

# **MISSOURI SOUTHERN STATE UNIVERSITY**

## **2020 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 Missouri Southern State University (“MSSU” or “University”) with information on: the University’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 University 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 Ken Kennedy, University Police Chief, in cooperation with local law enforcement authorities and includes information provided by them as well as by the University’s campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students that provides the website link to access this report. Prospective students, faculty and staff are also notified of the report’s availability. Hard copies of the report may also be obtained at no cost by contacting the University Police Department at 507 N. Mission Hills Drive. The crime statistics published later in the report were compiled from reports submitted by various campus security authorities and also received from local law enforcement agencies.

MSSU 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.

### **Policies Concerning The Law Enforcement Authority and Jurisdiction of Campus Security Personnel**

The MSSU Police Department (UPD) is responsible for campus safety at the University. Its jurisdiction covers all campus property. Its personnel have arrest authority. The UPD has a close working relationship with local law enforcement agencies, including the Joplin Police Department and Jasper County Sheriff’s Office, which assist the UPD when necessary. The UPD has written mutual aid agreements with the Joplin Police Department, the Jasper County Sheriff’s Office and other small city agencies (Duquesne, Webb City, & Carterville) that allows them to help out in emergency situations. The UPD is a member of the Tri-State Major Case Squad and may call for investigators to assist with investigations of serious crimes.

### **Other Officials to Whom Crimes May Be Reported (Campus Security Authorities)**

MSSU also has designated other officials to serve as additional campus security authorities. Reports of criminal activity can also be made to these officials. They in turn will ensure that they are reported to the MSSU Police for collection as part of the University’s annual report of crime statistics. These additional

campus security authorities are: Vice President for Student Affairs (Darren Fullerton, 417-625-3135), Associate Vice President for Student Affairs (Julie Wengert, 417-625-9532), Director of Student Conduct (Samantha Quackenbush, 417-625-9531), Title IX Coordinator (Tamika Harrel, 417-625-3022), and the Director of Residence Life (Josh Doak, 659-4460).

### **Policies on Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, accidents, injuries, or other emergencies to the MSSU Police and appropriate police agencies even when the victim of a crime **elects** not to do so 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 to the University Police Department by dialing **911** (MSSU contracts with JPD for dispatching services) from any campus phone or cell phone. With situations that require a police officer, but are not an emergency, a UPD officer can be contacted by calling the JPD non-emergency number, **417-623-3131**. Although the UPD officers have primary jurisdiction, it does not preclude calling the Joplin Police Department (**911 or 417-623-3131**) or the Jasper County Sheriff's Office (**417-624-1600**) in crisis situations. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred. After making the call to the police, we also recommend making a report to one of the campus security authorities identified above.
- Students, staff, and visitors should 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 the University staff will assist a student in making the report to the police.
- For service calls (jump starts, unlocks, etc.) anyone may call **417-626-2222** and speak to a MSSU police officer without being routed to JPD first.
- Anonymous incident reports can also be made by contacting a UPD officer and requesting to remain anonymous, or by sending an email to [UPD@mssu.edu](mailto:UPD@mssu.edu).

### **Confidential Reporting**

MSSU 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 University's Sexual Harassment Policy, when an employee, who is a reporting official but 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 other types of crimes who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, 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 University take appropriate steps to ensure the future safety of the victim and others. With such information, the University 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 University.

Counselors with the ACTS Office and staff within the Willcoxon Health Center are encouraged, if they deem it appropriate, to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual report. Information will not be reported by counselors in the ACTS Office to anyone at the University without the consent of the person being counseled. The University does not have pastoral counselors.

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

MSSU does not have off-campus student organizations that are recognized by the institution, and thus does not track or record criminal activity at such locations.

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

Upon written request, the University 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 this institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such a crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this 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.

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

MSSU 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. A description of those programs and their frequency of presentation follows:

- Since the summer of 2016, the campus at MSSU has adopted the **Green Dot Program** as a way to be proactive in reducing “power based personal violence” on campus. All first-year students get an overview of the program in their University Experience class, plus each semester a “bystander training session” is offered for students who want extensive training (4 hours) about how to prevent dating/domestic violence through three methods (direct/distract/delegate). In 2019, MSSU received a state grant, which has enabled the institution to hire a Green Dot Program Coordinator who facilitates educational programming and training.
- Crime prevention programs are presented each semester by the Campus Activities Board, Student Affairs and the Residence Halls Association. The University Police Department uses the **A.L.I.C.E.** (Alert/Lockdown/Inform/Counter/Evacuate) training to teach students how to survive if they were to be confronted by a violent person with a weapon in a group setting. The “swarm” method (a technique for distracting and securing an attacker) is only used as a last resort when students are trapped and escape isn’t possible.
- Employees and students are informed about the prevention of crimes through written communication from school management, via campus postings, email distribution, or internet posting. In addition, students and faculty/staff members receive flyers regarding the prevention

of sexual assault, bystander intervention, sexual assault policies, services of the University Police Department, substance abuse policy, and the Campus Security Act Procedures.

- Members of the campus community may access information about “campus security” practices and procedures by going to the University Police web site ([www.mssu/police](http://www.mssu/police)). This document (Annual Security Report) is published to all students and faculty/staff members each semester. First year students in the University Experience classes are given details about how to more effectively be the “eyes and ears” of the UPD. They are informed about how to interact with police officers if they have any type of problem on campus. They are educated about police procedures and practices.
- Title IX training sessions are provided for all students and employees annually. Incoming freshmen students and transfer students with under 30 credit hours complete a Title IX training session during the required UE 100 University Experience course. All students are provided the training module through their student email.

### **Building Security**

All academic buildings are secured during the evenings and weekends. Access to the buildings is only allowed for faculty/staff members and students who are accompanied by faculty/staff members. The three largest residence halls are locked at midnight each night by Residence Hall staff members. Students are issued keys to access only their specific building and living quarters. Police officers secure the dorm buildings around midnight as well, performing random “walk-throughs” and vehicle patrols around the residence halls from 11:30 p.m. until 7:30 a.m. each night.

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 that does not belong to the campus community

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and the filing of charges with law enforcement authorities.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

### **Safety Considerations in Maintenance of Campus Facilities**

Security also is a consideration in maintaining campus facilities. For example, maintenance personnel regularly check to ensure pathways are well lighted and that egress lighting is working in hallways and stairwells. Grounds crew also trim shrubs to make it more difficult for someone to hide in them.

### **Timely Warnings**

In the event of criminal activity occurring either on campus or off-campus that in the judgment of the MSSU Police Chief constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. Examples would be a rash of motor vehicle thefts or sexual assaults in the area that merit a warning because they present a continuing threat to the campus community. This warning will be communicated to students and employees via email and the campus website. Updates to the warnings will be provided as appropriate.

The University has communicated with local law enforcement agencies requesting their cooperation in providing information about any crimes reported to them that may warrant a timely warning. Anyone else with information warranting a timely warning should immediately report the circumstances to the UPD by dialing 417-623-3131 or 417-626-2222.

### **Emergency Response and Evacuation Procedures**

MSSU 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 MSSU Police Department has communicated with the Joplin Police Department requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response. Students, staff and visitors are encouraged to notify the UPD (417-623-3131) of any situation that poses such a threat.

The on-scene Incident Commander (Ken Kennedy, 417-625-9751) or (Chris Houk, 417-625-5490), in conjunction with the Emergency Management Director (Darren Fullerton, 417-625-3135), 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 University’s response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process. With a major crisis, the command team will work closely with the Joplin Police Department and Jasper County Sheriff’s Office in a unified command structure.

