

# **MISSOURI SOUTHERN STATE UNIVERSITY**

## **2017 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. Faculty and staff receive similar notifications. Hard copies of the report may also be obtained at no cost by contacting the University Police Department at 726 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 (“MSSU Police”) is responsible for campus safety at the University. Its jurisdiction covers all campus property. Its personnel have arrest authority. The MSSU Police has a close working relationship with local law enforcement agencies, including the Joplin Police Department and Jasper County Sheriff’s Office, which assist the MSSU Police when necessary. The MSSU Police has written mutual aid agreements with the Joplin Police Department, the Jasper County Sheriff’s Office and other small city agencies (Duquesne, Webb City, & Cartersville) that allows them to help out in emergency situations. The MSSU Police 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**

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 of Student Affairs (Darren Fullerton, 417-625-3135), Dean of Students (Ron Mitchell, 417-625-9531), and the Director of Residence Life (Josh Doak).

### **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 **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, also make 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 still call **417-626-2222** and speak to an MSSU police officer without being routed to JPD first.
- Anonymous incident reports can also be made.

MSSU Police 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.

Any victim of a crime 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. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the 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 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 the Dean of Student Success (Title IV Coordinator) or the Student Life and Conduct person for a Title IX investigation without the consent of the person being counseled.

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 UE 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).
- Crime prevention programs are presented each semester by the Campus Activities Board, Student Services and the Residence Halls Association. Pamphlets regarding crime prevention are distributed to all resident students and are made available at the Student Center. 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.

## **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 crews 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 MSSU Police by dialing 417-623-3131.

## **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 MSSU Police Department (417-623-3131) of any situation that poses such a threat.

The on scene Incident Command Team Leader (Ken Kennedy, 417-625-9751) or (Chris Houk, 417-625-5490), in conjunction with the Emergency Management Director (Darren Fullerton, 417-625-3135) and the Emergency Operations Center Facilitator (Robert Harrington, 417-625-3191) 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.

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 who should be notified and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The 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 Media Officer for the university (Cassie Mathes, 417-625-9365) or her designee will disseminate emergency information to the larger community; that is those outside of the campus community.

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 Housing and the Crisis Incident Commander 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 12/08/2016 with an all campus communications drill. The Vice-President of Student Affairs authorized a Rave message that was sent to the campus community, letting them know the test was in progress. A "big voice" message was also sent out. Police officers and building captains responded to pre-designated locations to deal with all-hazard situations. A debriefing was held at the Physical Plant building 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 Housing (417-659-4460), the Dean of Student Success (417-625-9532) or the Student Life & Conduct person (417-625-9531) and/or the Vice-President of Student Affairs (417-625-3135). The MSSU Police 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 of Student Affairs (417-625-3135). 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 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 immediately after the University has determined that the student has been missing for 24 hours.

### **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 Title IX policy and the procedures for filing, investigating and resolving complaints for violations of that policy may be found at [www.mssu.edu/emergency-information/sexual-assault-policy.pdf](http://www.mssu.edu/emergency-information/sexual-assault-policy.pdf).

The following discusses the University's educational programs to promote the awareness of domestic

violence, dating violence, sexual assault and stalking; 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 foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention and see 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 Statutes)</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  
(Mo. Rev. Stat. §§  
455.010(5) and  
455.010 (7))

Abuse or stalking committed by a family or household member, as such terms are defined in Mo. Rev. Stat. § 455.010. "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 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.

- Additionally, Missouri law defines the term “Domestic Assault” (Mo. Rev. Stat. §§ 565.072 to 565.076):

- ♣ 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.

- 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.

- ♣ 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.

- ♣ 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.

