

# Annual Security and Fire Report



Dear Missouri Western State University Campus Community:

Maintaining our safe campus requires a dedicated partnership between the members of the Missouri Western State University campus community and the Missouri Western State University Police Department. Safety and security is everyone's responsibility, and we need your cooperation and assistance to keep the Missouri Western State University campus a safe place to live, work, and learn.

The Missouri Western State University Police and the Missouri Western State University Clery Compliance Team is responsible for preparing and distributing the attached Annual Security Report. We work with local law enforcement agencies, and a number of University departments to collect the data which has been assembled for you here.

Few things are more useful than our community members taking on the responsibility to look out for themselves and others. We all have an important role to play to keep our fellow Griffons and our campus safe. The information contained in the following report allows you to seek out and empower yourself in ways to maintain your well-being, as well as, that of others within the Missouri Western State University campus community. Remember the Missouri Western State University Police Department is there when you need us — but crime prevention is achieved when individuals educate themselves with information necessary to take the appropriate precautions and to seek out assistance when needed.

Best regards,

Chief Jill Voltmer

**Policing with RESPECT--**  
**Responsiveness, Education, Service, Professionalism, Engagement of Community, & Trust**

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## INTRODUCTION

Missouri Western State University publishes this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Crime Act (as amended by the August 14th, 2008 Higher Education Opportunity Act). The statute (law) requirements for “The Clery Act” can be found in 20 U.S.C.§1092(f), 20 U.S.C.§1092(i), and 20 U.S.C.§1092(j) and the regulations (the detailed rules that outline how the United States Department of Education will enforce the law) can be found in 34 CFR §668.41, 34 CFR §668.46, 34 CFR §668.49, and Appendix A of 34 CFR §668. The Clery Act requires Institutions of Higher Education (IHE) to prepare, publish and distribute an annual security report containing specific information regarding law enforcement, security, legal and disciplinary policies of the University.

The Missouri Western State University Police Department works closely with many other University departments, as well as other law enforcement agencies, to obtain the information needed to compile this report. Campus crime, arrest, and referral statistics include those reported to Missouri Western State University Police Department, designated Campus Security Authorities as defined under the Act, and local law enforcement agencies. Each year, an email notification is sent to all enrolled students, faculty, and staff.

This report includes safety and crime prevention information, and crime statistics for the previous three years concerning reported crimes which have occurred on campus; in certain off-campus buildings or property owned or controlled by Missouri Western State University; and on public property within, or immediately adjacent to and accessible from University property. The Missouri Western State University Police Department encourages commuter and residential students, faculty and staff to use this document as a guide for safe practices on and off campus.

The report also includes institutional policies on campus security policies concerning alcohol and drug use, crime prevention, how to report a crime and other safety matters. Campus community members are annually notified, via a campus wide e-mail, of the availability of this report, and it is posted at this web address: <https://www.missouriwestern.edu/safetyreport>. To request a paper copy, please contact the Missouri Western State University Police Department at [mwsupd@missouriwestern.edu](mailto:mwsupd@missouriwestern.edu) or call at 816-271-4438.

## CAMPUS LAW ENFORCEMENT AUTHORITY

The Missouri Western State University Police Department, being a partner with the entire University Community, will detect, deter, and apprehend criminal offenders. Missouri Western State University Officers are Missouri POST certified and are appointed their authority under RSMo 174.700, and the Board of Governors of Missouri Western State University. This grants

Missouri Western State University Officers the same powers of arrest as a municipal police officer while on property owned, used, and occupied by Missouri Western State University. Subject to approval by the Missouri Western State University Chief of Police, and the City of Saint Joseph Chief of Police, Missouri Western State University Officers also receive an additional City of Saint Joseph Police Commission.

Missouri Western State University Officers provide services for the Missouri Western State University campus 24 hours a day, 7 days a week. All commissioned Missouri Western State University Police Department officers possess the same powers on the Missouri Western State University campus as city police officers within their particular jurisdiction. In addition, commissioned Missouri Western State University Police Department personnel, by virtue of Missouri state laws like all other peace officers in the State of Missouri, possess certain statewide powers of arrest for certain offenses. Specifically, as outlined in the Revised Statutes of Missouri the applicable portions state:

“in addition to the powers prescribed in subsections 1 and 5 of this section, section 544.216, RSMo. ,and any other arrest powers, a law enforcement officer or federal law enforcement officer as defined in subsection 8 of this section, may arrest on view, and without a warrant, at any place within this state, any person the officer sees asserting physical force or using forcible compulsion for the purpose of causing or creating a substantial risk of death or serious physical injury to any person or any person the officer sees committing a dangerous felony as defined in section 556.061, RSMo. Any such action shall be deemed to be within the scope of the officer’s employment”.

As such, these Officers have full powers of reasonable search, seizure, and arrest. The Missouri Western State University Police Department maintains a close working relationship with the surrounding city, county, state and federal law enforcement agencies. Missouri Western State University Police Department maintains a formal written Memorandum of Understanding with the City of Saint Joseph Police Department.

At times, due to limited manpower, campus law enforcement may be augmented by officers of the Saint Joseph City Police Department and, Deputies of the Buchanan County Sheriff’s Department, and the Missouri State Highway Patrol. Each possesses powers of arrest on the Missouri Western State University campus. All crimes occurring on the Missouri Western State University property are investigated by officers of the Missouri Western State University Police Department, and at times, with assistance from other agencies when requested. It is the policy of the University that all persons (faculty, staff, students and visitors) be encouraged to promptly report all incidents of crime to Missouri Western State University Police Department officials.

When another agency handles a situation involving a known Missouri Western student, the incident is also reported to the Missouri Western State University Police Department. The St. Joseph Police Department is called whenever additional backup is needed if a situation arises which requires more police officers. Any incident that Missouri Western Police personnel are involved in or made aware of is quickly and accurately documented in Police reports. These reports are considered while forming crime statistics information. The Division of Student Affairs (including the Counseling Center) strongly encourages its staff to report criminal actions when they become aware of them.

The Missouri Western State University Police Department office is located on the second floor of Blum Union, Room 201 and can be reached by phone at 816-271-4438 from off campus or cellphones, or at ext. 4438 when using a campus phone. All members of Missouri Western State University community should report all criminal activity occurring on campus to the Missouri Western State University Police Department immediately.

### **Missouri Western State University Police Department Mission Statement**

The Missouri Western State University Police Department will strive to provide quality service in partnership with the campus community, the city of St. Joseph, and Northwest Missouri to facilitate a safe environment to support and enhance the educational process, while helping to fulfill the mission of the University.

### **Working closely with local law enforcement**

The Missouri Western State University Police Department maintains a close working relationship with local law enforcement agencies. The Missouri Western State University Police Department has a working Memorandum of Understanding with the Saint Joseph Police Department and mutual aid agreements with other local law enforcement and emergency services organizations. Each department assists during mutual investigations, arrests and prosecutions. The Missouri Western State University Police Department attends regular meetings with local law enforcement agencies to exchange ideas and discuss problems which are of concern in the University community.

## **CLERY ACT REQUIREMENTS**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) (as amended), is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education (ED). The Clery Act requires colleges and universities to:

- Publish an annual report disclosing campus security policies and documenting three calendar years of select campus crime statistics.
- Provide crime statistics to the U.S. Department of Education.
- Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees.
- Keep a public crime log accessible to the public.
- Uphold basic rights for survivors of sexual assault.
- Pay fines to the U.S. Department of Education for failure to comply with the Clery Act.

The Clery Act now requires universities and colleges to include four general categories of crime statistics: 1) Criminal Offenses 2) Hate Crimes 3) Violence Against Women's Act (VAWA) Offenses 4) Arrests and Referrals for Disciplinary Action:

- Statistics must be disclosed separately for each of these four general categories. This means that when an incident meets definitions in more than one of these categories, it must be reported in each category. For example, any criminal offense that is also a hate crime or VAWA offense should be counted as a criminal offense and also as a hate crime or VAWA offense.
- As defined by the Department of Education, a Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The Clery Act requires the following eight categories of Hate Crimes to be reported: race, religion, sexual orientation, gender, gender identity (new), ethnicity, national origin and disability.

Sex offenses are classified differently than in past years they are no longer listed as "forcible" or "non-forcible." The Clery Act requires sex offenses to be categorized into four separate categories: 1) Rape 2) Fondling 3) Incest 4) Statutory Rape

Universities must publish a report by October 1 of every year. This report documents the previous three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed to victims of sexual assault. The law requires that schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the on-line location of the report. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education and submitted online within 15 days after the Oct 1st publishing on the Department of Education reporting website.



## CAMPUS GEOGRAPHY

### CAMPUS

The Clery regulations found in [34 CFR 668.46](#) define campus (“On-Campus”) property in the following manner:

*“Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and*

*Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).”*

### SAINT JOSEPH CAMPUS

Missouri Western State University, located on more than 700 acres in St. Joseph, Mo., serves Missouri and surrounding states. Originally founded as St. Joseph Junior College in 1915, Missouri Western was transformed into a four-year college in 1969 and became a full member of the State of Missouri system in 1977. In 2005, Missouri Western received university designation and changed its name to Missouri Western State University.

Today, Missouri Western State University offers certificates, associate’s, bachelor’s and master’s degrees. Student-centered, high-quality instruction emphasizes experience-based learning and community service.

Missouri Western State University Main Campus is located at 4525 Downs Drive, Saint Joseph, Mo 64507 ([click here to view campus map](#)).

#### **Non-Campus Property**

The Clery regulations found in *34 CFR 668.46* define non-campus property in the following manner:

*“Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.”*

The non-campus properties (as defined under Clery) for the main Missouri Western State University Campus are:

- St. Joseph Baptist Association (4608 Mitchell Avenue, St. Joseph, Mo 64506)

## Public Property

The Clery regulations found in *34 CFR 668.46* defines public property in the following manner:

*“All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.”*

Public property refers to property owned by a public entity, such as a city or state government within 1 mile of campus.

The public properties (as defined under the Clery act) for the main Missouri Western State University Campus are:

1. Saint Joseph City’s sidewalk/street/sidewalk adjoining the main campus’ contiguous property;

## CRIME STATISTICS POLICY

As required by federal law, the Missouri Western State University Police Department’s yearly crime statistics are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning crimes that occurred on campus and were reported to Missouri Western State University Police or designated campus officials. Additionally, these statistics include people referred for campus disciplinary action for categories required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, including liquor and drug law violations and illegal weapons possession. Statistical information for certain non-campus locations or property owned or controlled by the University, as well as public property within or immediately adjacent to and accessible from campus, are collected or requested from the Saint Joseph and the Kansas City, MO police departments. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year (January 1- Dec. 31) in which the crime was reported.

The University may only exclude a reported crime from the Annual Security Report, or remove a reported crime from the previously reported statistics after a full investigation. Only sworn or commissioned law enforcement personnel can make a formal determination that the report was false or baseless when made and that the crime report was therefore “unfounded.”

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: Missouri Western

State University Police Department, Saint Joseph Police Department, Missouri State Highway Patrol, Kansas City, MO PD, and Missouri Western State University Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported (January 1- December 31). Training is provided to those identified as Campus Security Authorities, as defined by federal law. This training outlines the expectation of all Campus Security Authorities to contact Missouri Western State University Police in the event of a crime being reported to them. Members of local law enforcement and the Sexual Assault Response Team (SART) also provide statistics to Missouri Western State University Police about cases they have dealt with where the victim chose not to report the incident to Missouri Western State University.

All statistics are gathered, compiled, and reported to the University community via this report. At Missouri Western State University the Chief of Police is responsible for submission of crime statistics to the Department of Education

<https://ope.ed.gov/campussafety/#/institution/search> .

## CRIME STATISTICS AND CLASSIFICATIONS

The following pages contain crime statistics from the past three years. These statistics slightly differ from Uniform Crime Report crime statistics reported by Missouri Western State University Police. In a good faith effort to support accurate reporting, statistics in this report have been reviewed to reduce or eliminate any possibility of duplication. Crimes are recorded in the calendar year they were reported and not the date of incident.

The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, and Aggravated Assault. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if four buildings are vandalized during the same time frame in a similar manner, this would count as one instance of vandalism in the chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic.