Once the emergency is confirmed, the University community, or appropriate segments of it, will be notified. The Incident Command Team, in collaboration with other appropriate personnel, will determine the appropriate segments of the community to 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 MSSU Police Chief 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. Students and faculty/staff members do not need to sign-up to be included in any of the emergency notification systems below.

- Text messages (through the Rave system)
- “Big Voice” broadcasting speaker system
- Emails
- University web site
- Posted notices
- Local media sources

The Director of University Relations and Marketing (Heather Lesmeister, 417-625-9365) or her designee will disseminate emergency information to the larger community; that is those outside of the campus community. Other local law enforcement agencies will be contacted if appropriate, depending on the type of emergency.

The University tests various emergency response and evacuation procedures each year. Also, at various times, the Emergency Management Team will meet to train and test and evaluate the University’s emergency response plan. The Police Chief, the Director of Residence Life and the Fire Safety Officer maintain records 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 University will distribute to its students and employees information to remind them of the University’s emergency response and evacuation procedures. The MSSU emergency plan was tested on 06/26/2019, with an exercise that simulated an armed person who tried to enter the football stadium. The officers working security for the game noticed a long tube extending from a backpack and contained the suspect. It was determined that the backpack contained a rifle and an explosive devise. The Vice-President of Student Affairs authorized a Rave message that was sent to all campus (which was simulated). Police officers responded to various other scenarios involving active shooters at the stadium, using air-soft guns to stop the threat each time. A debriefing was held afterward at the UPD to critique the drill.

### **Missing Person Procedures**

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the Director of Residence Life (417-659-4460), the Vice-President of Student Affairs (417-625-9392), the Associate Vice President of Student Affairs (417-625-9532), or the Director of Student Conduct (417-625-9531). The UPD will be immediately notified and an investigation initiated.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to designate a confidential contact may do so by confiding in a trusted MSSU faculty/staff member, who will notify their supervisor and/or the Vice President for Student Affairs (417-625-9392). A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, if it is determined that the student has been missing for 24

hours, MSSU will notify local police authorities (if they were not the entity that made the determination that the student is missing) and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not emancipated, the University will also notify that student's parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

## **Sex Offender Registration Program Policy, Procedures and Programs Related to Sexual Assault, Domestic and Dating Violence and Stalking**

Consistent with the requirements of Title IX of the Education Amendments of 1972 and the Clery Act as amended by the Violence Against Women Act (VAWA), MSSU prohibits discrimination based on sex in its educational programs and activities, including sexual harassment and also acts of domestic violence, dating violence, sexual assault and stalking. The University also prohibits any retaliation, intimidation, threats, coercion or any other discrimination against any individuals exercising their rights or responsibilities pursuant to this policy or pursuant to laws or institutional policy. A full statement of the University's Sexual Harassment Policy and the procedures for filing, investigating and resolving complaints for violations of that policy may be found at [http://policy.mssu.edu/all\\_university\\_employee/Policy%20Final%20Draft%208.13.2020.docx%20without%20Husch%20stamp.pdf](http://policy.mssu.edu/all_university_employee/Policy%20Final%20Draft%208.13.2020.docx%20without%20Husch%20stamp.pdf).

The following discusses the University's educational programs to promote the awareness of domestic violence, dating violence, sexual assault and stalking. It also provides information concerning procedures students and employees should follow if they become a victim of one of these offenses; advises students of services available in the event they do become a victim; 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 Programs**

MSSU has a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees that is intended to help stop dating and domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors fostering healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms in healthy and safe directions.

The PPAP includes a statement that MSSU prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. In that regard, the following definitions apply within the state of Missouri and are used in this PPAP training:

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.

Domestic Violence	<p>Missouri’s protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> <li>• “Domestic violence” is abuse or stalking committed by a family or household member.</li> <li>• "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social</li> </ul>
	<p>relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.</p> <p>In addition, Missouri criminal statutes include various degrees of the crime “Domestic Assault,” as follows:</p> <ul style="list-style-type: none"> <li>• Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002. <ul style="list-style-type: none"> <li>♣ Mo Rev. Stat. § 565.002(6) indicates that a “domestic victim” is a household or family member as the term “family” or “household member” is defined in 455.010, including any child who is a member of the household or family.</li> </ul> </li> <li>• Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</li> <li>• Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002.</li> <li>• Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</li> </ul>



Stalking	<ul style="list-style-type: none"> <li>Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</li> </ul>
	<ul style="list-style-type: none"> <li>Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> <li>As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> </ul>
Sexual Assault	<p>The institution has determined, based on good-faith research, that Missouri's criminal statutes do not define the term sexual assault.</p> <p>However, Missouri's protective order statutes indicate that "sexual assault" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. (Mo. Rev. Stat. § 455.010(1)(e)).</p>

<p>Rape, Fondling, Incest, Statutory Rape</p>	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape in the First Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> </ul>
	<ul style="list-style-type: none"> <li>• Rape in the Second Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling.</li> <li>• Incest (Mo. Rev. Stat. § 568.020.1): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood.</li> <li>• Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032.1): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034.1): A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</li> </ul>

Other “sexual assault” crimes

Other crimes under Missouri law that may be classified as a “sexual assault” include the following:

- Sodomy in the First Degree (Mo. Rev. Stat. § 566.060.1): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.
- Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061.1): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.
- Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062.1): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.
- Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064.1): A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.
- Child Molestation, First Degree (Mo. Rev. Stat. § 566.067.1): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense.
- Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068.1): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.
- Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069.1): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.
- Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071.1): A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.
- Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083.1): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

<p>Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))</p>	<p>Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.</p>
--	---

In addition to the definition of consent under Missouri law, the University uses the following definition of consent for the purpose of determining whether a violation of its Sexual Harassment Policy 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.

Lack of consent is often the critical factor in determining whether Sexual Violence/Assault has occurred. As defined above, consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion – or any kind of physical force or weapon – and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

Impairment or incapacitation due to alcohol and/or drug use, permanent/temporary psychological or physical disability, and being below the age of consent are factors which detract from or make consent impossible.

In Missouri, the minimum age of consent for purposes of statutory rape is 17 years of age, and no one under 14 years of age is considered capable of consent.

In addition to Missouri law, the following are essential to understanding what constitutes effective consent under the policy:

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person’s physical or mental disability renders them incapable of understanding the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is incapacitated by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent even if the person self-administered the alcohol or drugs.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent. Consent can be withdrawn by verbal or physical conduct that a reasonable person would understand to indicate a desire to stop or not engage in the sexual conduct at issue.
- While consent can be withdrawn, a withdrawal of consent operates going-forward. It does not change the consensual nature of sexual activity that has already occurred.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity.

- Consent may be deemed invalid when it is obtained in circumstances where one party exercised a position of direct authority or control over another. Effective consent may not exist when there is a disparity in power between the parties; an example of which is when one is in a supervisory or evaluative role over the other, such as a faculty member who is teaching a student or a director who supervises an employee.

- A victim is not required to affirmatively/physically resist or say “stop” in order for there to be Sexual Violence/Assault.

The PPAP encourages positive and healthy behaviors by noting that the majority of sexual offenses that occur in campus communities are committed by people known by their victims. Often, these types of assaults are not reported to police or campus authorities because people do not think this unwanted sexual contact constitutes sexual assault since they know the assailant. These assailants, however, are able to continue to exploit people by manipulating that trust. By reporting these incidents, you will significantly decrease the likelihood that this individual can subject another person to this type of victimization.

