Policy”. Please contact the Title IX Coordinator at titleix@lindenwood.edu should you have any questions about the information provided below.

As a Complainant of Dating Violence, Domestic Violence, Sexual Assault, and Stalking, you have the following rights and options:

- Confidentiality of reports of Dating Violence, Domestic Violence, Sexual Assault and Stalking
- The importance of preserving evidence
- The option to notify law enforcement, and be assisted by the institution in doing so (you may also decline to notify law enforcement)
- Options for, assistance in, and how to request changes to academic, living, transportation, and working situations or protective/supportive measures
- An explanation of the procedures for institutional disciplinary action in cases of alleged Dating Violence, Domestic Violence, Sexual Assault, and Stalking, including
 - The standard of evidence that will be used
 - Possible sanctions and protective/supportive measures
 - That the procedures will be implemented by university officials who have received training
 - A party’s right to an advisor of their choosing
 - That the parties will be simultaneously notified in writing of the outcome and any appeals

Confidentiality

If you decline to file a Formal Complaint under Lindenwood’s Title IX Sexual Harassment Policy, Lindenwood University will not take any further action to investigate or adjudicate the matter unless determined that closing the matter would be clearly unreasonable. The Title IX Coordinator may file a Formal Complaint on behalf of the University where the Respondent may pose a continuing threat to the campus community.

Throughout the investigation and adjudication of your complaint, Lindenwood University will maintain as confidential any supportive measures provided to you, to the extent maintaining such confidentiality does not impair the University’s ability to provide such measures.



Lindenwood University is required by law to make certain statistical disclosures of crimes reported to it. If you report an incident that is a crime, the University will make the statistical disclosure without disclosing personally identifiable information about you.

Preserving Evidence

In cases of Dating Violence, Domestic Violence, Sexual Assault and Stalking it is important to preserve evidence. In the case of physical violence, you should go directly to the nearest emergency room and should not bathe, urinate, douche, brush teeth, drink liquids, or change clothes until after you are examined and, if necessary and you so choose, a rape examination is completed by a trained professional at the hospital. Having a forensic exam does not obligate you to file criminal charges. Evidence in electronic formats, such as text messages, emails, photos, social media posts, screenshots, etc., should also be retained.

Notification of Law Enforcement

The University will encourage the reporting party to report incidents of Dating Violence, Domestic Violence, Sexual Assault and Stalking to law enforcement, however, there is not a requirement to do so. If the reporting party chooses to file a complaint with law enforcement, the university will do its best to assist law enforcement where possible, and, if the reporting party chooses, the University will assist in the notification of law enforcement. Should the matter be subject to both the formal investigation process and a criminal investigation, the University will complete its own investigation and form its own conclusion.

Supportive Measures

After a report of Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Title IX Coordinator will reach out to the reporting party to discuss the implementation of reasonable and supportive measures to facilitate continued access to University programs or employment. Any supportive measure shall not unreasonably burden either party. The University offers a wide range of supportive measures, these may include the following:

- No Contact Order; or
- Rescheduling of exams and assignments, and other course related adjustments; or
- Change in class schedules, including the ability to transfer course sections or withdrawal; or
- Change in an employee's work schedule or job assignment; or
- Change in a student's university-sponsored or controlled housing; or
- Limit of an individual's or organizations' access to certain university facilities or activities, pending the outcome of the matter; or
- Escorts to ensure safe movement between classes and/or activities; or
- Providing access to medical services; or
- Providing academic support services; or



- University-imposed administrative leave or separation.

Disciplinary Procedures

Whether or not a complainant files criminal charges, of the location of the incident, the complainant or the University may still initiate the grievance process. The grievance process that will be used, the Title IX Sexual Harassment Policy or the Student Code of Conduct, depends on the nature and location of the allegations. All reports referred or made to the Title IX Coordinator will result in further follow-up and assistance to the person who made the report.

The grievance process, including all investigations, hearings, and any appeal process will be prompt, thorough, and impartial. All investigators and hearing panel members are trained annually on the issues related to dating violence, domestic violence, sexual assault, and stalking.