In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics. The statistics captured under the “Referred for Disciplinary Action” section for Liquor Law, Drug Law, and Illegal Weapons violations indicate the number of people that were referred to Student Affairs for internal disciplinary action or for a Conduct Hearing.

The statistics in the Hate Crime charts are separated by category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a Hate Crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, Simple Assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

**CRIME STATISTICS**

**Missouri Western State University -- Main Campus**

Crimes Reported	On-Campus (includes residential)	Non-Campus Property	Public Property	Total	Residential Facilities	Unfounded Crimes
<b>Homicide</b>						
<b>Murder</b>						
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
<b>Manslaughter by Negligence</b>						
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
<b>Sex Offenses</b>						
<b>Rape</b>						
2016	4	0	0	4	4	0
2017	0	0	0	0	0	0
2018	5	0	0	5	5	0
<b>Fondling</b>						
2016	2	0	0	2	2	1
2017	3	0	0	3	1	0
2018	2	0	0	2	1	0
<b>Incest</b>						
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
<b>Statutory Rape</b>						
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0

<b>Robbery</b>							
2016	0	0	0	0	0	0	0
2017	0	0	0	0	0	0	0
2018	0	0	0	0	0	0	0
<b>Aggravated Assault</b>							
2016	0	0	0	0	0	0	0
2017	0	0	0	0	0	0	0
2018	2	0	1	3	1	0	0
<b>Burglary</b>							
2016	2	0	0	2	2	0	0
2017	2	0	0	2	2	0	0
2018	3	0	0	3	2	0	0
<b>Motor Vehicle Theft</b>							
2016	2	0	0	2	0	0	0
2017	1	0	2	3	0	0	0
2018	6	0	0	6	0	0	0
<b>Arson</b>							
2016	0	0	0	0	0	0	0
2017	0	0	0	0	0	0	0
2018	0	0	0	0	0	0	0
<b>Violence Against Women Act (VAWA)</b>							
<b>Domestic Violence</b>							
2016	0	0	0	0	0	0	0
2017	3	0	0	3	3	0	0
2018	0	0	0	0	0	0	0
<b>Dating Violence</b>							
2016	0	0	0	0	1	0	0
2017	0	0	0	0	0	0	0
2018	6	0	0	6	5	0	0
<b>Stalking</b>							
2016	2	0	0	2	2	0	0
2017	4	0	0	4	1	0	0
2018	0	0	0	0	0	0	0
<b>Arrests and referrals for disciplinary action</b>							
<b>Liquor Law Violation</b>							
<b>Arrest</b>							
2016	3	0	0	6	2	0	0
2017	3	0	0	3	3	0	0
2018	1	0	0	1	0	0	0
<b>Referral</b>							
2016	120	119	1	120	119	0	0

2017	72	0	0	72	72	0
2018	41	0	0	41	41	0
<b>Drug Law Violations</b>						
<b>Arrest</b>						
2016	5	0	1	6	3	0
2017	9	0	1	10	8	0
2018	7	0	0	7	7	0
<b>Referral</b>						
2016	81	0	0	81	81	0
2017	26	0	0	26	25	0
2018	16	0	0	16	16	0
<b>Weapon Law Violations</b>						
<b>Arrest</b>						
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
<b>Referral</b>						
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
<b>2016 one (1) report of Simple Assault due to Sexual Orientation</b>						

## DAILY CRIME LOG

Institutions with a police or security department are required to maintain a public crime log documenting the “nature, date, time, and general location of each crime” and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for 60 days and, subsequently, made available within two business days upon request. Please note the Missouri Western State University crime log has been created using state definitions which may not correspond to federal definitions and therefore the crime log may not correspond with Clery statistics.

The daily crime log is not a general, catch-all incident log. Its purpose is for recording alleged **criminal incidents** that are reported to the Missouri Western State University Police Department. For example, if a student reports losing his or her wallet in the parking lot behind a dorm, it is not a criminal incident, and there is no requirement to record it in the log. However, if a student reports that his or her wallet was stolen from the student’s dorm room, this is a criminal incident and our institution is required to record it in the log. Specific traffic

violations to include, should they be reported, are driving under the influence (DUI), driving while intoxicated (DWI), hit-and-run (of a person), and vehicular manslaughter. Violations not considered to be “crimes” (i.e., citations for moving violations) are not required to be recorded.

The web-based version of the Daily Crime Log does not meet Clery requirements. The hard copy Daily Crime Log is set up to meet Clery requirements and is located in the Missouri Western State University Police Department office in Blum Union room 201.

A daily crime log is available for public review at the Missouri Western State University Police Department. If a crime report is determined to be “unfounded,” the University will update the disposition of the complaint to “unfounded” in the daily crime log. The University will not delete the report from the crime log.

## REPORTING CRIMES

If you are the victim or witness of a crime or suspicious incident, or if you notice a security problem, notify the Missouri Western State University Police Department immediately by calling (816) 271-4438 (dial 4438 from an office phone). You can also call 911 in the event of a police, fire or medical emergency to reach the City of St. Joseph Communication Center which is available 24 hours a day, 7 days a week. For business calls, please contact the Missouri Western State University Police during the business hours of Monday-Friday 8 AM-3:30 PM.

Crimes should be accurately and promptly reported to the Missouri Western State University Police or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report. In response to a call, Missouri Western State University Police will take the required action, either dispatching an officer or asking the victim to report to the Missouri Western State University Police Department located in the Blum Union Room 201, to file an incident report. All reported crimes will be investigated by the University and may become a matter of public record. All incident reports involving student conduct are forwarded to the Student Affairs Office for review and referral to the student conduct process, as appropriate. Missouri Western State University Police Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to Student Affairs and the local prosecutors’ office for review. If assistance is required from the St. Joseph PD or other law enforcement agencies the Missouri Western State University Police will contact them for assistance. If a sexual assault or rape should occur, staff on the scene, including Missouri Western State University Police, will offer the victim a wide variety of services.

Victims or witnesses may report crimes on a voluntary, confidential, or anonymous basis to a recognized Campus Security Authority (CSA). If you are the victim of a crime and do not want to

pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, Missouri Western State University can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

The Missouri Western State University Police encourages pastoral and professional counselors to refer persons they are counseling to report crimes to the police on a voluntary, confidential, or anonymous basis. Any on-campus crime witnessed by a University student or employee must be reported to the Missouri Western State University Police Department as soon as possible. The Missouri Western State University Police is responsible for reporting and follow-up investigation when an incident is reported. All University students, employees, and visitors should exercise responsibility for their own safety while on campus.

## REPORTING INCIDENTS INVOLVING MINORS ON CAMPUS

Missouri Western State University is dedicated to the welfare and safety of minors who visit our campus, who participate in our programs, or who are entrusted to Missouri Western State University's care. Every member of the University community reports the discovery of inappropriate interactions, abuse, or neglect, of a minor while on campus to the Missouri Western State University Police Department. Reports are expected to be made by all Missouri Western State University employees, in a good faith effort, to protect a minor child of suspected abuse.

## CLERY CRIME DEFINITIONS

### **Criminal Offenses**

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.

### Criminal Homicide:

- A. Murder and Non-negligent Manslaughter – the willful (non-negligent) killing of one human being by another.
- B. Manslaughter by Negligence – the killing of another person through gross negligence.



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. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned; including joyriding.)

#### **Arrests and Referrals for Disciplinary Action**

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

Rape - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. Rape – the carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Sodomy – oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object – the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Fondling – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Incest – Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-Forcible sexual intercourse with a person who is under the statutory age of consent.

## **VAWA Offenses**

Domestic Violence: A “felony or misdemeanor crime of violence committed by—

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or - 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.”

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; and - where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship;
- the type of relationship; and
- the frequency of interaction between the persons involved in the relationship.

Stalking: means “engaging in a course of repeated conduct directed at a specific person that would cause a reasonable person to—

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress.”

Please note Sexual Assault is also a VAWA Offense but it is included in the Criminal Offenses Category

## HATE CRIMES

Hate crimes are crimes which manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability.

The Clery Act requires crime statistics are recorded and published for all criminal offenses; in addition to the criminal offenses the following crimes are also recorded and published which show a motivation or bias due to being a hate crime: Larceny (Theft), Simple Assault, Intimidations, and Vandalism

## STUDENT CONDUCT REFERRAL

Persons not arrested for liquor law violations, drug law violations or illegal weapons possession, but who were referred for campus disciplinary action. A referral for campus disciplinary action for violation of University policies regarding alcohol, drugs or weapons does not necessarily mean that a violation of law has occurred. Referrals that were the result of arrest or citation are reflected elsewhere in the chart. Student Conduct Incident Reports reflect the number of individuals referred for campus disciplinary action.

## ANONYMOUS REPORTING

Those who report criminal actions to the Missouri Western State University Police Department may choose to remain anonymous. No attempt will be made to discover the identity of campus community members that report crime anonymously. Missouri Western State University provides this voluntary, confidential reporting service in order to present the most accurate crime statistics. You may make a report online by using the following link:

<https://www.missouriwestern.edu/policedepartment/crimereport/>

## CRIME STATISTICS DISCLOSURE

Institutions must disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities, and remote classrooms. The statistics must be gathered from campus police, local law enforcement and other school officials who have “significant responsibility for student and campus activities.” The Clery Act requires reporting of crimes in 4 major categories, some with significant sub-categories and conditions:

- 1) Criminal Offenses
  - a) Murder & Non-negligent manslaughter
  - b) Manslaughter by Negligence
  - c) Sex Offenses/Sexual Assault
    - i) Rape
    - ii) Fondling
    - iii) Incest
    - iv) Statutory Rape
  - d) Robbery
  - e) Aggravated Assault
  - f) Burglary
  - g) Motor Vehicle Theft
  - h) Arson
- 2) VAWA Related Offenses
  - a) Domestic Violence
  - b) Dating Violence
  - c) Stalking
  - d) Sexual assault is a VAWA related offense however it is counted under the Criminal Offenses category
- 3) Hate Crimes
  - a) Hate crimes must be reported by category of bias which include race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:
    - b) 1. Larceny/Theft
    - c) 2. Simple Assault
    - d) 3. Intimidation
    - e) 4. Destruction/Damage/Vandalism of Property
- 4) Arrests & Referrals

- a) The University is also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):
- i) Liquor Law Violations
  - ii) Drug Law Violations
  - iii) Illegal Weapons Possession

All Missouri Western State University students, faculty and staff are encouraged to report criminal actions to the Missouri Western State University Police Department, Blum Union 201. The Missouri Western State University Police Department can be reached by calling (816)271-4438 or from an on-campus phone by dialing 4438. Faculty or staff who become aware of incidents, as students confide in them, are also encouraged to report the incident to the Missouri Western State University Police Department to aid in the development of crime statistics and to provide available resources and information.

## TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

Institutions must provide timely warnings in a manner likely to reach all members of the campus community. This mandate has been part of the Clery Act since its inception in 1990. Timely warnings are limited to those crimes an institution is required to report, but may also include ongoing or continuing threats to the campus community. Please note that all timely warnings issued by Missouri Western State University will withhold the names of victims to provide as much confidentiality as possible.

Timely Warnings may be disseminated via campus e-mail, posted in selected offices on campus, including student public areas, residence halls, campus buildings, the campus newspaper, and the Missouri Western State University Police Department website.

## EMERGENCY RESPONSE, NOTIFICATION AND TESTING POLICY

There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees. Students, Faculty, and Staff are encouraged to sign up for the Griffon Alert System which is used to notify the University community of emergency situations which affect the campus.

Under the Clery Act the University is required to immediately notify the campus community upon confirmation of threat to health or safety of students or employees occurring on campus. Some examples of these types of emergency are:

- Outbreak of meningitis, Norovirus or other serious illness,
- Approaching tornado, hurricane or other extreme weather conditions,

- Earthquake,
- Gas leak,
- Terrorist incident,
- Armed intruder,
- Bomb threat,
- Civil unrest or rioting,
- Explosion, and
- Nearby chemical or hazardous waste spill

In the event of a campus disaster, responses will be in accordance with a protocol outlined in the Missouri Western State University Emergency Operations Plan. Missouri Western State University Police will coordinate with local and/or state emergency responders, as necessary and appropriate, to the situation and location of the incident.