- ♣ 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

<p>Stalking (Mo. Rev. Stat. §§ 565.225 and 565.227)</p>	<ul style="list-style-type: none"> <li>• As used below, 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> <li>• 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:             <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>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</li> <li>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</li> <li>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</li> <li>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> </ol> </li> </ul>
	<ul style="list-style-type: none"> <li>• 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> </ul>
<p>Sexual Assault (Mo. Rev. Stat. § 455.010(1)(e))</p>	<p>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.</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 (Mo. Rev. Stat. §§ 566.030 and 566.032): <ul style="list-style-type: none"> <li>○ 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>○ 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> </li> </ul>
	<ul style="list-style-type: none"> <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): 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: <ol style="list-style-type: none"> <li>1. Ancestor or descendant by blood or adoption; or</li> <li>2. Stepchild, while the marriage creating that relationship exists; or</li> <li>3. Brother or sister of the whole or half-blood; or</li> <li>4. Uncle, aunt, nephew or niece of the whole blood.</li> </ol> </li> <li>♣ Statutory Rape (Mo. Rev. Stat. §§ 566.032 and 566.034): <ul style="list-style-type: none"> <li>○ 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>○ 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> </li> </ul>

Other Crimes that  
could be considered  
Sexual Assault

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

- ♣ Sodomy (Mo. Rev. Stat. §§ 566.060 and 566.061):
  - 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.
  - 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 (Mo. Rev. Stat. §§ 566.062 and 566.064):
  - 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.
  - 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 (Mo. Rev. Stat. §§ 566.067 to 566.071):
  - 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.
  - 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.
  - 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.
  - 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):
  - A person commits the offense of sexual misconduct involving a child

<p>Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))</p>	<ul style="list-style-type: none"> <li>• Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>c. It is induced by force, duress or deception.</li> </ul> </li> </ul>
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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 Violence/Assault Policy has occurred:

Lack of consent is often the critical factor in determining whether Sexual Violence/Assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive. The University does not recognize consent by silence.

- 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 impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- 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 may be deemed invalid when it is obtained in circumstances where one party exercised a position of direct authority or control over another.
- 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 on 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 safely do so, 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 antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don’t hesitate to contact the police.

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 currently planned programming at MSSU includes the following:

- Faculty, and Staff receive yearly annual sexual misconduct prevention training on Title IX and VAWA. Faculty and Staff are required to attend 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 student 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 Program. In this class girls 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 MSSU Police at 911 or 417-623-3131. At the earliest opportunity, you should also contact the University’s Title IX Coordinator [Julie Wengert at 417-625-9532 or Landon Adams at 417-625-9531, 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 MSSU Police or the University’s Title IX Coordinator, a report may also be made to the Deputy Title IX Coordinator (information listed below) or 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, keep in mind 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, which are:
- 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.

### 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 other available to them, both within the University and in the surrounding community. Those services include:

#### **University Support Services**

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

#### **Financial Aid**

- Hearnest 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 Josh Doak (Director of Residence Life 417-659-4460) or Landon Adams (Student Conduct 417-625-9531). These individuals in consultation with other appropriate University officials, are 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:

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

### Title IX Coordinator

Julie Wengert

Dean of Student Success

417-625-9532

437 Billingsly Student Center

Wengert-j@mssu.edu

**Deputy Title IX Coordinator**

Evan Jewsbury

Director of Human Resources

417-625-9527

217 Hearnest Hall

Jewsbury-e@mssu.edu

A summary of the procedures for University Students are as follows:

- Once a complaint is made, the Title IX Coordinator will commence the investigatory process as soon as practicable, but not later than seven (7) days after the complaint is made. The Title IX Coordinator and/or designee will analyze the complaint and notify the respondent that a complaint has been filed. Informal resolution may be considered in certain circumstances if agreeable to both parties, but mediation will never be used in cases of sexual assault.
- During a formal investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Upon completion of the investigation, the investigator(s) make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. The investigator(s) will then prepare an investigation report outlining the findings and include, if necessary, sanctions or other remedial measures to impose. The parties will be notified of this determination in writing within three (3) days of it being made. The institution strives to complete investigations of this nature within sixty (60) calendar days.
- Both parties have an equal opportunity to appeal the determination by filing a written appeal with the Vice President of Student Affairs within five (5) days of being notified of the outcome of the investigation. The Vice President will resolve the appeal within ten (10) days of receiving it, and may take any and all actions that he/she determines to be in the interest of a fair and just decision.