The PPAP includes instruction on risk reduction, including how to avoid becoming a victim and the warning signs of abusive behavior, the recognition of which will help mitigate the likelihood of perpetration, victimization or bystander inaction. Specifically, they are advised:

- 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 is another topic of the PPAP. Often people don't intervene because they may assume a situation isn't a problem, or feel it is none of their business. They may assume that someone else will do something, or believe that other people weren't bothered by the problem. In some cases, a person might feel their personal safety is at risk.

When people do intervene in a situation, they often say that it was the right thing to do, and that they'd want someone to intervene if the roles were reversed. MSSU encourages students and faculty staff members to take action if they have an opportunity to prevent or intervene in an incident. They should also constantly be aware of events occurring around them and (if possible) create solutions.

Individuals on campus are even asked to intervene in situations as soon as it is possible to do so safely, at least speaking up so that others know what is going on. Of course, students and others should think about their response to ensure that their actions don't actually escalate the situation. Generally, telling friends that behavior is not acceptable is appropriate. Notifying the UPD or others in authority is also always appropriate.

Individuals are encouraged to take safe and positive steps to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against another person. This includes reporting such incidents to appropriate authorities. Other steps that can be taken include:

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or antagonistic.
- 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.

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 University also has an Ongoing Prevention and Awareness Campaign (OPAC) for all students and faculty. This OPAC includes activities and materials that are presented over time to increase understanding of the issues related to sexual assault, domestic and dating violence and stalking. They cover essentially the same topics as the PPAP but are intended to reinforce that training and thus make it more effective in preventing these offenses.

### 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 University. Past programming and currently planned programming at MSSU include the following:

- Faculty, and staff receive yearly sexual misconduct prevention training on Title IX and VAWA. Faculty and staff are required to complete online mandatory training that address all aspects of Title IX and VAWA including; definitions of sexual misconduct, discrimination, harassment, stalking, domestic abuse, dating violence, consent, and retaliation; responsibilities as an employee of the university (mandatory reporting), to whom to report the incident (Title IX Coordinator), and scope of geography.
- Students also receive yearly training on Title IX and VAWA in the form of an online class. The training for students includes all the same aspects as faculty/staff training with the added area of bystander information.
- Healthy Relationships week
- Sexual Assault Awareness Week (Assisting Alpha Sigma Alpha students, Take Back the Night), and
- Web resource "Student Health 101."
- A women's self-defense class (Rape Aggression Defense) is now being offered at MSSU through the Kinesiology Department. In this class, students are not only taught how to avoid risky behaviors, they learn basic and advanced skills for resisting a sexual attack.

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

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call the UPD at 911 or 417-623-3131. At the earliest opportunity, you should also contact the University's Title IX Coordinator, Tamika Harrel, at 417-625-3022. Other resources include Student Conduct (Samantha Quackenbush) at 625-9531, or (Assistant Vice President of Student Affairs (Julie Wengert) at 625-9532 [BSC 347]. Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported:

- a. In addition to filing a report with the UPD or the University's Title IX Coordinator (417-625-3022), a report may also be made to another campus security authority listed on page 2 of 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. To that end, victims will be advised of the following:
  - a. You should not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence.
  - b. Don't bathe or wash, or otherwise clean the environment in which the assault occurred.
  - c. You can obtain a forensic examination at Freeman Hospital at 1102 West 32<sup>nd</sup> Street, Joplin, Missouri. The SANE nurses are trained to interview victims, collect evidence and prescribe medications as needed. For more information about the SANE program go to [saneinfo@freemanhealth.com](mailto:saneinfo@freemanhealth.com) . Their number is 417-347-SANE (7263).
  - d. 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 policy report.
  - e. Evidence in electronic formats should also be retained (e.g., text messages, emails, photos, social media posts, screenshots, etc.).
  - f. Victims of stalking should also preserve evidence of the crime to the extent possible.
3. The victim's options regarding notification to law enforcement:
  - a. The option to notify either on-campus or local police (contact information is listed in the opening paragraphs of this section).
    - If the option to report to police, a UPD officer will contact the victim (preferably on campus) and begin an investigation. The officer will ask for specific details regarding times, dates and places in which the suspect made contact with the victim after being told he/she no longer wanted to be contacted. UPD officers will then interview the suspect and submit the case to the Jasper County Prosecutor's Office for the filing of criminal charges. Everything possible will be done to insure the safety of the victim.
    - The Joplin Police Department is located at 303 E. 3<sup>rd</sup> Street in Joplin, Missouri. You may walk in to the front entrance and talk to a clerk at the desk, or simply call 417-623-3131 and have an officer dispatched to your location within the city limits. In addition to details about a crime, victims should be prepared to provide their address, phone number, date of birth, etc.
  - b. The option to be assisted by campus security authorities (UPD) in notifying law enforcement if the victim so chooses (the University will comply with such a request if it is made).
  - 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.

- a. In Missouri, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at: <http://www.courts.mo.gov/page.jsp?id=533>.
- b. A protection order may be obtained by filing a petition with the court. Courts can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 15 days, until a court hearing; and (2) Full Orders of Protection, which may be issued for up to one year. Additional information about the orders may be found at: <http://www.courts.mo.gov/file.jsp?id=69655>.
  - A Petition for Order of Protection should be filed at the Jasper County Court House. The address is: 601 South Pearl Avenue, Room 300, Joplin, MO 64801. The phone number is 417-625-4310. More information is available here: <http://jaspercounty.org/courts/exparte.html>.
  - The circuit court clerk's office can provide the necessary forms and may assist in completing the forms. Forms may also be found online at: <http://www.courts.mo.gov/file.jsp?id=537>. A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.
  - Victims may also contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.
- c. When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.
- d. Any student or employee who has a restraining order, order of protection, no contact order or any other such order issued by a court against another individual (whether or not that individual is also a student or employee of the University) is highly encouraged to notify the MSSU Police Department or a campus security authority of the threat and to provide a copy of the restraining order so that it is kept on file with the MSSU Police and can be enforced, if necessary. The UPD will honor the order and do everything possible to ensure the safety of the victim.
- e. The University does not issue legal orders of protection. As a matter of institutional policy, however, the University 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, student financial aid, and visa and immigration assistance and others available to them, both within the University and in the surrounding community. Those services include:

### **University Support Services**

- Willcoxon University Health Center – Billingsly Student Center 242, Tel: 417-625- 9323 (Hours 8:00-5:00 M-F)
- Counseling Department (ACTS) – Hearnes Hall 314, Tel.: 417-625-9324 (Hours 8:00-5:00 M-F)

### **Financial Aid**

- Hearnes Hall Room 109, Tel: 417-625-9325 (Hours 8:00-5:00 M-F)

### **Third Party Support Services**

- Lafayette House (Battered Women) – Tel: 417-782-1772
- Ozark Center Crisis Services – Tel: 417-347-7720 or 800-247-0661
- National Sexual Assault Hotline – Tel: 800-656-4673
- SANE (Sexual Assault Nurse Practitioner) – 417-347-7263
- Missouri Coalition Against Domestic & Sexual Violence – <http://mocadsv.org/>
- National Domestic Violence Hotline – 1-800-799-7233

### **Legal Aid, Visa and Immigration Assistance**

- Legal Services of Missouri: <http://www.lsmo.org/>
- Immigration Advocates Network: <http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
- U.S. Citizenship and Immigration Services: [https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office\\_type=ASC&OfficeLocator.statecode=MO](https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office_type=ASC&OfficeLocator.statecode=MO)

### Accommodations and Protective Measures

MSSU 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 University is obligated to provide them regardless of whether the victim chooses to report the crime to the University Police Department or local police. Requests of this nature should be made to Tamika Harrel (Title IX Coordinator, 417-625-3022). This individual, in consultation with other appropriate University officials responsible for determining what, if any, accommodations or protective measures will be implemented. When considering the reasonableness of such a request, the following factors, and potentially others, may be considered:

- 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 residence hall, dining hall, class, transportation or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University'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 Title IX

Coordinator 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 University 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:

#### **Sexual Harassment Policy**

Allegations of domestic violence, dating violence, sexual assault or stalking may be processed through the University's Title IX Sexual Harassment Policy.