Institutions of Higher Education are required to inform the campus community when there is a confirmation about a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” Institutions are mandated to disclose a summary of these procedures in their Annual Security Report. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test. The Griffon Alert System is tested at least once a year. The test is used to ensure the system is working as quickly and accurately as it should. When testing the Griffon Alert the message will clearly describe it is a test message. The testing statement will say, “Griffon alert. Test only. No emergency exists. No Action is required. Test only.”

Missouri Western State University is a member of the Local Emergency Planning Committee. Meetings are offered on the Missouri Western State University campus monthly; attending members discuss emergency management planning and training opportunities.

## SAFETY PROGRAMING

Missouri Western State University provides ongoing programs regarding campus safety awareness. These programs include posters, flyers, brochures, campus activities, and presentations. The Residential Life staff, Student Affairs, and the Missouri Western State University Police Department conduct programs throughout the year. Several academic classes such as College 101 and the Griffon Edge provide life development programs with chapter emphasis on personal safety awareness.

### **Operation ID**

The Missouri Western State University Police Department also provides Operation ID. As a Missouri Western State University student the Missouri Western State University Police

Department offers you the option to list any property of value online. You can fill out the form below to make a list of your property with descriptions and serial numbers, and/or have the items physically marked. Electronic registration for your items can be made here <https://www.missouriwestern.edu/policedepartment/operationid/> . If you wish to physically mark with an etcher please contact the Missouri Western State University Police Department to make an appointment.

### **Security and Lighting Survey**

Security and lighting surveys are conducted in areas identified as problematic. University Administrators, as well as various department heads review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting and communications. Regular reports of security concerns such as poorly lit areas, doors which do not secure properly, or other safety concerns should be reported to the Missouri Western State University Police Department. The department collects this information and uses it to make recommendations for repairs or changes the campus infrastructure.

### **Lot Patrol and Evening Escorts**

Missouri Western State University Police officers patrol the campus parking lots regularly during each shift. Officers can also escort students and employees to and from campus buildings and parking lots after dark. To request an escort, call the Missouri Western State University Police Department at (816) 271-4438.

## **CAMERA POLICY STATEMENT**

Missouri Western State University utilizes an extensive system of cameras for the purpose of safety, security and facilities maintenance. Cameras are located in many areas throughout campus. Cameras are typically purchased by university departments for the monitoring of their specific operations, or by Missouri Western State University Police for high traffic, public areas.

All cameras included in this system are able to be viewed by Missouri Western State University Police. Camera owners and police are also able to conduct random real time monitoring as needed, and recordings are used to gather information through reviews of historical images. All cameras are randomly monitored but continually recording. The Missouri Western State University Police Department is committed to protecting the safety and security of the entire campus community.

## **WEAPONS POLICY STATEMENT**

Possession of dangerous weapons, firearms, including concealable firearms, fireworks, explosives, chemicals and other implements used as weapons and other types of arms classified as weapons in the Missouri Revised Statutes, with the exception of those carried by a licensed law enforcement officer, agent, or weapons stored by and/or used under the supervision of the following: Military Science; Law Enforcement Academy; Department of Corrections; Recreation Services; Health, Physical Education, and Recreation; and the Missouri Department of Conservation, are specifically prohibited on University property, including parking lots, whether in a vehicle or carried upon a person, or at a University sponsored or supervised function. Employees and students are subject to University discipline and/or subject to arrest, if found in violation of this policy or state and local criminal statutes.

In order to maintain and protect the health and safety of Missouri Western State University property or persons on Missouri Western State University property, persons who are neither Missouri Western State University employees nor students who are found to be in possession of a dangerous weapon on Missouri Western State University property may be subject to immediate seizure of the weapon by the Missouri Western State University Police Department and removal from campus. Seized property not held as evidence in an investigation will be returned to the person upon exiting Missouri Western State University property.

## SECURITY OF, AND ACCESS TO, UNIVERSITY FACILITIES

### **Faculty and Staff**

All Faculty and Staff must notify either the Parking and Security Office or the Missouri Western State University Police Department if they are entering a building outside the normal business hours of 8am-4:30pm Monday through Friday.

- All Faculty and Staff in buildings after normal business hours should visibly display their University issued ID or have immediate access to their ID's. Presentations of your ID may be requested by Security or Police personnel.
- Access to buildings during periods when campus is closed (breaks, holidays, weather cancellations) for Faculty and Staff without keys will only be granted if circumstances are of significant importance.

### **Student Access Program**

Students must have a valid building (room) pass with a Missouri Western Student ID or authorization from the Chief of Police, or designee, with appropriate information. The Student Access Program is as follows:

- Must be issued for the room the student wishes to be in and must be valid for the date of occurrence. Passes which are outdated, the wrong color, or appear to be altered in



any way will be confiscated by the Officer (Intern) and access to the room may be denied.

- The color of the passes will change at the beginning of the fall, spring and summer semesters.
- The Fall Pass will be good from the first day of a fall semester through the last day campus is open before Christmas Break.
- Student access is not permitted in locked buildings or rooms during the Winter Holiday Break or whenever the Campus is closed (holidays, snow days, etc.).
- Spring Semester Passes are good from the first day of the Spring semester through the last day of Spring finals.
- Summer Semester Passes are good from the first day of Summer semester up to the first day of Fall Semester.
- The date on a pass supersedes the color of the pass.
- Regular student access passes are good only during the times of 0800 to midnight on the date(s) stated on the pass.
- Students may be allowed access to buildings (rooms) by way of postings on the R25 Web-viewer.
- Students may be allowed access to buildings (rooms) by way of verbal or E-mail confirmation of permission as authorized by the Chief of Police, or designee.

### **After Hours Passes**

Also known as 24 hour passes. After hours passes are subject to the following rules:

- May only be issued by the Chair of the Department or by the Dean over the Department.
- May only be issued for a 5 day period.

## **ACCESS TO BUILDING AND KEY CONTROL**

During normal business hours, Missouri Western State University (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests and invitees. During non-business hours access to all Missouri Western State University facilities is by key, if issued, or by admittance via the Missouri Western State University Police Department or *Residential Life staff*. In the case of periods of extended closing, the University will admit only those with prior written approval to all facilities. Residence halls are secured 24 hours a day. Over

extended breaks, the doors of all halls will be secured around the clock. Some facilities may have individual hours, which may vary at different times of the year.

The University maintains policies regarding access to buildings and key control distribution as part of its general policies. These policies can be accessed at [University Policy Guide](#).

## KEY CONTROL

Individuals eligible for key/chip requests include staff, faculty, and students (interior keys/chips only). Students requesting keys/chips for academic areas must have the approval of the department chair and appropriate Dean of the College responsible for those areas. All other student key/chip requests must have the approval of the Dean of Student Affairs. Student key/chip requests will be on a semester basis ONLY. Students must return the key/chip(s) at the end of each semester. Failure to do so will result in a hold being placed on the student's transcripts, registration, and grades. A fee of \$10.00 shall be charged for lost key(s). Payment for the lost key(s) must be made before additional keys may be issued. Generally, campus doors are opened at approximately 7:00 a.m. and locked by 10:30 p.m. Monday-Friday (except on holidays). For security purposes, University policy is that all persons entering a building at other times must clear entry with a Missouri Western State University Police Officer. (Missouri Western State University Police will provide access only to authorized persons.) Request forms are available in the Key Distribution Office.

### **Outside Door Keys**

Requests for outside door key authorizations for campus buildings should be submitted on an Exterior Door Chip Request form and must be approved by the Department Chairperson, appropriate Dean of the College (for faculty) and the appropriate Vice President. Criteria for eligibility for an outside door key: "a compelling reason(s) to enter a specific building at any time during the hours of 10:30 p.m. – 7:00 a.m. Monday-Friday, and on Saturday/Sunday/holidays which cannot be reasonably accommodated through the Parking and Security office."

### **Sub-Master Keys**

Requests for sub-master key authorizations for specific buildings must be submitted on a Sub-Master Key Request form and must be approved by the appropriate Vice President. Criteria for eligibility for a sub-master key: "a compelling reason(s) to frequently have access to an entire building (includes most offices) which cannot be reasonably accommodated through the Parking and Security office."

### **Grand Master Keys**

Only designated Administrators and specifically authorized personnel shall have access to grand master keys. All other individuals must specifically be approved for a grand master key by the President. The approval process for issuance of a grand master key: requests shall be in a written format to the supervisor, forwarded to the appropriate Vice President with written approval by the President. Criteria for eligibility for a grand master key: “a compelling reason(s) to frequently access each building on campus (including the dormitories) which cannot reasonably be accommodated through the Parking and Security office.” (NOTE: for infrequent usage, a grand master key may be checked out for a limited time period to previously approved persons.)

1. Missouri Western State University employee using locked University facilities between the hours of 10 p.m. and 7 a.m. (and weekends) will wear their Missouri Western State University ID card on the front of their clothing.
2. Students seeking to use locked rooms after 4:30 p.m., or to enter (or use) locked buildings between the hours of 10 p.m. and 7 a.m. (and weekends) must possess a currently signed building entry pass. Students accompanied by Missouri Western State University faculty or staff are exempted from needing a building entry pass.
3. Students using locked University facilities between the hours of 10 p.m. and 7 a.m. (and weekends) will wear a Building Entry Pass on the front of their clothing.

Policies regarding access to residence halls are maintained by Residential Life. For more information review the Limited Access Policy and Safety and Security areas of the [Residence Hall web site](#).

## MAINTENANCE OF CAMPUS FACILITIES

The campus facilities are maintained by Missouri Western State University Physical Plant and patrolled by the Missouri Western State University Police Department. The Physical Plant maintains the campus buildings, grounds and roadway with a concern for safety and security. They inspect campus facilities regularly, make repairs affecting safety and security and respond to reports of potential safety and security hazards, such as broken windows, locks and lighting. Officers report the need for replacement of lights and any other physical hazards. Call Physical Plant at 816-271-4417 during business hours or the Missouri Western State University Police Department at 816-271-4438 after hours to report any safety or security hazard in or around campus buildings, grounds or roadways.

## REPORTING CRIMES AND EMERGENCIES POLICY

### **Prompt reporting of a crime or emergency**

Community members, students, faculty, staff, and visitors are encouraged to accurately and promptly report all crimes and public safety related incidents to the Missouri Western State University Police or the appropriate police agency when the victim of a crime elects to make such a report.

Call any of the following authorities, 24 hours a day:

For general information, contact Missouri Western State University Police at **816-271-4438** (non-emergencies), dial **911** (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around residence halls should be reported to police.

Crimes should be reported to the Missouri Western State University Police Department for the purpose of making timely warning reports to the community, for inclusion in the annual statistical disclosure, and to notify the police to stop, investigate, and deter crime.

### **How police respond to a report**

In response to a call of a reported crime or an emergency, Missouri Western State University Police will take the required action, either dispatching an officer or asking the victim to report in person to the Missouri Western State University Police Department which is in the Blum Union Room 201, to file an incident report. All University incident reports are reviewed by, and when appropriate, assigned to a detective for follow-up investigation and/or forwarded to the Prosecuting Attorney's Office for prosecution. University incident reports are also forwarded to the Office for Student Affairs for review and referral for potential action, as appropriate.

If assistance is required from the local police or fire departments, Missouri Western State University Police will contact the appropriate department. If a sexual assault or rape should occur, staff on the scene, including Missouri Western State University Police, will offer the victim a variety of services.

### **CONFIDENTIAL REPORTING**

We encourage anyone who witnessed or has been a victim of a crime to immediately report the incident by calling 911, and if not in imminent danger call Missouri Western State University Police Department at **816-271-4438**. Police reports in the state of Missouri are subject to release under the [Sunshine Law](#), and Missouri Western State University Police cannot hold reports of crime in confidence indefinitely.

The University will attempt to protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking, consistent with its legal obligations to protect the safety of the campus community.

Personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim). Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the Missouri Western State University Police Department Daily Crime Log or online. Victims have the right to require that directory information about them not be disclosed. To make this request, a student must submit a "Request to Suppress Directory Information" to the Office of the Registrar 816-271-4211. Students who request suppression of directory information usually do so because of serious, even dangerous, circumstances. It is critical that their privacy be protected in every situation. If a student has elected to suppress directory information, the University will respond to inquiries as follows:

"There is no information available for any student by that name."

## CAMPUS SECURITY AUTHORITIES

If you are the victim of a crime but you do not want to pursue action within the University's criminal justice system, you may want to consider making a confidential report with a Campus Security Authority (CSA). Information disclosed as part of a confidential report will be maintained in a confidential manner to the extent allowable by law and will not be disclosed without your consent to anyone outside of the office to which it is reported. Consent may not be required, however, in situations involving suspected child or adult abuse or neglect, court orders or subpoenas, or danger to self or others.

Missouri Western State University Police collect reports of Clery reportable crimes from CSA's. You may request that the CSA keep your information confidential and they will report the crime to the Missouri Western State University Police, but they will withhold your personal information.

CSA's on the Missouri Western State University campus are:

- Missouri Western State University Police Officers,
- Individuals who have responsibility for campus security but who do not work for the Missouri Western State University Police Department,

- Officials who have significant responsibility for student and campus activities, including but not limited to housing, athletic coaching staff, campus activities coordinators, student discipline, and campus judicial proceedings, or
- Any official who has the authority and duty to take action or respond to particular issues on behalf of the institution.

Employees of Missouri Western State University who are designated as CSA's should attend regular training and are required to submit a CSA Crime Statistic Report Form at least once a year. Missouri Western State University Police Department collects and maintain reports of Clery reportable crimes from CSA's on an annual basis. Campus Security Authorities report Clery reportable crimes, if any reports are received, or if they received no reports by using the CSA Crime Statistic Report Form which may be found on the Missouri Western State University Police Department Crime Information web page (<https://www.missouriwestern.edu/policedepartment/csa-crime-statistic-report-form/>). Each report is reviewed by the Missouri Western State University Police to confirm that it meets the requirements under the Clery Act. Reminder notifications to submit forms will be emailed to all CSA's in December of every year.

## CSA CRIME REPORTING

If you are the victim of a crime and do not want to pursue action within the University or the criminal justice system, you may want to consider consulting a confidential resource. Information disclosed as part of a confidential report will be maintained in a confidential manner to the extent allowable by law and will not be disclosed without your consent to anyone outside the office to which it is reported. Consent may not be required, however, in situations involving suspected child or adult abuse or neglect, court orders or subpoenas, or danger to self or others. Those who make confidential reports to the Counseling Center may authorize the limited disclosure of certain information about the incident to University authorities for inclusion in the annual crime reporting statistics.

Following is a list of Missouri Western State University's main departments where students and employee should report Clery Act Crimes. This is for the purpose of making timely warning reports and the annual statistical disclosure.

<b>Campus Security Authority (CSA) List</b>		
<b>Assistant Dean of Student Development Associate Director</b>	Blum Union, Rm 210	(816) 271-4420
<b>Associate Director of Athletics for Compliance</b>	Griffon Indoor Sports Complex, Rm 101B	(816) 271-5926
<b>Associate Vice President of Student Affairs &amp; Dean of Students</b>	Blum Student Union, Rm 228	(816) 271-5991
<b>Counseling Services</b>	Eder Hall, Rm 203	(816) 271-4327
<b>Esry Student Health Center</b>	Blum Student Union, Rm 203	(816) 271-4495
<b>Residential Life Director and RHDs</b>	Commons Building, Rm 106	(816) 383-7100
<b>Student Success &amp; Academic Advising Center Director</b>	Eder Hall, Rm 209E	(816) 271-5636
<b>Title IX Coordinator</b>	Blum Student Union, Rm 231	(816) 271-4557

### **CSA Responsibilities**

CSA's are responsible for reporting all Clery Act Crimes that he or she receives. CSA's are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. CSA's are not responsible for investigating or reporting incidents that they overhear students talking about in hallway conversation; that a victim mentions during a speech, workshop, or any other form of group presentation; or that a CSA otherwise learns about in an indirect manner.

Ensure: When a crime is reported to a CSA, the CSA should first ensure the safety of the reporting party. If they are in an emergency or imminent danger, the CSA should call Missouri Western State University Police Department or 911.

Inform: The CSA should inform the reporting party of the CSAs obligations as a federally mandated reporter. In other words the CSA must explain that before any information is shared there are some instances which the CSA will have to seek out assistants from law enforcement due to federally laws.

Before receiving any information regarding an instance of sexual misconduct, the CSA should seek to confirm that the reporting party understands the employee's reporting obligations and, if the reporting party wants to maintain confidentiality, will direct the reporting party to a confidential resource such as the Missouri Western State University Counseling Center. If a victim wants to tell a CSA about an incident but does not want the report investigated or the victim's name disclosed, the employee will tell the victim that the University will consider the

request, but cannot guarantee that the University will be able to honor it. In reporting the details of an incident to CSA, the mandatory reporter should make sure the reporting person get information and assistance needed at the time they are making their report. CSA's should never pressure a victim or other reporting party either to request confidentiality or make a full report with police, but they should inform them of all their options.

Refer: The CSA should refer the reporting party to appropriate rights and options, and victim advocacy services.

- The reporting party has the option to contact police, but should not be pressured to do so if they choose not to. If the CSA knows first-hand that the incident has already been reported to Missouri Western State University Police Department or another local law enforcement agency, the CSA is not obligated to complete and submit a CSA Crime Statistic Reporting Form. However, if the reporting party says they will file a police report with Missouri Western State University Police Department, leaving the CSA with no firsthand knowledge and confirmation that a police report was filed, then the CSA must complete and submit a CSA Incident Reporting Form.
- The reporting party has the option to seek medical attention. CSAs should seek medical help for victims, if a victim is unable.
- The reporting party has the option to self-report anonymously, or confidentially to a confidential victim advocate.

Report: If the reported crime is made in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay, then the crime is Clery reportable. CSAs, when interacting with the reporting party, need to gather incident information that would provide sufficient detail to properly classify the incident. The reporting person is encouraged to assist the CSA in populating the CSA Incident Reporting Form. Reporting party identifying information should only be included in the CSA Incident Reporting Form if the reporting party is willing to provide it. CSAs should not investigate the crime or attempt to determine whether a crime, in fact, took place. When in doubt, a CSA Incident Reporting Form should be completed and submitted!

### **What Should CSAs Tell A Reporting Party?**

The following is a sample of what a CSA can tell a reporting party who comes to a CSA to report an incident: *“As part of my position at Missouri Western State University, I am mandated to report this incident to campus public safety officials for annual reporting on crime statistics. If you request anonymity, identifying information may be excluded from the report (such as your name and contact information, etc.). I’ll only report the information you provide. However, if the incident involves sexual harassment or misconduct, identifying information must be reported to*



*Missouri Western State University's Title IX Coordinator. If you'd prefer to speak with a confidential advisor or advocate, I can connect you with the Campus Counseling Center. Do you have any questions? Would you like to help me fill out the reporting form?"*

### **Other CSA Reporting Responsibilities**

A CSA is required to submit a CSA Crime Statistic Report Form when supervising student travel which meets the following criteria. All University-sponsored student travel of more than one (1) night in duration, and all repeated student travel no matter the duration, must be reported to the University. University-sponsored travel includes trips for which the University makes the lodging arrangements for students, or when the University contracts a third party to make such arrangements for students. Each qualifying trip should be reported individually; include up to five locations per trip.

**Short-stay "away" Trips:** Example: A three-week marine biology study trip to Florida, any classroom or housing space specified in the agreement between Missouri Western State University and the institution(s) providing the space should be reported.

**Repeated Use:** Example: Students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year; the hotel and rooms occupied should be reported.

**Study Abroad:** Your college/unit rents or leases space for your students in a hotel or student housing facility (or contracts with a third-party to rent or lease space on behalf of the University), these locations must be reported.

### **TIMELY WARNING POLICY**

In addition to the yearly statistics provided in this policy, the Missouri Western State University Police Department will make periodic reports or Crime alerts, to the campus community of recent crimes that may affect the quality of life in the campus area. These reports may include crime prevention recommendations and are intended to raise awareness regarding criminal activity so that the community can increase or implement personal safety strategies.

The procedure for determining when a Timely Warning as defined in the Clery Act will be made is as follows:

- 1) The Chief of Police or his/her designee will review all crime reports on a daily basis. If the Chief believes that circumstances exist that may require the issuance of a Clery Act "Timely Warning" based upon the review of a specific reported crime or pattern of crimes, the Chief shall immediately, and in any event, no later than 12 hours after the determination, convene a committee (as specified below) to:
  - a) Review the circumstance of the reported crime or pattern of reported crimes and;

- b) Determine whether there is a threat to the campus community based on the information presented and;
  - c) Determine whether the threat is such that a “Timely Warning” is required under the provision of the Clery Act and;
  - d) Determine the wording for any “Timely Warning” notice that is to be issued and;
  - e) Determine the manner and means by which the “Timely Warning” shall be issued to the campus community.
- 2) The committee shall consist of:
    - a) The Chief of Police (or appropriate designee)
    - b) The Vice President for Academic and Student Affairs (or appropriate designee)
    - c) The Vice President for Financial Planning and Administration (or appropriate designee)
    - d) Any other members of the campus community, the Chief of Police believes necessary to aid in the determination.
  - 3) The criteria for determining whether a “Timely Warning” shall be issued will be in accordance with the requirements of the Clery Act as stated in the Clery Act (20 USC § 1092) and 34CFR668.46.
  - 4) Notwithstanding the above, at any time the Chief of Police or his/her designee believes it necessary to issue a “Timely Warning” to protect the campus community, he or she has the authority to do so without the consent of the above committee and may do so immediately upon his or her determination that a threat may exist to the campus community.

Crime Alerts may be disseminated via campus e-mail, posted in selected offices on campus, including student public areas, residence halls, campus buildings, the campus newspaper, and the Missouri Western State University Police Department website.

## EMERGENCY RESPONSE AND EVACUATIONS PROCEDURE

Missouri Western State University offers a comprehensive, redundant, emergency notification system. The system is activated by the Missouri Western State University Police Department and is designed to be used for emergencies on campus that affect or could affect multiple persons and or cause significant infrastructure or property damage.

## EMERGENCY NOTIFICATION

Missouri Western State University uses a mass notification system called the Griffon Alert. For further details and to sign up for Griffon Alert please visit: <http://www.missouriwestern.edu/griffon alert/>

Missouri Western State University will act without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system,

unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The Missouri Western State University Police Department will evaluate and determine that there is a significant emergency, determine the location(s) to notify, determine the content of the notification, and initiate the notification process. The Griffon Alert system is tested at least once a year. All portions of the system are tested and evaluated. During the testing process, all portions of the system will display or enunciate “this is a test” in a form set by the Notification System committee.

Emergency Test Drills		
Date	Type of Drill/Test	Campus Area
3/06/2018	Tornado Drill	Housing
3/06/2018	Griffon Alert Test	Campus Wide
10/22/2018	Fire Drill	Housing

## EVACUATION PROCEDURE

Evacuation procedures can be found on at the following web link for the University’s response guide. <https://www.missouriwestern.edu/policedepartment/wp-content/uploads/sites/112/2018/11/EmergencyResponseGuide.pdf>

If an evacuation of the building you are occupying is ordered, comply with campus staff in their directions:

- Take keys, personal items
- Turn off all electronics
- Evacuate in groups to ensure all get out
- Do not use elevators
- Provide assistance to disabled persons
- Evacuate in a safe, orderly manner
- Close doors behind you

ONLY Police or Fire personnel can order a return to a building

### **FIRE**

If you discover a fire:

1. Call Missouri Western State University Police 816-271-4438
2. If the fire is small and you have the training use a proper fire extinguisher to combat the fire. DO NOT ENDANGER YOURSELF OR OTHERS by trying to extinguish a large, well developed fire.