Parties to complaints can expect that:

- A trained investigator will conduct a prompt, fair, thorough, and impartial investigation.
- Both parties will have to opportunity to provide witnesses and evidence, and to be accompanied by an advisor of their choice
- Parties will be advised of meetings in a timely manner
- Parties will be advised simultaneously of the Hearing Officer's decision, and will provide information on how to file an appeal

Lindenwood University Title IX Sexual Harassment Policy

Process under the Title IX Policy:

- Complainant meets with the Title IX Coordinator and files a Formal Complaint. The respondent is then placed on notice of the complaint and subsequent investigation.
- The investigation will be fair, thorough, and impartial. Both parties will have equal opportunity to submit evidence and witnesses.
- At the conclusion of the investigation, the investigator will write an investigative report. Both parties and their advisors will receive copies of this report, and both parties can provide responses.
- A Pre-Hearing Conference will take place. During this meeting, parties will be advised of the Rules of Decorum, and the hearing procedures will be discussed.
- The Hearing itself will take place.
- A Determination will be made by the Hearing Officer. This determination will be disseminated to both parties simultaneously by the Hearing Officer.
- Either party can appeal the decision. This must be done in writing to the Title IX Coordinator.
- An Appeal Officer will make the final determination.



Lindenwood's Title IX Policy can be found [here](#).

Student Code of Conduct

Process under the Non-Title IX Policy

- After receipt of a report, the University will formulate an appropriate responsive plan, which can include gathering additional information to make an initial assessment and/or conducting an investigation.
- Investigations will be conducted in a thorough and impartial manner by a qualified investigator.
- If after the investigation, the University determines prohibited conduct has occurred, the individual responsible for such conduct will be informed of the same in writing. The University will also include the corresponding appropriate sanction(s) for the confirmed misconduct, up to and including dismissal from the University.
- Either party may appeal the decision in writing to the Title IX Coordinator.

Lindenwood's Non-Title IX Sexual Harassment and Sexual Misconduct Policy can be found [here](#).

Standard of Evidence

In cases of alleged Dating Violence, Domestic Violence, Sexual Assault, and Stalking, the University will use the Preponderance of the Evidence Standard; meaning more likely than not to have occurred.

Sanctions

Possible sanctions imposed for a university community member found responsible for an incident of Dating Violence, Domestic Violence, Sexual Assault, or Stalking may include any of those listed under Supportive Measures, and include, but are not limited to expulsion, suspension, disciplinary probation, mandated counseling, assessment, alcohol, sexual harassment, and/or drug education program, restrictions on campus privileges, restrictions on campus housing, restrictions on participating in student activities or sports, community service, educational sanctions, No-Contact Orders, changes to employees work schedules or job assignments, leaves of absence, university-imposed administrative leave or separation, employee counseling, termination, and/or any other sanction which can be tailored to the involved individuals.



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Resources

ON CAMPUS – CONFIDENTIAL	OFF CAMPUS – CONFIDENTIAL
<p>Student Counseling and Resource Center Evans Commons, 3rd Floor 636-949-4522 https://www.lindenwood.edu/student-life/health-wellness/student-counseling-resource-center/</p> <p>FOR STUDENT ATHLETES Director of Student Athlete Mental Health Becky Taylor Student Counseling and Resource Center Evans Commons, 3rd Floor 636-949-4529</p>	<p>Bridgeway Behavioral Health Sexual Assault Program 24-hour hotline 636-224-1850 Option 1 https://www.facebook.com/BDVSAP</p> <p>Administrative Office: 118 N Second St. ST. Charles MO 63301</p>
<p>Lindenwood University Chaplain Rev. Dr. Nichole Torbitzky McCluer Hall, Room 202 636-949-4651 ntorbitzky@lindenwood.edu</p>	<p>The St. Louis Anti-Violence Project Serving the Lesbian, Gay, Bisexual, and Transgender Communities Hotline: 314-503-2050</p>
	<p>Safe Connections 2165 Hampton Ave St. Louis, MO 63139 314- 646-7500 or 314-531-2003(text/call) www.safeconnections.org</p>

ON CAMPUS – NOT CONFIDENTIAL	OFF CAMPUS – NOT CONFIDENTIAL
<p>Title IX Coordinator Paula R. Stewart Evans Commons 3030 636-255-2265 pstewart@lindenwood.edu</p>	<p>St. Charles Police Department 1781 Zumbuhl Road St. Charles, MO 63303 636-949-3300 (9-1-1 if emergency)</p>