The Title IX Sexual Harassment applies to all University employees, including administrators, faculty, and staff; students; applicants for employment; customers; third-party contractors; and all other persons who participate in the University's Education Programs or Activities, including third-party visitors on campus. This policy prohibits Sexual Harassment regardless of the gender, gender identity, or sexual orientation of the alleged victim and the alleged perpetrator. This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the University's Education Programs or Activities; such Sexual Harassment may be prohibited by the Student Code of Conduct if committed by a student, or the Employee Handbook if committed by a faculty member or other University employee. This policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the University's Education Programs or Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or the Employee Handbook if committed by a faculty member or other University employee.

Any person may report sexual harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX coordinator receiving the person's verbal or written report.:

#### **Title IX Coordinator**

Tamika Harrel

417-625-3022

347 Billingsly Student Center

[harrel-t@mssu.edu](mailto:harrel-t@mssu.edu) Once a report is received and a preliminary assessment determines that the complaint will go forward under the Sexual Harassment Policy, the complainant may file a formal complaint requesting investigation and adjudication. If the complainant elects not to file a formal complaint, the Title IX Coordinator may do so on behalf of the University if doing so is not clearly unreasonable. Within five (5) days of receipt of the formal complaint, the Title IX Coordinator or other individual(s) designated by the Title IX Coordinator transmit written notice of the complaint to the parties. An investigator selected by the Title IX Coordinator will investigate the claims, culminating in a written investigation report. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of formal complaint. At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. The parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes. The notice will explain that the hearing process is the default process for adjudicating all formal complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as a form of informal resolution.

Each party will have three (3) days from transmittal of the notice to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the formal complaint will be adjudicated pursuant to the hearing process.

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the formal complaint, at the conclusion of the hearing process.

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice.

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the University's Hearing Procedures.

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation. In the event the hearing officer determines that the respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate University official with disciplinary authority over the respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the complainant.

After reaching a determination and consulting with the appropriate University official and Title IX Coordinator as required by "Discipline and Remedies," the hearing officer will prepare a written decision. The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in "Appeal." Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the hearing officer's written determination within fourteen (14) days of the conclusion of the hearing.

### Administrative Adjudication

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator. 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. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice.

After reviewing the parties' written responses, the administrative officer will meet separately with each party. After meeting with each party, the administrative officer will evaluate all relevant evidence 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 University official and the Title IX Coordinator and will prepare and transmit a written decision. Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal as specified in "Appeal." Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the University strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice. Informal resolution will not be permitted if the respondent is a non-student employee accused of committing Sexual Harassment against a student.

### Informal Resolution

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 by agreement of the parties. The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-party);
- Explains the effect participating in informal resolution and/or reaching a final resolution will have on a party, a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

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 University, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the University.

Notwithstanding the foregoing if the form of informal resolution is Administrative Adjudication, there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. All other forms of informal resolution are not subject to appeal.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the formal complaint will be resolved pursuant

to the investigation and adjudication procedures.

Informal resolution will not be permitted if the respondent is a non-student employee accused of committing Sexual Harassment against a student.

#### Appeals:

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to the Title IX Coordinator, who will then appoint an appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

### **Prohibited Sexual Misconduct Policy and Complaint Resolution Procedures**

Reports of sexual misconduct should be made to the Title IX Coordinator, the Deputy Title IX Coordinator, or the University Policy Department, identified above. Complaints involving employees that do not fall within the scope of the Sexual Harassment Policy may be processed pursuant to the Prohibited Sexual Misconduct Policy. After the University receives a report of sexual misconduct, the Title IX Coordinator or designee will conduct an initial evaluation of the report to determine whether the conduct alleged, if true, could constitute a violation of this Policy.

If so, in the event the alleged victim requests an investigation and wishes to make a complaint under the complaint resolution procedures, the Title IX Coordinator will appoint an investigator. The investigator will promptly notify the respondent and provide the respondent with the opportunity to review a copy of the complaint.

The investigator will communicate with the parties separately to discuss avenues for resolution. The investigator will determine whether the complaint will be resolved through the informal or formal process and then notify the parties regarding which process will be used. Both parties must agree to the informal process being used.

The University will endeavor to conclude its investigation and resolution of the complaint in a timely manner.

#### **Informal Resolution**

If the parties reach agreement on an informal resolution, the investigator, in consultation with the Title IX Coordinator and other appropriate University administrators, will review the resolution and may reject it, approve it, or require modifications prior to approval. In the event the investigator approves the resolution, the investigator will prepare a written memorandum setting forth the terms of the resolution. The investigator will present the written memorandum to the parties for their review and signature. The investigator will then provide the parties with simultaneous written notification that the case has been resolved pursuant to informal resolution. The investigator may transmit a copy of the written memorandum to other University administrators or employees whose involvement is necessary to effectuate the resolution and/or for inclusion in appropriate personnel files.

#### **Formal Resolution**

The Title IX Coordinator will assign a designee to serve as an investigator. The investigator will conduct an investigation and then prepare a written investigation report. The investigation report will include findings of fact and the basis for those findings, and a determination about whether a Policy violation more likely than not occurred. If necessary, the investigator will attach an addendum with sanctions and remedial measures.

Both the complainant and respondent have the right to appeal the finding as to whether or not sexual misconduct occurred and/or the discipline imposed. Appeal procedures differ depending on the status of the respondent.

## Appeals

If the respondent is a student, the aggrieved party must submit a written statement of appeal to the Student Affairs Office within ten (10) business days of receiving the notice of outcome of the investigation. Upon receiving a valid appeal, the Student Affairs Office will prepare the matter for a Student Conduct Review Committee, per the Student Code of Conduct. The Student Conduct Review Committee will review the appeal and the investigation file. The Student Conduct Review Committee may interview the parties in order to obtain additional information, and, if applicable, will meet with the parties on an equal basis. The Student Conduct Review Committee will resolve the appeal and will provide notice of the appeal decision to the parties.

If the respondent is a faculty member, the aggrieved party must submit a detailed written statement of appeal to the Provost/Vice President for Academic Affairs within ten (10) business days of notification of the outcome of the complaint. Upon receiving a valid appeal, the Provost/Vice President for Academic Affairs will, within three (3) business days, provide a copy of the written statement of appeal to the other party. Thereafter, the party so notified will have ten (10) business days to submit a written response to the appeal to the Provost/Vice President for Academic Affairs. The Provost/ Vice President for Academic Affairs will evaluate the written appeal and any written response. Within five (5) business days of receiving the written response (or the time for a written response expiring with no response submitted), the Provost/ Vice President for Academic Affairs will provide simultaneous written notification to the parties of the decision. The Provost/Vice President for Academic Affairs' determination of the appeal is final.