3. If the fire is beyond your control:

- Pull the fire alarm
- Help rescue anyone who might need assistance
- Contain the fire by closing the doors behind you
- Evacuate the area

If you are notified of a fire in your building:

1. Evacuate the building as directed by campus staff
2. Follow the directions of staff on where to go during an evacuation
3. If you are unable to evacuate:
  - Remain in your room
  - Place something at the base of the entrance door to prevent smoke from entering Call Missouri Western State University Police at 816-271-4438 or 911
  - Open any window to signal for help

### **Tornado**

If you are notified a tornado is approaching:

- Move quickly to an interior area at the lowest level of the building
- Academic buildings have sheltering information in each classroom
- Residential Life will provide specific shelter information
- Stay away from windows
- Stay out of large open area rooms
- Sit down or kneel on the floor, covering your head
- Do not leave the area until campus staff advises it is ok
- If outside, seek shelter in the nearest building or a depression in the earth

After a tornado:

- Beware of broken glass, hanging electrical lines, unstable buildings, fires
- Call Missouri Western State University Police 816-271-4438 if there is significant damage to your building or if someone is hurt
- Comply with the directions given by Missouri Western State University Police or campus staff
- Check on fellow students and employees

### **Police Emergencies**

If you discover a police emergency (crime in progress):

- DO NOT ATTEMPT TO APPREHEND OR INTERFERE WITH A CRIMINAL EXCEPT IN SELF-DEFENSE
- If it is safe to do so, try to get a detailed description of the criminal noting their height, weight, gender, physical and clothing description, if they had weapons, method and direction of travel -
- If the criminal enters a vehicle, note the license number, make/model, and color
- Call Missouri Western State University Police at 816-271-4438, or 911
- Remain where you are until contacted by a Police Officer

### **Bomb Threat**

If you receive a bomb threat:

1. Keep the person talking as long as possible (pretend to have difficulty hearing)

2. Secure as much information as possible:

- Where is the bomb?
- When is it set to go off?
- What type of bomb is it?
- What does it look like?
- Why was it planted?
- Who planted it?
- What will make it explode?

3. Hold the line, do not hang up. Use another phone line to call Missouri Western State University Police at 816-271-4438.

When notified of a bomb threat, follow the instructions of campus staff.

### **Medical Emergency**

If you discover a medical emergency:

1. Avoid leaving the injured ill person except to summon help

2. If life threatening injury/illness, dial 911 first, then Missouri Western State University Police at 816-271-4438

3. Do not move the person unless he/she is in danger

4. Render first aid, CPR and AED if trained to do so and equipment is available

5. Be mindful of potentially infectious body fluids

6. If you are exposed to another's body fluids, inform Missouri Western State University Police

## **Hostile Intruder**

1. Exercise restraint and avoid acts which aggravate the situation
2. Express a willingness to help through positive statements and avoid threatening and intimidating remarks
3. Maintain a calm, professional demeanor
4. Listen, more than talk
5. When safe to do so, contact Police 911 and if possible Missouri Western State University Police at 816-271-4438
6. When providing information, provide:
  - your name and location
  - location of intruder
  - description of intruder
  - number of people in the area
  - description of any weapons displayed or used
  - description of any threats
  - When safe to do so evacuate the area to somewhere safe

## **CAMPUS SECURITY PROCEDURES AND CRIME PREVENTION**

In an effort to ensure a safe and secure environment in which to live, work and learn. The Missouri Western State University Police Department conducts presentations upon request to student organizations, Residence Hall meetings, and to Missouri Western State University employee groups. These sessions cover the purpose of the department, its organizational structure and authority, the types of crimes on campus, how to avoid becoming a victim of crime, what to do if you are a victim, personal safety, and emergency response training. Furthermore, in an effort to provide proactive police and security services to the community, officers of the Missouri Western State University Police Department conduct a variety of security-related training and assistance upon individual or group request.

During orientation, students and employees are informed of services offered by the Missouri Western State University Police. The orientation theme is centered on awareness and crime prevention programs. This is to encourage students and employees to be aware of their responsibility for their own security and the security of others. Should you become a witness or victim of a crime, or see suspicious activity while on Missouri Western State University property, report it immediately to the Missouri Western State University Police Department by calling extension 4438, or from an outside line dial 816-271-4438.

## BYSTANDER INTERVENTION INFORMATION

Bystander Intervention and Risk Reduction Bystander Intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm, or intervene, when there is risk of an occurrence of prohibited conduct.

The University recognizes that the prevention of sexual misconduct, as well as domestic violence, dating violence, and stalking, is important. The University offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

## MISSING STUDENT NOTIFICATION

The Missouri Western State University Police Department should be notified any time a student has been missing for 24 hours. Students residing in on-campus housing may also notify Residential Life staff, who will, in turn, notify the Missouri Western State University Police Department. Any official missing student reports are to be referred immediately to the Missouri Western State University Police Department. Once the Missouri Western State University Police Department is notified of a missing student, a police report will be made, an investigation will be started, and if determined to be a missing student the Missouri Western State University Police Department will contact the Emergency Contact listed for the student.

Currently enrolled Missouri Western State University students are encouraged to supply Emergency Contact information. Emergency Contacts will only be notified in cases of emergencies (Disaster situations, Missing Persons). Students may add or update Emergency Contact information at the Registrars Office located in Eder Hall room 102. Even if a student has not registered an emergency contact, the Missouri Western State University Police Department will still be notified. Any students under 18 years of age and not emancipated will result in automatic notification of the student's parent or guardian.

## ALCOHOL AND OTHER DRUG POLICY STATEMENT

The Missouri Western State University Alcohol and Other Drug Policy can be accessed at <http://griff.vn/handbook>. The Annual Security and Fire Report (<https://www.missouriwestern.edu/policedepartment/wp-content/uploads/sites/112/2018/11/Annual-Security-and-Fire-Report.pdf>) provides information about alcohol and other drug health risks, drug alcohol laws and penalties, and campus alcohol

and other drug education and counseling resources. Additional information specifically addressing student conduct related to alcohol and other drugs can be found in the Missouri Western State University Student Handbook (<http://griff.vn/handbook>).

The unlawful possession, use or distribution of illicit drugs and alcohol by students or employees on the University property or as a part of any University activity is prohibited. A copy of this Drug and Alcohol Policy shall be distributed annually along with the Annual Security Report to each University employee and to each University student who is taking one or more classes for academic credit and students enrolled in continuing education classes.

Please note that the lawful distribution, dispensing, possession, or use of alcohol is allowed on the Missouri Western State University campus for those times, places, and purposes approved by the President of the University.

The University is committed to maintaining a drug- and alcohol-free environment for its students and employees, in compliance with applicable federal and state laws. Students or employees who violate federal or state laws concerning the possession, use, or sale of drugs or alcohol are subject to criminal prosecution, as Missouri Western State University Police actively enforce these laws; those who violate University policies may also be subject to institutional sanctions.

No one under the age of 21 may store, possess, or consume alcoholic beverages on any property under the control of the University. Persons of legal drinking age— 21 years of age or older — may possess or consume alcoholic beverages only in areas or at functions specifically designated or approved for such use.

The unlawful or unauthorized possession, use, distribution, dispensation, sale, or manufacture of controlled substances or alcohol is prohibited on University property or as part of any University activity. Students will also be subject to disciplinary action for violations of the alcohol or drug policy that occur off campus or on private property. Employees or students who violate the policy may be disciplined in accordance with University policies, statutes, rules, regulations, employment contracts, and labor agreements, up to and including dismissal and referral for prosecution. The University may contact the parents of students under the age of 21 for violations of the Student Code.

#### GOOD SAMARITAN POLICY

The Missouri Western State University community recognizes that the health and wellness of students is of the utmost priority. When alcohol and/or drug use creates medical or safety emergencies, potential for University disciplinary action may deter students from seeking assistance for themselves or others. Students and staff should always request medical



assistance when needed for themselves and others. This policy supports those who may also be violating campus alcohol and/or drug policies by granting them immunity from disciplinary action. The Good Samaritan Policy, in its entirety, is available in the Missouri Western State University Student Handbook.

## ALCOHOL AND DRUG USE HEALTH RISKS

Students who engage in risky drinking may experience blackouts (i.e., memory loss during periods of heavy drinking); fatal and nonfatal injuries, including falls, drownings, and automobile crashes; illnesses; missed classes; unprotected sex that could lead to a sexually transmitted disease or an unwanted pregnancy; falling grades and academic failure; an arrest record; accidental death; and death by suicide. In addition, students who drink to excess may miss opportunities to participate in the social, athletic, and cultural activities that are part of college life.

Drug and alcohol use in the workplace not only contributes to lost productivity, but also causes tremendous costs related to absenteeism, accidents, health care, loss of trained personnel, and employee treatment programs. Drug and alcohol abuse causes physical and emotional dependence. Users may develop a craving for these drugs or alcohol and their bodies may respond to the presence of drugs in ways that lead to increased drug and alcohol use.

### **Alcohol**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Alcohol can increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

### **Drugs**

Like many prescription drugs, "recreational" drugs come with potentially harmful side effects that can have serious and long-term effects on your health. High doses of many of the drugs, or

impure or more dangerous substitutes for these drugs, can cause immediate life-threatening health problems such as heart attack, respiratory failure, and coma. Combining drugs with each other or with alcohol is especially dangerous.

Marijuana impairs short-term memory and comprehension. It can cause confusion, anxiety, and for some, lung damage, and abnormalities of the hormonal and reproductive system. Hours after the feeling of getting high fades, the effects of the drug on coordination and judgment remain, heightening the risk of driving or performing other complex tasks. Cannabis, a fat-soluble substance, may remain in the body for weeks, and overuse can cause paranoia, panic attacks, or psychiatric problems.

Club Drugs refers to a wide variety of drugs including MDMA (Ecstasy), GHB, rohypnol, ketamine, methamphetamine, and LSD, and are often used at raves, dance clubs, and bars. No club drug is safe due to variations in purity, potency, and concentration, and they can cause serious health problems or death. They have even more serious consequences when mixed with alcohol.

Depressants such as barbiturates, Valium and other benzodiazepines, Quaaludes, and other depressants cause disorientation, slurred speech, and other behaviors associated with drunkenness. The effects of an overdose of depressants range from shallow breathing, clammy skin, dilated pupils, and weak and rapid pulse to coma and death.

Hallucinogens such as LSD, MDA, PCP (angel dust), mescaline, and peyote can cause powerful distortions in perception and thinking. Intense and unpredictable emotional reactions can trigger panic attacks or psychotic reaction. An overdose of hallucinogens can cause heart failure, lung failure, coma, and death.

Narcotics like heroin, codeine, morphine, methadone, and opium cause such negative effects as anxiety, mood swings, nausea, confusion, constipation, and respiratory depression. Overdose may lead to convulsions, coma, and death. The risk of being infected with HIV/AIDS or other diseases increases significantly if you inject drugs and share needles, and there is a high likelihood of developing a physical and psychological dependence on these drugs.

Stimulants – cocaine, amphetamines, and others – can cause agitation, loss of appetite, irregular heartbeat, chronic sleeplessness, and hallucinations. Cocaine and crack cocaine are extremely dangerous and psychologically and physically addictive. An overdose can result in seizures and death.

Tobacco, with its active ingredient nicotine, increases your heart rate and raises your blood pressure. The tar in cigarette smoke is a major cause of cancer and other respiratory problems.

Carbon monoxide in cigarette smoke can promote arteriosclerosis, and long-term effects of smoking include emphysema, chronic bronchitis, heart disease, and lung cancer.

## BIENNIAL REVIEW

Missouri Western State University shall conduct biennial reviews of the University's alcohol and other drug prevention programs to determine its effectiveness and implement changes to the program as necessary, and to ensure that its disciplinary sanctions are consistently enforced.

The Drug-Free Schools and Colleges regulations require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees, both on the institution's premises and as part of any of its activities. When applying for federal assistance, institutions of higher education certify to the existence of such programs.

As required by the Drug-Free Schools and Colleges Act, Missouri Western State University certifies that it has adopted and implemented a drug prevention program for its students and employees that, at a minimum, satisfies these requirements.

A copy of this review shall also be made available to the Department of Education and the public upon request. Requests can be made at the Dean of Students Office.

## VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA) OF 2013

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (*Pub. Law 113-4*). Among other provisions, this law amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Clery Act. These statutory changes require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of sexual assault, domestic violence, dating violence, and stalking. Hate crime categories of prejudice (based on actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability) now also includes national origin and gender identity. Additionally, institutions will be required to include certain policies, procedures and programs pertaining to these crimes in their Annual Security Reports.

As a result, Missouri Western State University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official.

## VICTIM'S RIGHTS

Although Missouri Western State University strongly advocates that a victim of sexual assault or domestic violence, dating violence, or stalking report the incident to the Missouri Western State University Police Department in a timely manner, it is the victim's choice to make such a report and the victim has a right to decline involvement with the police.

Missouri Western State University Police Department will, upon written request by the victim, provide the report and results of any disciplinary action taken against the alleged perpetrator of violent offenses such as sex offenses. If the alleged victim of such an offense is deceased as a result of a violent crime as described in Section 16 of title 18 of the US Code, the next of kin of the victim shall be provided the same information the victim. This information would be shared upon written request.

If the assailant is a student, regardless of criminal or civil action, campus administrative action may be initiated through the Student Conduct system. Specific violations related to domestic violence, dating violence, sexual assault, stalking, and retaliation in the Missouri Western State University Student Code of Conduct are: assault, threatening actions, gender-based violence, indecent behavior, retribution, harassment, and intimidation. In these instances Missouri Western State University Dean of Students or Title IX Coordinator will provide the result of disciplinary proceeding to the accuser and the accused simultaneously.

Sanctions for students may include Residence Hall suspension or permanent expulsion, University probation, suspension or permanent expulsion (see the [Missouri Western State University Student Code of Conduct](#) for more information). Any disciplinary sanction may include the completion of an appropriate of an appropriate counseling or other rehabilitation program

## ORDERS OF PROTECTION

The purpose of an Ex Parte Order of Protection and a Full Order of Protection is to restrain a respondent from committing or threatening domestic violence, stalking, communicating or disturbing a complainant's peace, and entering a complainant's place of residence. An Ex Parte Order of Protection is a temporary order in place until a hearing by a judge. At a court hearing, a judge can issue a Full Order of Protection for a period of 180 days up to one year. The Buchanan County Circuit Clerk's Office (411 Jules Street, St. Joseph Missouri) or the Platte County Circuit Clerk's Office (328 Main St., Suite 5-CH) (Northland Campus) will provide copies of the forms necessary for the presentation of the petition to the court. Forms can also be found at [www.courts.mo.gov](http://www.courts.mo.gov) by selecting Court Forms > Adult Abuse Forms.

## SEXUAL MISCONDUCT AND MANDATED REPORTERS

Missouri Western State University is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. The University considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated. Sex discrimination includes discrimination on the basis of pregnancy, gender identity, and failure to conform to stereotypical notions of femininity and masculinity.

Sexual harassment whether verbal, physical, or visual that is based on sex is a form of prohibited sex discrimination. Sexual harassment also includes sexual violence. Any employee of the University who becomes aware of sex discrimination including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation is a Mandated Reporter, regardless of whether the recipient of the behavior is a student, employee, volunteer or visitor of the University. Exception: Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication.

Students, employees, volunteers and visitors of the University who have experienced any form of sex discrimination, including sexual harassment or sexual misconduct, are encouraged to report the incident promptly to the Title IX Office. The Title IX Office will provide complainants with written statements about existing counseling, health, mental health victim advocacy and other resources available as well as a statement of the victim's rights and the institution's responsibilities. However, University policy does not require individuals to report their own victimization. Anonymous reports are accepted by Title IX Office.

## VIOLENCE AGAINST WOMENS ACT (VAWA) CRIME CATEGORIES

Definitions used in section the Violence Against Women Act of 1994 (42 U.S.C. 13925(a))

After completion of the negotiated federal rule making these definitions will be codified in 34 CFR 668.48(a).

### ***Domestic Violence:***

1. A felony or misdemeanor crime of violence committed--
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) 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

(v) 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.

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

2. For the purpose of this definition-

(i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:**

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

(i) Fear for the person's safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2. For the purpose of this definition –

(i) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

(ii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

**Applicable Missouri Laws (Revised Statutes of Missouri (RSMo.))**

**DEFINITIONS APPLICABLE IN STATUTES CONCERNING ORDERS OF PROTECTION RSMo. 455**

**"Domestic Violence"** (455.010(5) RSMo.) is **abuse** or **stalking** committed by a **family or household member**.

**"Family" or "Household Member"** (455.010(7) RSMo.)

"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;"

**"Abuse"** (455.010(1) RSMo.) includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

- a. **"Assault"**, purposely or knowingly placing or attempting to place another in fear of physical harm;
- b. **"Battery"**, purposely or knowingly causing physical harm to another with or without a deadly weapon;
- c. **"Coercion"**, compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;
- d. **"Harassment"**, engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child.
  - i. Such conduct might include, but is not limited to:
  - ii. Following another about in a public place or places;
  - iii. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

e. **"Sexual assault"**, causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that persons consent;

f. **"Unlawful imprisonment"**, holding, confining, detaining or abducting another person against that person's will;

**"Stalking"** (455.010(13) RSMo.) is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, **or a person who also resides together in the same household with the person seeking the order of protection** when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

a. "Alarm" means to cause fear of danger of physical harm; **and**

b. "Course of conduct" means a pattern of conduct composed of **two or more** acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact.

## SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING PROGRAMMING

Missouri Western State University engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consist of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking in federal and state laws in Missouri;
- Defines what behavior and action constitute consent to sexual activity in the State of Missouri;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;



- Provides an overview of information contained in the Annual Security Report in Compliance with the Clery Act.

Missouri Western State University has developed an annual educational campaign consisting of: online awareness and prevention training for all new students and all employees; participation in and presenting information and materials in student orientation programs; presenting programs throughout the year and upon request; and may include sessions such as campus speaker series, small group training/awareness sessions.

<b>Title IX Programming</b>			
<b>DATE</b>	<b>PROGRAM NAME</b>	<b>Program Sponsor(s)</b>	<b>Audience</b>
1/10/2018	Student Empower Plus: online training	Title IX Office	New Students
1/17/2018	Preventing Discrimination and Sexual Violence: Title IX, VAWA, and Clery Act for Faculty and Staff: online training	Title IX Office	New Employees
3/20/2018	Self-Defense Workshop	Center for Multicultural Education	Students
3/21/2018	BAE-Goals	Residential Life	Students
3/28/2018	Roundtable Responses to Sexual Violence	Women of the Future	Students, Employees
3/28/2018	Pillow Talk	Residential Life	Students
4/02/2018	Walk a Mile In Her Shoes	Center for Multicultural Education	Students, Employees, Community Members
4/03-06/2018	What Were You Wearing? A Survivor Art Exhibition	Title IX Office	Students, Employees, Community Members
4/04/2018	Safe Space Training	Center for Multicultural Education	Students, Employees
4/09/210	Learning to be Chloe Again: A Survivor's Story	Title IX Office, Instructional Media Center	Students, Employees, Community Members
4/17/2019	Guest Speaker Marvin Lockett of SHARP Academy at Ft. Leavenworth	Title IX Office, Athletics	Student Athletes

7/31/2018	Title IX Updates, Athletic Department All-Staff Meeting	Title IX Office	Staff
8/17/2018	RA Training	Titel IX Office	Student Employees
8/21/2018	Student Empower Plus: online training	Title IX Office	New Students
8/22/2018	Faculty Plan Days	Title IX Office	Faculty
8/23/2018	Colleg Relationships 101, Griffon Edge, New Student Orientation	Title IX Office	New Students
8/24/2018	New International Student Orientation	Title IX Office	Students
9/04/2018	Preventing Discrimination and Sexual Violence: Title IX, VAWA, and Clery Act for Faculty and Staff: Online Training	Human Resources, Title IX Office	Faculty and Staff
9/19/2018	Student Empower Plus: Online Training	Title IX Office, Athletics	Student Athletes
9/27/2018	Rain Dove	Center for Multicultural Education	Students, Employees, Community Members
10/09-12/2018	Tunnel of Oppression	Center for Multicultural Education	Students, Employees, Community Members
10/26/2018	Art Department Meeting	Title IX Office	Faculty
11/28/2018	Sexual Misconduct Refresher, Phi Beta Sigma	Title IX Office	Students
12/06/2018	Survivors and Resources	Residence Life, Title IX Office	Students

## PROCEDURES IF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING HAS OCCURRED

If you are the victim of sexual violence (including sexual assault), domestic violence, or dating violence, do not blame yourself. These crimes are never the victim's fault. When physical violence of a sexual nature has been perpetrated against you, the University recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement (9 1 1 if an emergency), in addition to making a prompt complaint to the Title IX Coordinator or Deputy Title IX Coordinator. They are located in Blum Student Union 228 and may be reached at 816-271-4432. You may also wish to call the National Sexual Assault Hotline at 800-656-HOPE.

If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. In the case of physical violence, including sexual violence, domestic violence or dating violence, you should go directly to the emergency room and should not bathe, urinate, douche, brush teeth, or drink liquids until after you are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

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

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made, the complainant has several options, such as, but not limited to"

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator by contacting local law enforcement
- Pursuing campus disciplinary action

- Requesting that no further action be taken.

If requested, the Title IX Coordinator or Deputy Title IX Coordinator will assist you in contacting the Missouri Western State University Police Department or local law enforcement regarding the incident. You may decline to notify such authorities.

If you have obtained an order of protection, temporary restraining order, or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Missouri Western State University Police Department, Title IX Coordinator, or Deputy Title IX Coordinator. The University will take all reasonable and legal action to implement the order.

## SEXUAL MISCONDUCT INVESTIGATION AND CONFIDENTIALITY

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Missouri Western State University Sexual Misconduct Compliant Resolution Procedures

(<https://ppm.missouriwestern.edu/dotNet/documents/?docid=453&mode=view&public=true>).

The University will take disciplinary action where appropriate. The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. The University reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality.

If you wish to discuss the incident with complete confidentiality, you can contact a Confidential Reporter who will maintain confidentiality and not forward the information regarding your situation to the University for investigation without your consent (unless required to do so by law). Contact information for the Confidential Reporters is as follows:

- For counseling, Missouri Western State University Counseling Center, located at 203 Eder Hall; 816-271-4327. Hours are 8am-4:30pm, Monday through Friday.
- For a meeting with a medical professional, Missouri Western State University Esry Health Center, located at 203 Blum Union; 816-271-4495; [health@missouriwestern.edu](mailto:health@missouriwestern.edu). Hours are 8am-4:30pm, Monday through Friday.

They are available to assist you and will not report your circumstances to the University for investigation without your permission. Notwithstanding, Missouri Western State University Counseling Center, (203 Eder Hall; 816-271-4327) or Missouri Western State University Esry Student Health Center,(203 Blum Union; 816-271-4495; [health@missouriwestern.edu](mailto:health@missouriwestern.edu)) will report a crime to the appropriate University personnel for inclusion in the University’s annual crime statistics disclosure, though your name will be withheld from this report.

## EXPLANATION OF RIGHTS AND OPTIONS

A student or employee who makes a claim related to sexual violence, domestic violence, dating violence, or stalking, whether the incident occurred on campus or off, will be given a copy of the document titled “What Should I Do If I Have Been Sexually Assaulted or Have Suffered From Domestic/Dating Violence.” This document will explain the student or employees’ rights and options for making a complaint.

This document also includes information on counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, academic support and other services available for the victims, both within the institution and in the community.

Pending final outcome of an investigation in accordance with Missouri Western State University Title IX Policies & Procedures, the University will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

## MISSOURI WESTERN STATE UNIVERSITY RIGHTS AND OPTIONS AFTER FILING A COMPLAINT OF SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

### SEXUAL MISCONDUCT: COMPLAINT RESOLUTION PROCEDURES

#### I. General Principle

### **A. Applicability**

These Complaint Resolution Procedures apply to the resolution of all reports under the Sexual Misconduct Policy. They apply to the resolution of complaints against students, faculty, administrators, staff, and third parties, and they are the exclusive means of resolving complaints of sexual misconduct.