A summary of the procedures for University employees are as follows:

- Once a complaint has been filed by an employee the Title IX Coordinator or the Deputy Title IX Coordinator will begin a formal investigation. The formal investigative will be prompt and in as confidential manner as possible. The investigation may include individual interviews with all parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- If the University investigation determines misconduct has occurred the University will determine appropriate disciplinary the action to be taken under the Progressive Disciplinary Action policy listed below.

## Rights of the Parties in an Institutional Proceeding

Regardless of which procedure outlined in the previous section is being used, both the victim and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - 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 matter 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.
  - 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 consists 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 Dean of Students 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 Housing and Residence Life. 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 Housing and Residence Life (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 Dean of Students 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 Students 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 Dean of Students. During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Dean of Students. 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].**

*18) Other Sanctions:* Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or designee. If a sanction that is not listed above is utilized following a finding of dating violence, domestic violence, sexual assault, or stalking, that sanction will be listed in next year's security report.

## **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 Orders that the University May Impose for Domestic Violence, Dating Violence, Sexual Assault or Stalking Offenses:

Possible protective orders that may be implemented 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**

Missouri Southern State University prohibits the unlawful manufacture, distribution, dispensing, possession 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 alcohol 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 violations. After three violations the student could be suspended from classes at the discretion of the Dean of Students. The

University Police Department 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.

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

1. For students, 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 will 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 University Nurse,
4. Assistance through the University Physician,
5. Individual counseling through the ACTS office, and
6. Assistance with making referrals to outside agencies.

Wellapalooza is the name of the education program used by Student Services to increase awareness of the dangers of drugs and alcohol among MSSU students.

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).

### 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 review was conducted in 2016.

### **Crime Statistics**

The Clery Act requires institutions of higher education to disclose crime statistics covering the previous three years on four general categories of crimes: (1) primary crimes (murder and non-negligent manslaughter, manslaughter by negligence, sex offenses (rape, fondling, statutory rape and incest), robbery, aggravated assault, burglary, motor vehicle theft, and arson); (2) hate crimes (any of the primary crimes except manslaughter by negligence and any incidents of larceny-theft, simple assault, intimidation or destruction/damage/vandalism of property that were motivated by certain biases); (3) arrests or referrals for disciplinary action for weapons, drug and liquor law violations; and (4) crimes of domestic violence, dating violence and stalking.

The definitions of these offenses follow FBI guidelines and are as follows:

### **PRIMARY CRIMES**

*Murder and non-negligent manslaughter:* The willful (non-negligent) killing of one human being by another.

*Manslaughter by negligence:* The killing of another person through gross negligence.

*Rape:* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

*Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

*Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

*Robbery:* The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

*Aggravated assault:* An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury, usually accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

*Burglary:* The unlawful entry of a structure to commit a felony or a theft.

*Motor vehicle theft:* The theft or attempted theft of a motor vehicle.

*Arson:* Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## **HATE CRIMES**

Hate crimes involve those crimes motivated by the following biases: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. As noted, hate crimes include those defined above (except manslaughter by negligence) that were motivated by one or more of these biases. They also include a second category as follows:

*Larceny-theft:* The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

*Simple assault:* An unlawful physical attack by one person upon another where the offender neither displays a weapon nor the victim suffers obvious severe or aggravated bodily injury, such as apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

*Intimidation:* Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

*Destruction/damage/vandalism of property:* Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

## **ARRESTS & REFERRALS FOR DISCIPLINARY ACTION**

The third category of crime statistics disclosed related to arrests and referrals for disciplinary action for violations of law relating to weapons, drugs or liquor. For this purpose, the following definitions apply:

*Arrest:* A person processed by arrest, citation or summons.