If the respondent is an administrator, non-faculty employee, contractor, or third party, the aggrieved party must submit a detailed written statement of appeal to the Vice President for Business Affairs within ten (10) business days of receiving notification of the outcome of the investigation. Upon receiving a valid appeal, the Vice President for Business Affairs will, within three (3) business days, provide a copy of the written statement of appeal to the other party. Thereafter, the party so notified will have ten (10) business days to submit a written response to the appeal to the Vice President for Business Affairs. The Vice President for Business Affairs will evaluate the written appeal and any written response. Within five (5) business days of receiving the written response (or the time for a written response expiring with no response submitted), the Vice President for Business Affairs will provide simultaneous written notification to the parties of the Compliance Officer's decision. The Vice President for Business Affairs' determination of the appeal is final.

### **Student Code of Conduct**

Complaints involving students that do not fall within the scope of the Title IX Sexual Harassment Policy may be governed by the Student Code of Conduct. Any member of the Missouri Southern State University community, visitor or guest may allege a policy violation(s) by any student for misconduct under this Code. Notice may also be given to the Director of Student Conduct and/or to the Title IX Coordinator (or their designee), when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party and should be submitted as soon as possible after the offending event occurs. The University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process. The Director of Student Conduct (or designee) will assume responsibility for the investigation of the alleged violation.

Once a determination is made that reasonable cause exists for the Director of Student Conduct (or designee) to refer a complaint for an investigation, notice will be given to the responding student. The responding student will be informed for the request for a hearing by the Director of Student Conduct office. The notice will be delivered by the Director of Student Conduct office by either verbal or writing. The responding



student notice may be delivered by one or more of the following methods: phone call requesting the hearing by the Director of Student Conduct (or designee), in writing – delivered in person by the Director of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official Missouri Southern State University records; or emailed to the student’s Missouri Southern State University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will: 1. Include notification of an alleged violation and notification of where to locate the Code of Student Conduct and Missouri Southern State University procedures for resolution of the complaint; and 2. Direct the responding student to contact the Director of Student Conduct (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than two days from the date of delivery of the summons letter. A meeting with the Director of Student Conduct (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Director of Student Conduct (or designee), whether they admit to or deny the allegations of the complaint. Where the responding student admits to violating the Code of Student Conduct, the Director of Student Conduct (or designee) may invoke administrative procedures to determine and administer appropriate sanctions.

In the alternative, an investigation/conference process is conducted. During the Investigation/Conference: 1. The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically, advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee. 2. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Director of Student Conduct. Formal rules of evidence are not observed. The Director of Student Conduct may limit the number of character witnesses presented or may accept written affidavits of character instead. 3. All procedural questions are subject to the final decision of the Director of Student Conduct. 4. Notification of the Conduct Investigator’s decision will be made in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official Missouri Southern State University records; or emailed to the student’s Missouri Southern State University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

Any party may request an appeal of the decision of the Administrative Conference by filing a written request to the Director of Student Conduct. Where the disciplinary action assigned by the Director of Student Conduct or a representative in the administrative proceeding is not accepted by the student, the student shall have the right to appeal the sanction. Appeals must be submitted in writing to the Student Affairs office within 48 hours after the initial disciplinary action. The findings and actions of the Student Conduct Hearing Committee are final. In order to appeal, the aggrieved party must submit a detailed written statement to the Director of Student Conduct or a representative in the Student Affairs Office within 48 hours after the initial disciplinary action.

Appeals are processed by the Student Conduct Review Committee. In the event that the written statement of appeal fails to state a permissible ground for appeal and/or does not describe the basis for the appeal, the appeal may be summarily dismissed. The Chairman of the Student Conduct Review Committee shall preside at the review, call the meeting to order, call the roll of the committee in attendance, ascertain the presence or absence of the student charged with misconduct, read the notice of review and charges and verify the giving of the required notice, ascertain whether or not the student is represented by an advisor or

counselor, and call to the attention of the student charged and the advisor any special or extraordinary procedures to be employed during the review and permit the student to make formal objections thereto. After the presentation of evidence by the student and the University, the Student Conduct Review Committee shall make its findings and determination in executive session out of the presence of the Director of Student Conduct and the student charged. No discipline shall be assessed against a student except by majority vote of the Committee. The Committee shall transmit in writing its determination and findings to the Director of Student Conduct and the student charged.

### Rights of the Parties in an Institutional Proceeding

When the procedures discussed in the previous section are being used, 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.
  - o A prompt, fair and impartial process is one that is:
    - a. 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.
    - b. conducted in a manner that:
      - i. is consistent with the institution's policies and transparent to the accuser and the accused.
      - ii. includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - iii. 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.
    - c. 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 domestic violence, dating violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - o Such training addresses topics such as 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. The University Title IX Coordinator and investigators attend annual training provided by the legal firm of Husch Blackwell. The training takes place over two days and includes the topics: advanced consent, reciprocal allegations, third party settings, pregnancy discrimination, proper investigation techniques, reporting, hearing, discipline & remediation, prevention and awareness, sexual violence, and documentation and current OCR investigations.
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 a preponderance-of-the-evidence standard based on the totality of the evidence presented.
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 that the University May Impose for Domestic Violence, Dating Violence, Sexual Assault or Stalking Offenses:

**Student Conduct Sanctions**

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*, including dating violence, domestic violence, sexual assault, and stalking:

- 1) *Warning*: An official written notice that the student has violated Missouri Southern State University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the Missouri Southern State University.
- 2) *Restitution*: Compensation for damage caused to the Missouri Southern State University or any person’s property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- 3) *Fines*: Reasonable fines may be imposed.
- 4) *Community/Missouri Southern State University Service Requirements*: For a student or organization to complete a specific supervised Missouri Southern State University service.
- 5) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- 6) *Confiscation of Prohibited Property*: Items whose presence is in violation of Missouri Southern State University policy will be confiscated and will become the property of the Missouri Southern State University. Prohibited items may be returned to the owner at the discretion of the Vice President for Student Affairs (or designee) and/or Campus Police.
- 7) *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- 8) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 9) *Restriction of Visitation Privileges*: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
- 10) *Missouri Southern State University Housing Probation*: Official notice that, should further violations

of Residence Life or Missouri Southern State University policies occur during a specified probationary period, the student may immediately be removed from Missouri Southern State University housing. Regular probationary meetings may also be imposed.

- 11) *Missouri Southern State University Housing Reassignment*: Reassignment to another Missouri Southern State University housing facility. Residential Life personnel will decide on the reassignment details.
- 12) *Missouri Southern State University Housing Suspension*: Removal from Missouri Southern State University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to Missouri Southern State University housing may be specified, such as: reapplying for housing, living in University selected housing, reentering housing under probation. Under this sanction, a student is required to vacate Missouri Southern State University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Student Conduct. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for Missouri Southern State University housing, the student must gain permission from the Director of Student Conduct (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension.
- 13) *Missouri Southern State University Housing Expulsion*: The student's privilege to live in, or visit, any Missouri Southern State University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- 14) *Missouri Southern State University Probation*: The student is put on official notice that, should further violations of Missouri Southern State University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- 15) *Eligibility Restriction*: The student is deemed "not in good standing" with the Missouri Southern State University for a specified period of time. Specific limitations or exceptions may be granted by the Vice President for Student Affairs (or designee) and terms of this conduct sanction may include, but are not limited to, the following:
  - a) Ineligibility to hold any office in any student organization recognized by the Missouri Southern State University or hold an elected or appointed office at the Missouri Southern State University; or
  - b) Ineligibility to represent the Missouri Southern State University to anyone outside the Missouri Southern State University community in any way including: participating in the study abroad program, attending conferences, or representing the Missouri Southern State University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- 16) *Missouri Southern State University Suspension*: Separation from the Missouri Southern State University for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, such as: a written letter to the Dean of Admissions seeking permission for readmission to the University, documentation supporting any corrective action taken by the student, understanding that the student may be placed on disciplinary probation upon return to MSSU. The

student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Vice President for Student Affairs (or designee). During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Vice President for Student Affairs. This sanction may be enforced with a trespass action as necessary.