### **B. Administration**

For purposes of these complaint resolution procedures, “Investigating Officer” means the person appointed by the Title IX Coordinator or Deputy Title IX Coordinator. The Title IX Coordinator or Deputy Title IX Coordinator will appoint the Investigating Officer from the pool of trained investigators. When an employee, faculty member, or other third party is the respondent, the Title IX Coordinator will appoint the Investigating Officer from a pool of Grievance Team members appointed by the President. The Investigating Officer shall have responsibility for administering these complaint resolution procedures. At their discretion, the Title IX Coordinator and Deputy Title IX Coordinator may appoint multiple Investigating Officers to work together in administering these complaint resolution procedures.

### **C. Promptness, Fairness and Impartiality**

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Investigating Officer shall discharge his or her obligations under these complaint resolution procedures fairly and impartially. If the Investigating Officer determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, the Investigating Officer shall inform the Title IX Coordinator or Deputy Title IX Coordinator so that another appropriate individual can be designated to administer these procedures.

### **D. Training**

These procedures will be implemented by officials who receive annual training on the issues related to sexual misconduct, domestic violence, dating violence, stalking, etc. In addition, training includes investigation and hearing process that protects the safety of victims and promotes accountability. The safety and rights of all involved shall always be considered.

## **II. Investigation and Resolution of the Complaint**

### **A. Preliminary Matters**

#### **1. Timing of the Investigation**

The University will endeavor to provide a prompt and equitable resolution of complaints of sexual misconduct. The length of an investigation will vary depending on a variety of factors, such as the complexity of the allegations, the availability of witnesses, and intervening breaks. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall make a request to the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.

## 2. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator or Deputy Title IX Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the complainant may terminate any such informal means at any time. The Respondent must agree to an informal resolution of the complaint. In any event, informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence.

## 3. Interim Measures

At any time during the investigation, the Investigating Officer, in coordination with the Title IX Coordinator or Deputy Title IX Coordinator, may determine that interim remedies or protections for the parties involved or witnesses are appropriate. Additionally, either the complainant or respondent may request interim remedies by contacting the Title IX Coordinator. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections by either party may constitute a separate violation of the Sexual Misconduct Policy.

## 4. Support Person

During the investigation process, both a complainant and a respondent may ask a support person of their choice to accompany him or her at all stages of the process. In cases involving multiple complainants or respondents, the support person cannot be another complainant or respondent. The support person does not serve as an advocate on behalf of the complainant or respondent and may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process.

## 5. Pending Criminal Investigation

Some instances of sexual misconduct may also constitute criminal conduct. In such instances, the complainant is encouraged to file a report with the appropriate law enforcement authorities and, if requested, the University will assist the complainant in doing so. The pending status of a criminal investigation, however, does not relieve the University of its responsibilities under Title IX. Therefore, to the extent that doing so does not interfere with any criminal investigation, the University will proceed with its own investigation and resolution of the complaint

## 6. Rights of the Parties

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- To be treated with respect by University officials
- To be free from retaliation
- To have access to campus support resources (counseling and mental health services and University health services)
- To have a support person of his/her choice accompany him/her to all interviews, meetings and proceedings
- To have equal opportunity to identify and have considered, witnesses and other relevant evidence
- To have similar and timely access to all information considered by the Investigating Officer
- To have equal opportunity to review any statements or evidence provided by the other party
- To have equal access to review and comment upon any information independently developed by the Investigating Officer

### **B. Commencement of the Investigation**

Once a complaint is made, the Investigating Officer will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the Investigating Officer may receive counsel from University administrators, the University's attorneys, or other parties as needed.

In certain narrow circumstances, the Investigating Officer may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the



Investigating Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

### **C. Content of the Investigation**

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. Thereafter, the respondent shall be given written notice of the allegations, to include the identities of the parties involved, the specific policy provisions implicated, the specific conduct alleged, and the date(s) and location(s) of the alleged conduct. The respondent will then be interviewed and have an opportunity to respond to the allegations and present supporting witnesses or other evidence. The Investigating Officers 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. Although the Investigating Officer will typically interview witnesses only after meeting with the respondent, the Investigating Officer retains discretion to interview witnesses at any time. All parties and witnesses involved in the investigation are expected to promptly make themselves available to meet with the Investigating Officer and to cooperate and provide complete and truthful information.

### **D. Resolution of Complaints Against Student Respondents**

During the course of the investigation of complaints involving student respondents, the Investigating Officer will determine if there are disputed material facts. If there are disputed material facts, a hearing will be convened before a panel of three (3) Student Conduct Officers (not including the Investigating Officer) appointed by the Deputy Title IX Coordinator to resolve the disputed material facts. The Investigating Officer will prepare a draft written report, explaining the scope of the investigation, the specific allegations of misconduct, all relevant evidence and information that has been gathered at that time, a summary of the undisputed material facts, and a summary of the disputed material facts to be determined by the hearing panel. Both Complainant and Respondent will be provided access to this draft written report and the opportunity to provide written comments to the draft for a period of five (5) days prior to the hearing. Either party may ask for an extension of the comment time by writing to the Title IX Coordinator or Deputy Coordinator. The hearing panel will appoint a Chair who will oversee the hearing and ensure it is carried out according to the following guidelines:

- The resolution of disputed material facts will be based on a majority vote of the hearing panel using a preponderance of the evidence standard.

- Members of the hearing panel must recuse themselves if they have a conflict of interest in the matter. The Title IX Coordinator or the Deputy Title IX Coordinator will appoint another Student Conduct Officer to replace a hearing panel member with a conflict of interest.
- The complainant and the respondent must have similar and timely access to any information that will be used at the hearing, including any draft investigative reports.
- When requested by the complainant, the University will make arrangements so that the complainant and respondent do not have to be present in the same room at the same time during the hearing.
- The parties will generally not be allowed to personally question each other, though they may submit questions to the hearing panel to ask the other party on their behalf. The hearing panel may choose not to ask the question if it is inappropriate or irrelevant to disputed material facts being resolved.
- Questioning about the complainant's sexual history with anyone other than the respondent will not typically be permitted, especially when the purpose is purely to show the complainant's sexual predisposition. However, in certain circumstances it may be permissible, such as if the complainant raises the issue or if it is of particular relevance to the current complaint.

The Chair is responsible for drafting a written statement that contains the factual findings of the hearing panel. The members of the panel will sign the written statement, and the Chair will provide it to the Investigating Officer.

Upon receipt of the hearing panel's statement, the Investigating Officer will incorporate the hearing panel's findings (if any), and state whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence resulting in a policy violation.

At the conclusion of the investigation when there has been a determination that there are no disputed material facts, the Investigating Officer will prepare a draft written report. The document will explain the scope of the investigation, the specific allegations of misconduct, all evidence and information that has been gathered at that time and identify findings of fact. The Complainant and Respondent will be allowed access and opportunity to comment on the Investigating Officer's draft written report prior to a determination that any allegations in the complaint were found to be substantiated by a preponderance of the evidence. The parties will have five (5) days to comment on the draft written report. Either party may ask for an extension of the comment time by writing to the Title IX Coordinator or Deputy Coordinator.

If it has been determined that sexual misconduct occurred, the Investigating Officer shall set forth in an addendum to the final report those steps necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the University Community. Such actions will also include

reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to expulsion, or other appropriate institutional sanctions.

The Investigating Officer will then present the final report and addendum to the Title IX Coordinator or the Deputy Title IX Coordinator for review. The Title IX Coordinator or Deputy Title IX Coordinator will review the documents, revise as necessary, and then notify the parties of the outcome in writing as described in Section II.F, below.

The final written determination of the Title IX Coordinator or the Deputy Title IX Coordinator shall be final subject only to the right of appeal set forth in Section III, below.

#### **E. Resolution of Complaints Against Employee and Third-Party Respondents, Faculty Respondents, and Third-Party Respondents**

During the resolution of complaints involving a respondent who is not a student, a hearing panel will not be utilized. At the conclusion of the Investigating Officer's investigation, the Investigating Officer will prepare a draft written report. The report will explain the scope of the investigation and identify findings of fact. The Investigating Officer will present the report to the Title IX Coordinator, and the Title IX Coordinator will review the draft, revise as necessary, and finalize it.

If the final written report finds that any allegations in the complaint were found to be substantiated by a preponderance of the evidence resulting in a policy violation, the Title IX Coordinator will consult with the University administrator with jurisdiction over the complainant and respondent to determine discipline and remedial measures. The Title IX Coordinator will prepare an addendum setting forth the discipline and remedial measures.

Examples of such measures include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, or other appropriate institutional sanctions. Discipline may be directly imposed or, in cases with faculty member respondents, a referral may be made for further disciplinary proceedings in accordance with faculty discipline proceedings.

The Title IX Coordinator will notify the parties of the outcome in writing as described in Section II.F, below.

## **F. Notification of Outcome**

The Title IX Coordinator or Deputy Title IX Coordinator will provide written notification of the outcome of the investigation and any addendum to the complainant and the respondent within three (3) business days of its completion. If necessary, the version of the addendum provided to the complainant and/or respondent will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with Title IX, the Family Educational Rights and Privacy Act (“FERPA”), and the Clery Act.

## **G. Special Procedure for Complaints Against the President, the Title IX Coordinator, or Other Administrators Ranked Higher than the Title IX Coordinator**

If a complaint involves alleged conduct on the part of the University’s President, Title IX Coordinator shall obtain a written statement from the Complainant and the Respondent and submit those statements to the Chairperson of the University’s Board of Governors. If the Chairperson of the University’s Board of Governors finds sufficient evidence that a violation of policy occurred, he/she will designate the Investigating Officer. Based on the information gathered by the investigation, the Board of Governors will prepare and issue the written report determining the complaint. The determination of the Board of Governors is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator or any administrator ranked higher than the Title IX Coordinator, the University’s President will designate the Investigating Officer. Based on the information gathered by the investigation, the President will prepare and issue the written report determining the complaint. The determination of the President is final and not subject to appeal.

## **III. Appeals**

### **A. Grounds of Appeal**

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer or hearing panel, would result in a different decision
- There was a procedural error significant enough to call the outcome into question
- There was a clear error in factual findings

- Bias or prejudice on the part of the Investigating Officer and/or hearing panel
- The punishment or the corrective action imposed is disproportionate to the offense

## **B. Method of Appeal**

In cases where there is a student respondent, appeals must be filed with the Vice President of Student Affairs. In cases where there is a faculty respondent, appeals must be filed with the Provost. In cases where there is a non-faculty employee or third-party respondent, appeals must be filed with the Vice President for Financial Planning and Administration. In this capacity, the Vice President of Student Affairs, Provost, and Vice President for Financial Planning and Administration will be referred to as “Appeal Officials.” The appeal must be filed within ten (10) business days of receipt of the written report determining the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the determination of the complaint, including corrective action, if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it
- Requested action, if any

## **IV. Resolution of the Appeal**

The Appeal Official will resolve the appeal within fifteen (15) business 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. The decision of the Appeal Official is final. The Appeal Official shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Title IX Coordinator’s previous written determination. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) business days of the resolution.

In some cases involving faculty member respondents, the discipline imposed may result in additional process following the appeal.

## **V. Documentation**

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, the Deputy Title IX Coordinator, and the Appeal Officials as the case may be, are responsible for maintaining documentation of the investigation and appeal, including

documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

## **VI. Intersection With Other Procedures**

These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Sexual Misconduct Policy. To the extent there are any inconsistencies between these complaint resolution procedures and other University grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Sexual Misconduct Policy.

### **SEX OFFENDER REGISTRY**

The “Campus Sex Crimes Prevention Act” (section 1601 of Public Law 106-386) is a federal law enacted on October 28, 2000; that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus. The Act amends the “Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act” to require sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. The Act also requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes took effect October 28, 2002. In Missouri, the sex offender list is maintained at the county level. Members of the Campus Community who wish to be informed of the identities of registered sex offenders who reside in Buchanan County or a surrounding county are encouraged to contact the Buchanan County Sheriff’s Department for this information.