*Referral for disciplinary action:* The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

*Weapons Violation (Carrying, Possessing, Etc.):* The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

*Drug Abuse Violations:* The violation of law prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

*Liquor Law Violations:* The violation of state or local laws or ordinance prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

## **VAWA CRIMES**

*Domestic violence:* A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is, or has, cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

*Dating violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length, and type of relationship and the frequency of interaction between the persons involved in the relationship.

*Stalking:* A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others’ safety, or to suffer substantial emotional distress.

The statistical summary of the above crimes for this campus over the past three calendar years follows:

Crime	On Campus			On-Campus Student Housing Facilities			Non-Campus Property			Public Property –		
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	0	2	1	0	2	0	0	0	0	0	0
Fondling	1	1	1	1	1	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	1	0	0	0	0	0	0	0	0
Dating Violence	1	1	9	1	1	8	0	0	0	0	0	0
Stalking	0	1	0	0	0	0	0	0	0	0	0	0
Robbery	0	2	0	0	1	0	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	6	3	9	2	2	5	1	0	0	0	0	0
Motor Vehicle Theft	0	1	1	0	0	1	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>												
Weapons: Carrying, Possessing, etc.	0	0	1	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	5	1	0	4	0	0	0	0	0	2	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Referrals</b>												
Weapons: Carrying, Possessing, etc.	0	0	1	0	0	0	0	0	0	0	0	0
Drug Law Violations	13	19	13	13	17	12	0	0	0	0	0	0
Liquor Law Violations	111	78	91	109	78	91	0	0	0	0	0	0

\*There were no hate crimes reported for the years 2014, 2015 or 2016.

\*During the previous three years there were no reported Clery crimes investigated by law enforcement authorities and found to be false or baseless and therefore “unfounded.”

[End of Annual Security Report.]

## 2016 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 following information lists the housing facility and the time of the drill in the fall of 2016. The three halls listed are the largest facilities.

#### September 6, 2016 Residence Hall Fire and Tornado Drill Information

##### Fire Drill

East Hall: 78 residents, time 4 minutes 26 seconds

Blaine Hall: 61 residents, time 4 minutes 39 seconds.

McCormick Hall: 27 residents, time 2 minutes and 46 seconds

##### 2016 Tornado Drill Information

##### Tornado Drill

275 residents, time 11 minutes and 43 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.

<b>FIRE SAFETY SYSTEMS IN MSSU RESIDENTIAL FACILITIES</b>						
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.

### **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 one of these individuals as much information as possible about the location, date, time and cause of the fire should be provided.

**Plans for Future Improvements**

Fire Safety is a top priority at MSSU. We are 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 were 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 exceeding 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**

<b>Statistics and Related Information Regarding Fires in Residential Facilities</b>				
Residential Facilities	Address	2014 - Total Fires in Each Building	2015 – Total Fires in Each Building	2016 – Total Fires in Each Building
Mc Cormick Hall	915 N. International Avenue	0	0	0
Blaine Hall	1015 N. International Avenue	0	0	0

Go cke l Hal l	1014 N. International Avenue	0	0	0
Ste gge Hal l	1016 N. International Avenue	0	0	0
Dis hm an Hal l	1018 N. International Avenue	0	0	0
Dr yer Hal l	1020 N. International Avenue	0	0	0
Sto ne Hal l	1022 N. International Avenue	0	0	0
He adl ee Hal l	1024 N. International Avenue	0	0	0
Ma upi n Hal l	1026 N. International Avenue	0	0	0
Mit che ll Hal l	1028 N. International Avenue	0	0	0
Qu ad A	1010 N. International Avenue	0	0	0
Qu ad B	1008 N. International Avenue	0	0	0
Qu ad C	1004 N. International Avenue	0	0	0

Qu ad D	1002 N. International Avenue	0	0	0
Qu ad E	1000 N. International Avenue	0	0	0
Qu ad F	1006 N. International Avenue	0	0	0
Eas t Hal l	1017 N. International Avenue	0	0	0