*17) Missouri Southern State University Expulsion:* Permanent separation from Missouri Southern State University. The student is banned from university property and the student's presence at any Missouri Southern State University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. **[This sanction will be noted as a Conduct Expulsion on the student's official academic transcript].**

## Employee Conduct Sanctions

### PROGRESSIVE DISCIPLINARY ACTION

Employee discipline is based on a progressive disciplinary system, and the University may impose any of the following disciplinary actions following an incident of dating violence, domestic violence, sexual assault, or stalking:

a. Verbal Warning

A verbal warning is used when a supervisor wants to bring an issue of concern to the attention of the employee, stress the seriousness of the situation, and present suggestions or instructions to resolve or correct the problem. A written record of the discussion noting the date, event, and recommended action should be made.

b. Written Warning

A written warning is used for behavior or violations which a supervisor considers serious or where a verbal warning has not helped change unacceptable behavior. A written warning documents the occurrence and the severity of the inappropriate behavior, and usually warns the employee that further violations will result in suspension without pay or termination.

c. Suspension Without Pay

A suspension without pay may be used to impress upon the employee that a behavior or performance level must be changed or termination will be inevitable. Suspension results in the loss of pay for a specified period of time (usually three days).

d. Disciplinary Suspension

A disciplinary suspension may be used in cases when the infraction is of such seriousness that it may warrant dismissal pending review of the facts. Disciplinary suspension should be followed immediately by a thorough investigation of the situation to determine the appropriate action to be taken.

e. Dismissal

Serious offenses and repeated disciplinary problems will require dismissal. While employment may be terminated at any time without cause, examples of conduct that can result in dismissal for a single incident are dishonesty, insubordination, theft, use of illegal drugs or unauthorized use of alcohol on University premises, or other serious conduct as outlined in the University's disciplinary guidelines.

In addition to the progressive disciplinary system, the following types of sanctions may also be imposed on employees following an incident of dating violence, domestic violence, sexual assault, or stalking:

a. Transfer

An employee who has not satisfactorily performed the duties of his or her job according to established standards may be transferred to another position for which he/she is qualified. (For non-disciplinary transfers, please see the "Promotion & Transfer" policy in this Handbook.)

b. Compensation Reduction

An employee who violates University rules or policies may be subject to disciplinary action in the form of a reduction in compensation.

c. Withholding Wage Increases

If an employee has unsatisfactory behavior or job performance, the supervisor may withhold an across-the-board wage increase (including a grade/step increase for a classified employee on the grade & step system) resulting in a wage freeze. As a follow up to this action, the supervisor may inform the employee that a special performance evaluation will be conducted at a later date to review his or her behavior and/or performance. The evaluation will assist the supervisor in reaching a determination as to whether substantial improvement has been made or further disciplinary action is warranted.

d. Probation

At any time during employment, an employee may be placed on probation up to a maximum of 60 days for unsatisfactory conduct or service, upon the recommendation of the employee's supervisor. An employee who has been placed on probation will not be eligible for any wage increases until the probationary period has been satisfactorily completed.

e. Demotion

An employee who is involved in several minor violations of University regulations, such as loitering, tardiness, smoking where/when prohibited, etc., may be demoted to a lower salaried position or wage classification.

Possible Protective Measures that the University May Impose for Domestic Violence, Dating Violence, Sexual Assault or Stalking Offenses:

Possible protective measures that to be implemented may include:

1. Separation of alleged victim and respondent on campus; including but not limited to shared classes, residence halls, dining facilities, and public meeting areas.
2. No-Contact order – given as an interim/permanent measure to separate alleged victim

and respondent.

3. Forbidding the accused from communicating with the victim.
4. Security escorts around campus.

### Publicly Available Recordkeeping

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

### Victims to Receive Written Notification of Rights:

When a student or employee reports to the University that he or she has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University 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 University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the University Police Chief (417-625-9741). The Missouri State Highway Patrol maintains a general registry of sex offender information, which may be accessed at the following link:

<http://www.mshp.dps.mo.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>.

## Drug and Alcohol Policy

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

The University 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 University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Federal Drug Laws**

**Denial of Federal Benefits (21 U.S.C. 862)** A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction

and up to five years for subsequent convictions.

**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, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is 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 quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are twice as severe.

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.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a 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.

**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 and a mandatory fine of no less than \$1,000. 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.

## Drug and Alcohol State Laws

Category	Summary (Missouri Revised Statues)
Possession of Marijuana	The use of recreational marijuana is illegal, and possession for personal use of less than 10 grams for a first offense is a misdemeanor with a maximum fine of \$500 and no jail time. For a second offense, the maximum fine is \$2,000 and up to one year in jail. Possessing more than 35 grams is a felony with a maximum fine of \$10,000 and up to 7 years in jail. <i>See</i> MO. REV. STAT. § 579.015 (2019). Medical marijuana for certain conditions is allowed, and up to four ounces may be purchased every 30 days. Mo. Code Regs. Ann. tit. 19, § 30-95.030 (2020).
Controlled Substances	Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. <i>See</i> MO. REV. STAT. §§ 579.015 – 579.040 (2019). Possession of a controlled substance, except thirty-five grams or less of marijuana, is a Class D felony, with a term of up to seven years and a fine up to \$10,000. <i>See</i> MO. REV. STAT. § 579.015 (2019). Delivery of a controlled substance other than 35 grams or less of marijuana is a Class C felony, resulting in a prison term of not less than 3 years and not more than 10 years, and a fine up to \$10,000. MO. REV. STAT. §§ 558.002, 558.011 (2019).  As an example, someone possessing methamphetamine faces a prison term of 7 years and a fine up to \$10,000.



Alcohol and Minors	In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor, subject to a fine not to exceed \$500. <i>See</i> MO. REV. STAT. § 311.325 (2019). A subsequent violation is a Class A misdemeanor, subject to a term of up to one year in jail and a fine not to exceed \$2,000. <i>Id.</i> Anyone between 17–21 who represents that she/he is 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. MO. REV. STAT. § 311.320 (2019). The use of a fake identification is subject to a \$500 fine. <i>Id.</i> An attempt to purchase, or possession of alcohol, may also result in license suspension.
Driving Under the Influence (DUI)	A person is guilty of a DUI if the person has a blood alcohol concentration of 0.08 percent. A first offense results in a suspended license for 30 days and then a restricted license for 60 days, and may require a certified ignition interlock device. MO. REV. STAT. § 302.525 (2019). A second offense within five years results in a one-year restricted license and additional penalties.

**Drug and Alcohol Abuse Prevention Program:**

Missouri Southern State University prohibits the unlawful manufacture, distribution, dispensing, possession, sale or use of illegal drugs by students and employees in the workplace, on University property, or as part of any University activity. The University will enforce federal and state drug laws.

MSSU prohibits the possession, use, and sale of alcoholic beverages in the Residence Life area of campus. Students generally receive an administrative violation for possession of an alcoholic beverage with graduated fines for each subsequent violation. After three violations the student could be suspended from classes at the discretion of the Director of Student Conduct. The University enforces Missouri’s underage drinking laws. Students who possess alcohol as a minor or supply intoxicants to minors can be arrested and charged through the Jasper County Prosecutor’s Office.