To locate or search Missouri registered sex offenders:

<http://www.mshp.dps.mo.gov/CJ38/searchRegistry.jsp>

### **FIRE SAFETY REPORT**

Similar to reporting of Crime in the Annual Security Report, institutions with on-campus housing must report fires which occur in on-campus housing. Missouri Western State University Police Department works with Residential Life and the University’s Physical Plant to report fire system concerns, and to document any damage which is caused by a fire.

Fire Drills are conducted at least once per year, but may be conducted more frequently in the residence halls and throughout the campus. Fire Drills will always be announced by email at

least one day prior to the drill. If a fire alarm sounds all occupants are required to exit the building; regardless of whether it is a fire drill, false activation, or actual fire.

All residential halls participated in a fire drill on 10/22/18. Hall evacuations went well with average evacuation rates from the student body. Evacuations were orderly with minimal amounts of confusion. No major problems were detected and all fire panels, lights, strobes, and horns were operational.

**Residential Halls and Areas**

	<b>Number of Fires Reported</b>	<b>Number of Deaths Related to Fire</b>	<b>Number of Injuries Related to Fire</b>	<b>Value of Property Damage Related to Fire</b>
<b>Commons Building</b>				
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
<b>Logan Hall</b>				
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
<b>Beshears Hall</b>				
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
<b>Juda Hall</b>				
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
<b>Leaverton Hall</b>				
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
<b>Vaselakos Hall</b>				
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
<b>Scanlon Hall</b>				
2016	0	0	0	0

2017	0	0	0	0
2018	0	0	0	0
<b>Griffon Hall</b>				
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## FIRE SAFETY SYSTEM

### **Logan, Beshears, Juda, Leaverton, and Vaselakos Halls**

Each Residential Facility in this category is equipped with a Fire Alarm system. The Fire Alarm system is monitored 24 hours a day 365 days a year by an outside agency. Each Residential Facility has smoke detectors located in each room, living area, common areas, lobby areas, and hallways/walkways. These residential facilities offer fire extinguishers in various locations.

### **Scanlon Hall**

Each Residential Facility in this category is equipped with a Fire Alarm system. The Fire Alarm system is monitored 24 hours a day 365 days a year by an outside agency. Each Residential Facility has smoke detectors located in each room, living area, common areas, lobby areas, and hallways/walkways. These residential facilities offer fire extinguishers in various locations and are equipped with a sprinkler system.

### **Commons Building**

Each Residential Facility in this category is equipped with a Fire Alarm system. The Fire Alarm system is monitored 24 hours a day 365 days a year by an outside agency. Each Residential Facility has smoke detectors located in each room, living area, common areas, lobby areas, and hallways/walkways. These residential facilities offer fire extinguishers in various locations and are equipped with a sprinkler system. Although the Commons Building resides within the remainder of the Residential Halls, it is not considered a Residential Facility since it does not house students.

### **Griffon Hall**

Each Residential Facility in this category is equipped with a Fire Alarm system. The Fire Alarm system is monitored 24 hours a day 365 days a year by an outside agency. Each Residential Facility has smoke detectors located in each room, living area, common areas, lobby areas, and hallways/walkways. These residential facilities offer fire extinguishers in various locations and are equipped with a sprinkler system.



## POLICIES ON PORTABLE ELECTRICAL APPLIANCES, SMOKING, AND OPEN FLAMES

For a complete list of Residential Facility policies please see:

<https://www.missouriwestern.edu/reslife/wp-content/uploads/sites/38/2019/06/MWSU-Res-Life-Handbook-2019-2020.pdf>

### **Fire System**

Sounding false fire alarms, tampering with the fire fighting or safety equipment including extinguishers, smoke detectors, sprinklers exit signs, pull stations, fire exit alarms, and stairwell fire doors etc. is a serious offense. Those found in violation of setting off a false fire alarm will be removed from the residence halls and fined. The University may pursue criminal charges.

### **Explosives**

The possession and/or use of explosive materials is prohibited in residence halls. The University assumes that possession of explosives and /or highly flammable materials in any form implies intent to use them. The possession and/or use of explosives is dangerous and constitutes a serious fire hazard. Consequently, the penalties for possession and/or use of explosives may be severe. Students found in violation of the explosives policy are subject to cancellation of their residence hall contract and/or suspension from the University.

### **Electrical Appliances**

If electrical appliances are used it is expected that safe conditions be maintained.

All electrical appliances must be UL Approved.

Only UL approved power strips may be used to extend appliance cords to electrical outlets. • Halogen lamps are prohibited in the residence halls.

“No Boundaries 5-Light Multicolored Floor Lamp” (Wal-Mart) and other lamps with similar plastic shades are prohibited with the use of standard incandescent bulbs. Residents must either replace the bulbs with “cool to the touch” compact florescent bulbs that burn at a lesser temperature or remove the shade/lamp.

For safety reasons using black light bulbs in University fixtures is prohibited.

### **Candles/Incense**

Decorations with an open flame or which present a fire hazard, such as candles, wick lamps, Incense, etc. are prohibited in Student Rooms and Common Areas. However, candles with

unburned or removed wicks are allowed for decorative purposes. Electric candle warmers are also prohibited.

## WHO TO CONTACT TO REPORT A FIRE

For an active Fire dial 911

Residential Life (806) 383-7100

Missouri Western State University Police Department (816) 271-4438

## RESOURCES AT A GLANCE

### SAFETY AND SECURITY

#### **Missouri Western State University Police Department**

Emergency and Non Emergency.....816-271-4438

Missouri Western State University Blum Union Rm 201

[MWSUPD@missouriwestern.edu](mailto:MWSUPD@missouriwestern.edu)

[www.missouriwestern.edu/policedepartment](http://www.missouriwestern.edu/policedepartment)

#### **St. Joseph Police Department**

Emergency.....911

Non Emergency.....816-271-4702

501 Faraon Street, St. Joseph, MO 64501

[www.stjoepd.info](http://www.stjoepd.info)

#### **Buchanan County Sheriff's Office**

Emergency.....911

Non Emergency.....816-236-8812

501 Faraon Street, St. Joseph, MO 64501

[www.co.buchanan.mo.us/196/Sheriffs-Office](http://www.co.buchanan.mo.us/196/Sheriffs-Office)

#### **Kansas City Police Department North Patrol**

Emergency.....911

Non Emergency.....816-234-5111

11000 N.W. Prairie View Road, Kansas City, MO 64153

[www.kcmo.gov/police/north-patrol-division](http://www.kcmo.gov/police/north-patrol-division)

### CAMPUS OFFICES

**Student Affairs Office**.....816-271-4432  
Missouri Western State University Blum Union Rm 228  
[www.missouriwestern.edu/studentaffairs](http://www.missouriwestern.edu/studentaffairs)

**Center for Multicultural Education**.....816-271-4150  
Missouri Western State University Blum Union Rm 207  
[www.missouriwestern.edu/cme](http://www.missouriwestern.edu/cme)

**Nontraditional & Commuter Student Center**...816-271-4281  
Missouri Western State University Eder Hall Rm 200  
[www.missouriwestern.edu/nontrad](http://www.missouriwestern.edu/nontrad)

**International Center**.....816-271-5981  
Missouri Western State University Blum Union Rm 210  
[www.missouriwestern.edu/international](http://www.missouriwestern.edu/international)

**Residential Life Office**.....816-383-7100  
Missouri Western State University Commons Building Rm 106  
[www.missouriwestern.edu/reslife](http://www.missouriwestern.edu/reslife)

**Office of Financial Aid**.....816-271-4361  
Missouri Western State University Eder Hall Rm 103  
[www.missouriwestern.edu/finaid](http://www.missouriwestern.edu/finaid)

**Accessibility Resource Center**.....816-271-4330  
Missouri Western State University Eder Hall Rm 203  
[www.missouriwestern.edu/arc](http://www.missouriwestern.edu/arc)

**Human Resources Office**.....816-271-4587  
Missouri Western State University Popplewell Hall Rm 117  
[www.missouriwestern.edu/hr](http://www.missouriwestern.edu/hr)

**Risk Management Office**.....816-271-4466  
Missouri Western State University Popplewell Hall Rm 119  
[www.missouriwestern.edu/riskmanagement](http://www.missouriwestern.edu/riskmanagement)

#### TITLE IX CONTACTS

**Title IX Coordinator's Office**.....816-271-4557  
Missouri Western State University Blum Union Rm 231  
[www.missouriwestern.edu/titleix](http://www.missouriwestern.edu/titleix)

#### HEALTH RESOURCES

**Esry Student Health Center**.....816-271-4495  
Missouri Western State University Blum Union Rm 203

[www.missouriwestern.edu/healthserv](http://www.missouriwestern.edu/healthserv)

**Mosaic Life Care St. Joseph**.....816-271-6000

5325 Faraon Street, St. Joseph, MO 64506

[www.mymosaiclifecare.org](http://www.mymosaiclifecare.org)

**Saint Luke’s North Hospital – Barry Road**.....816-891-6000

5830 NW Barry Road, Kansas City, MO 64154

[www.saintlukeshhealthsystem.org](http://www.saintlukeshhealthsystem.org)

SEXUAL ASSUALT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING  
RESOURCES

**Missouri Western State University Counseling Center**.....816-271-4327

Missouri Western State University Eder Hall Rm 203

[www.missouriwestern.edu/counseling](http://www.missouriwestern.edu/counseling)

**YWCA of St. Joseph**

Main Office.....816-232-4481

24 Hour Crisis Hotline.....816-232-1225

24 Hour Crisis Toll Free Hotline.....800-653-1477

304 North 8<sup>th</sup> Street, St. Joseph, MO 64501

<http://ywcasi.org/>

**St. Joseph Prosecuting Attorney’s Office**.....816-271-1480

411 Jules Street Rm 132, St. Joseph, MO 64501

[www.co.buchanan.mo.us/162/Prosecuting-Attorney](http://www.co.buchanan.mo.us/162/Prosecuting-Attorney)

**National Domestic Violence Hotline**.....800-799-7233

TTY.....800-787-3224

**RAINN** (Rape, Abuse & Incest National Network)

National Sexual Assault 24 Hour Hotline.....800-656-4673

[www.rainn.org](http://www.rainn.org)

MENTAL HEALTH RESOURCES

**Missouri Western State University Counseling Center**.....816-271-4327

Missouri Western State University Eder Hall Rm 203

[www.missouriwestern.edu/counseling](http://www.missouriwestern.edu/counseling)

**St. Joseph Family Guidance Center**

24 Hour Crisis Line.....888-279-8188

Main Office.....816-364-1501

724 North 22<sup>nd</sup> Street, St. Joseph, MO 64506

[www.fgcnow.org](http://www.fgcnow.org)

**Mosaic Life Care St. Joseph**

**Outpatient Behavioral Health**.....816-271-8133  
105 North Far West Drive, Suite 202, St. Joseph, MO 64506  
[www.mymosaiclifecare.org/Main/Service/Mental-Health](http://www.mymosaiclifecare.org/Main/Service/Mental-Health)

**Tri-County Mental Health Services**.....816-468-0400  
3100 NE 83<sup>rd</sup> Street #1001, Kansas City, MO 64119  
[www.tri-countymhs.org](http://www.tri-countymhs.org)

**National Suicide Prevention Hotline**.....800-273-8255  
National Suicide Prevention Lifeline  
<https://suicidepreventionlifeline.org/>

**Veteran’s Crisis Line**.....800-273-8255 (Press 1)  
or text 838255 for immediate help  
U.S. Department of Veterans Affairs  
[www.veteranscrisisline.net](http://www.veteranscrisisline.net)

**SUBSTANCE ABUSE RESOURCES**

**Missouri Western State University Counseling Center**.....816-271-4327  
Missouri Western State University Eder Hall Rm 203  
[www.missouriwestern.edu/counseling](http://www.missouriwestern.edu/counseling)

**Narcotics Anonymous**.....816-233-3095  
Toll Free.....888-751-6262  
[www.mokanna.org](http://www.mokanna.org)

**Alcoholics Anonymous**.....816-364-9179  
24 Hour Hotline.....877-308-5004  
[www.aa.org](http://www.aa.org)

**Substance Abuse and Mental Health Services Administration**  
National Helpline.....800-662-4357  
[www.samhsa.gov](http://www.samhsa.gov)