**Substance Abuse Policy:**

Pursuant to the Drug-Free Schools and Communities Act Amendments of 1989, and to provide resources and support to its students, the University has established a drug and alcohol prevention program for its students. The University’s program is described below. This Policy applies to all University students.

Students are prohibited from using alcoholic beverages and illegal drugs on University owned or controlled property and at University-sponsored or supervised activities. Irresponsible alcohol or other drug usage off campus resulting in disorderly conduct on campus is also prohibited. Any student of the University found to have manufactured, dispensed, possessed or used a controlled substance in violation of the Substance Abuse Policy of this University will be subject to discipline in accordance with University policy and reported to local, state or federal law enforcement authorities for criminal prosecution. Criminal prosecution for these acts could lead to conviction and such a conviction could result in a sentence imposing a monetary fine, imprisonment in a state or federal penitentiary or both.

**Health Risks:**

Specific serious health risks are associated with the use of illicit drugs and alcohol. Some of the major risks are as follows:

**Alcohol and other depressants (barbiturates, sedatives, and tranquilizers):**

Addiction, accidents as a result of impaired ability and judgment, overdose when used with other depressants, damage to a developing fetus, heart and liver damage.

**Marijuana:**

Addiction; panic reaction; impaired short-term memory; increased risk of lung cancer and emphysema, particularly in cigarette smokers; impairment of driving ability.

**Cocaine:**

Addiction, heart attack, seizures, lung damage, severe depression, paranoia, psychosis. Similar risks are associated with other stimulants, such as speed and uppers.

**Hallucinogens (acid, LSD, PCP, MDMA, etc.):**

Loss of consciousness, suffocation, damage to brain and central nervous system, sudden death, nausea and vomiting, nosebleeds, impaired judgment.

**Resources:**

Varieties of resources exist for drug or alcohol counseling, treatment or rehabilitation programs. For more detailed information concerning these resources and others available from the University and/or community agencies, students may contact the Advising, Counseling & Testing Service (ACTS), 417-625-9324 or the Student Affairs Office (417-625-9392). Such referrals will respect individual confidentiality. A main objective of the University's Drug and Alcohol Prevention Program is to encourage healthy attitudes and behaviors on the part of all students and responsible decisions about alcohol/drug use. A final objective is to provide students with the necessary skills to help them carry out the decisions they have made in regard to their use or nonuse of alcohol/drugs, and how to effectively handle certain "high pressure" situations.

To meet the above objectives, information and assistance is provided to students in several ways. First, alcohol and drug films are shown and programs conducted in all orientation classes, which are required for all new students. Additional alcohol and drug information is presented in other academic classes, including Kinesiology and Lifetime Wellness. Pamphlets about alcohol and drug use are distributed each semester in residence hall rooms and in the Student Center. Special alcohol and drug training is provided annually for residence hall staff and orientation leaders.

The athletic department provides additional programming for varsity athletes. Special alcohol and drug programs are presented throughout the year. Active drug testing is done. A committee of counselors, teachers and clergy are available to assist varsity athletes. The Student Affairs Office and Willcoxon Health Center provide alcohol and drug information throughout the year for all students.

**Medical Amnesty:**

The health, safety, and welfare of the MSSU community is a primary concern of University officials, even if students are in violation of University alcohol/drug policies. Students should not hesitate to seek medical attention for themselves or others when the health and/or safety of someone is at risk. Students can do this without fear of facing disciplinary action from the University. Student violators may, however, be required to participate in a University alcohol and drug education program. This Medical Amnesty is implemented at the discretion of the Director of Student Conduct (or designee) and applies only to emergencies.

Violations of these prohibitions will be handled in the following manner:

1. For students, serious drug violations will usually result in being arrested by University Police officers and having charges filed through the Jasper County Prosecutor's Office. Other options include receiving disciplinary prohibition, suspension or expulsion as provided in the Student Handbook.

2. For employees, violations could result in disciplinary action, up to and including termination of employment. Violations will usually also involve the involvement of the UPD and filing of charges through the Jasper County Prosecutor's Office.

Below are some of the legal sanctions an individual could face for illegally using alcohol or drugs:

- Missouri law prohibits the purchase or possession of alcohol by those under 21 years of age. It also prohibits persons from knowingly furnishing alcohol to those under 21 years of age. These offenses are punishable by a fine ranging from \$50 to \$1,000 and up to one year imprisonment.
- Under Missouri law, it is also illegal to drive while intoxicated, which means that you have a blood alcohol concentration (BAC) of .08 or higher or it is determined that your driving ability is impaired (even if your BAC is below .08). A first offense can result in a \$500 fine and up to 6 months imprisonment. The potential fines and times of imprisonment increase when there are multiple offenses.
- Missouri law also prohibits the unlawful use, possession, and distribution of controlled substances, including marijuana. Depending on the types and amounts of controlled substances involved and prior drug-related convictions, penalties range from a \$500 fine to life imprisonment.
- Under federal law, illegal possession of a controlled substance can result in a fine of at least \$1,000 and up to one year imprisonment for a first offense. Penalties increase when an offender has been convicted of prior drug-related offenses. Illegal possession of a controlled substance can also result in the forfeiture of property, civil fines, and the loss of federal benefits. Trafficking controlled substances can also lead to substantial fines and lengthy prison sentences, including life in prison.
- Conviction of a federal drug law can also result in ineligibility for federal financial aid.

Missouri Southern State University is committed to increasing employee and student awareness of the dangers of substance abuse. For example, marijuana can impair thinking, reading, comprehension and verbal skills; hallucinogens result in loss of control of normal thought processes; phencyclidine can produce violent and bizarre behavior; stimulants (amphetamines) may produce mood swings, panic and cardiac disturbances; cocaine is toxic, and overdoses result in death; narcotics cause dependency and severe symptoms upon withdrawal; inhalants have a high risk of sudden death; and alcohol can dull sensation and impair coordination, memory and judgment. In an effort to maintain a drug- and alcohol- free environment, the University will provide:

1. Awareness programs through our University Wellness Program,
2. Enforcement and awareness programs through the University Police Department,
3. Assistance through the Willcoxon Health Center,
4. Assistance through the University physician,
5. Individual counseling through the ACTS office, and
6. Assistance with making referrals to outside agencies.

Everyone employed by Missouri Southern State University as a condition of employment will:

1. Abide by the terms of the University Substance Abuse Policy,
2. Notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Missouri Southern will notify the proper agency of any convictions reported to them within ten days of the receipt of said notice.

Any employee or student of Missouri Southern State University who violates the University's Substance Abuse Policy will be subject to discipline in accordance with this policy and reported to the University Police Department for criminal prosecution. Criminal prosecution for these acts could lead to a conviction, and such conviction could result in a sentence imposing a monetary fine, imprisonment in a state or federal penitentiary, or both. <http://www.mssu.edu/offices/police/substance-abuse-policy.php>\*

\*This policy is distributed annually to all students and employees in compliance with the Drug-Free Workplace Act of 1998 (P.L. 101-690) and the Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226).

This topic is also addressed in the Employee Handbook as follows:

**Alcohol and Drug-Free Workplace Policy** In keeping with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, the University prohibits the unlawful manufacture, distribution, dispensing, possession or use of alcohol and/or any illegal substance by employees in the workplace, on University property, or as part of any University -sponsored activity. This includes violation of the Missouri law prohibiting possession or use of alcohol by persons under 21 years of age and violation of all other state and federal laws regulating use, possession, or distribution of alcohol and other drugs. "University - sponsored activity" includes those activities that are planned, promoted, or sponsored by a University department or other University subdivision. "University property" includes University owned or leased land, facilities, vehicles, and equipment. On limited occasions the President may approve the legal serving of alcoholic beverages at a university event or activity. The University recognizes alcohol and drug abuse as a potential health, safety and security problem. Excessive alcohol consumption or use of illegal drugs impairs the user's ability to function, changes the user's behavior, and subjects the user to serious health risks, including disease, addiction, and death. An employee with an alcohol and/or drug-related problem is encouraged to seek help in dealing with such problems. Confidential information regarding different drug and alcohol counseling and rehabilitation is available through the University's Health Center, Advising, Counseling, & Testing Services (ACTS) or through the University's Employee Assistance Program.

The University is committed to the safety and well-being of the University community and to the provision of a drug-free workplace. Thus, it is the expectation of the University that all employees abide by the terms of this policy as a condition of employment. If an employee violates this policy, the University may subject the employee to immediate disciplinary action, up to and including termination, and report the employee to the appropriate officials for prosecution under the laws of the State and the United States of America, under which, penalties may include fines, imprisonment, or both. Any employee, as a condition of employment, is required to notify the Chief Human Resources Officer within five days of any criminal drug conviction if the violation occurred on campus or off campus while conducting University business.

### Biennial Review of Drug and Alcohol Abuse Education Program

The University also performs a biennial review of its drug and alcohol abuse education program in order to (1) determine the program's effectiveness and implement changes to the program as needed and (2) ensure that sanctions related to drug and alcohol use are consistently enforced. The University's last biennial



<b>Drug Law Violations</b>	<b>14</b>	<b>12</b>	<b>11</b>	<b>14</b>	<b>12</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Liquor Law Violations</b>	<b>42</b>	<b>12</b>	<b>33</b>	<b>42</b>	<b>12</b>	<b>33</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*There were no hate crimes reported for the years 2017, 2018 or 2019.

\*During 2019, there was one reported Clery crime (Auto Theft) investigated by law enforcement authorities and found to be false or baseless and therefore “unfounded.” There were none for 2017 or 2018.

\*One Rape incident (logged above) was reported through the Title IX office, but was not investigated by the UPD (or any other police agency) as the victim didn’t want to report to the police.

**Data from law enforcement agencies:**

The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University’s Clery Geography. No agency had applicable crime stats to include.

**[End of Annual Security Report.]**

## **2020 ANNUAL FIRE SAFETY REPORT**

### **Housing Facilities and Fire Safety Systems**

MSSU maintains on-campus housing for its students. These facilities were built at different times and have a variety of fire safety systems installed within them. Periodically the University also conducts fire drills. The Housing Director reports that fire drills were conducted on two occasions in 2019.

April 2, 2019

#### Fire Drill

East Hall: 51 residents (11 RAs), time 4 minutes 03 seconds

Blaine Hall: 36 residents (8 RAs), time 4 minutes 13 seconds.

McCormick Hall: 31 residents (8 RAs), time 4 minutes and 04 seconds

#### Spring 2019 Tornado Drill Information

Tornado Drill (All residence Halls)

81 residents evacuated by 20 RAs, time 9 minutes and 34 seconds

September 24, 2019

#### Fire Drill

East Hall: 47 residents (14 RAs), time 5 minutes 12 seconds

Blaine Hall: 29 residents (8 RAs), time 4 minutes 03 seconds.

McCormick Hall: 19 residents (8 RAs), time 4 minutes and 13 seconds

#### Fall 2019 Tornado Drill Information

Tornado Drill (All residence Halls)

68 residents evacuated by 17 RAs, time 8 minutes and 48 seconds

The following chart lists each housing facility, the fire safety system within it and the number fire drills conducted during the previous calendar year.

### **FIRE SAFETY SYSTEMS IN MSSU RESIDENTIAL FACILITIES**

Residential Facilities	Fire Alarm Monitoring Done on Site by University Police	Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards*	Number of evacuation (fire) drills in the previous calendar year
East Hall	x	x	x	x		2
McCormick Hall	x		x	x		2
Blaine Hall	x		x	x		2
Gockel Hall			x	x		0
Stegge Hall			x	x		0
Dishman Hall			x	x		0
Dryer Hall			x	x		0
Stone Hall			x	x		0
Headlee Hall			x	x		0
Maupin Hall			x	x		0
Mitchell Hall			x	x		0
Quad A	x	x	x	x		0
Quad B	x	x	x	x		0
Quad C	x	x	x	x		0
Quad D	x	x	x	x		0
Quad E	x	x	x	x		0
Quad F	x	x	x	x		0

\*Evacuation plans are in place for each facility, but placards are not yet posted.

Below are the physical addresses of the Residential Facilities:

<u>McCormick Hall</u>	<u>1011 N. International Avenue</u>
<u>Blaine Hall</u>	<u>1015 N. International Avenue</u>
<u>Gockel Hall</u>	<u>1014 N. International Avenue</u>
<u>Stegge Hall</u>	<u>1016. N. International Avenue</u>
<u>Dishman Hall</u>	<u>1018 N. International Avenue</u>
<u>Dryer Hall</u>	<u>1020 N. International Avenue</u>
<u>Stone Hall</u>	<u>1020 ½ N. International Avenue</u>
<u>Headlee Hall</u>	<u>1022 N. International Avenue</u>
<u>Maupin Hall</u>	<u>1024 N. International Avenue</u>
<u>Mitchell Hall</u>	<u>1026 N. International Avenue</u>
<u>Quad A</u>	<u>1010 N. International Avenue</u>
<u>Quad B</u>	<u>1008 N. International Avenue</u>
<u>Quad C</u>	<u>1004 N. International Avenue</u>
<u>Quad D</u>	<u>1002 N. International Avenue</u>
<u>Quad E</u>	<u>1000 N. International Avenue</u>



## **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: Toaster, microwave, hot plate or convection oven. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

MSSU 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 will be confiscated and donated or discarded if found without reimbursement.

## **Fire Evacuation Procedures**

In the event of a fire, the University 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 University'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**

MSSU is required to disclose each year statistical data on all fires that occurred in on-campus student housing facilities. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. However, there may 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 following person: Chris Houk, Coordinator Fire Safety/Environmental Health – 417-659-5490. When notifying this individual of a fire, as much information as possible about the location, date, time and cause of the fire should be provided.

## **Plans for Future Improvements**

The University periodically reviews its fire safety protection and procedures. At this time, it has no specific plans for future improvements. Notwithstanding, fire Safety is a top priority at MSSU. We have upgraded

fire alarm systems throughout the campus. We have improved the warning and early detection systems in classroom buildings as well as our residence halls. We have finished installing an up-to-date, cutting edge True Site Workstation that can be accessed and monitored by authorized personnel within the Physical Plant and the University Police 24 hours a day to ensure rapid response in the event of any emergency. The new residence halls and athletic support buildings will be equipped with the newest technology available in early detection and warning equipment and meets or exceeds the latest NFPA 25 standards. The installation of fire sprinkler systems at the new facilities meets or exceed NFPA 13 standards and will guarantee a significant reduction of damage and loss of life in the event of a fire. Existing systems, both fire sprinkler and detection and warning, are being rigorously tested on a regular basis to ensure peak performance in the event of a fire emergency. Current Fire Safety Policies are regularly reviewed and updated as required by the constantly changing environment of the University.

### **Fire Statistics**

**There were no fires reported in 2017, 2018, or 2019.**