

Missouri State University – Bull Shoals Campus

2021 ANNUAL SECURITY REPORT

Introduction

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

Policy for Preparing the Annual Report

This report is prepared by the Andrew Englert, Associate Director, University Safety in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Missouri State University Office of University Safety 700 E Elm St Springfield, MO 65806. The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field and are constantly tested and re-evaluated for their effectiveness.

General Safety and Security Policies

Campus Security Personnel & Relationship with Local Law Enforcement

The University does not have a campus security or police department at the Bull Shoals campus.

While the University does not have any written agreements with local law enforcement, it is served by these agencies.

Campus Security Authorities

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the

crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Office of University Safety at 417-836-5509
- Springfield Police MSU substation at 417-836-5327
- Title IX coordinator at 417-836-8506

Reporting a Crime or Emergency

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 9-1-1.
- Students, staff, faculty and visitors should report criminal actions, accidents, injuries or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of university staff will assist a student in making the report to the police.
- Anonymous incident reports can also be made at MissouriState.edu/ReportCrime.

Confidential Reporting

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

The Title IX Coordinator will keep confidential the identity of any individual who has made a report or complaint of Sex Discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any individual who has been reported to be the perpetrator of Sex Discrimination, any Respondent, and any witnesses. The Title IX Coordinator may permit disclosure of the above information as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the Grievance Process.

The Title IX Coordinator will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Title IX Coordinator to provide the Supportive Measures.

The Title IX Coordinator must include the identity of any known Complainant in its Initial Notice of Formal Complaints. As a result, anonymity cannot be provided to Complainants who wish to proceed with a Formal Complaint.

A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the university disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon

the victim's request, a report of the details of the incident may be filed with the university without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the university take appropriate steps to ensure the future safety of the victim and others. With such information, the university can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the university.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The University does not have pastoral counselors.

Security of and Access to Campus Facilities

All academic buildings are secured during the evenings and weekends. Access to the buildings is only allowed for faculty/staff members and students who are accompanied by faculty/staff members.

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

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

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

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

Security Considerations in the Maintenance of Facilities

Maintenance personnel regularly check to ensure pathways are well lighted and that egress lighting is working in hallways and stairwells.

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

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

- Crime prevention program videos are available at any time at MissouriState.edu/PreparednessTraining.

- This comprehensive set of videos was developed specifically for students on a college campus and covers important topics relevant to safety on campus, including active shooter, thefts, everyday safety, travel tips, and common self-defense and are available to all members of the campus community at any time.
- University employees and students must take an active role in their personal safety and security. Each individual is expected to behave in a responsible manner concerning their own personal safety, and the security of their possessions. The university encourages students and employees to contact the office of university safety and/or the on-site administrator to discuss information of this nature, as well any other matters related to the university's campus security procedures and practices.

Monitoring Off Campus Locations of Recognized Student Organizations

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

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

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

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

Drug and Alcohol Policy

The unlawful possession, use or distribution of alcohol is prohibited on university property, in conjunction with university activities, and in conjunction with student organization events. The university enforces all state underage drinking laws

“University activities” include those activities that are planned, promoted, or sponsored by a university department or other university subdivision.

“University property” includes university owned or leased land, facilities, vehicles and equipment. Use of alcohol on university property, at university activities or at the activities of university “sponsored” student organizations, which are recognized student organizations that are advised by a university employee as part of that employee's job description and funded in some manner through university funds, is permitted only if specifically authorized by the Board of Governors, or its delegate, in accordance with state law.

Those employees, students or visitors who are under 21 years of age and who use, sell or who are in the possession of alcoholic beverages are subject to the penalties of this State's underage drinking laws.

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

Federal Drug Laws

Denial of Federal Benefits (21 U.S.C. § 862) A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions, successful completion of a drug treatment program, including periodic testing, and appropriate community service, or any combination of the three.

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

Federal Drug Trafficking Penalties (21 U.S.C. § 841) Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe.

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

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

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

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

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a

mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

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

Drug and Alcohol State Laws

Category	Summary (Missouri Revised Statutes)
Possession of Marijuana	The use of recreational marijuana is illegal, and possession for personal use of less than 10 grams for a first offense is a misdemeanor with a maximum fine of \$500 and no jail time. For a second offense, the maximum fine is \$2,000 and up to one year in jail. Possessing more than 35 grams is a felony with a maximum fine of \$10,000 and up to 7 years in jail. <i>See</i> MO. REV. STAT. § 579.015. Medical marijuana for certain conditions is allowed, and up to four ounces may be purchased every 30 days. Mo. Code Regs. Ann. tit. 19, § 30-95.030.
Controlled Substances	Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. <i>See</i> MO. REV. STAT. §§ 579.015 – 579.040. Possession of a controlled substance, except thirty-five grams or less of marijuana, is a Class D felony, with a term of up to seven years and a fine up to \$10,000. <i>See</i> MO. REV. STAT. § 579.015. Delivery of a controlled substance other than 35 grams or less of marijuana is a Class C felony, resulting in a prison term of not less than 3 years and not more than 10 years, and a fine up to \$10,000. MO. REV. STAT. §§ 558.002, 558.011. As an example, someone possessing methamphetamine faces a prison term of 7 years and a fine up to \$10,000.
Alcohol and Minors	In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor, subject to a fine not to exceed \$500. <i>See</i> MO. REV. STAT. § 311.325. A subsequent violation is a Class A misdemeanor, subject to a term of up to one year in jail and a fine not to exceed \$2,000. <i>Id.</i> Anyone between 17–21 who represents that she/he is 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. MO. REV. STAT. § 311.320. The use of a fake identification is subject to a \$500 fine. <i>Id.</i> An attempt to purchase, or possession of alcohol, may also result in license suspension.
Driving Under the Influence (DUI)	A person is guilty of a DUI if the person has a blood alcohol concentration of 0.08 percent. A first offense results in a suspended license for 30 days and then a restricted license for 60 days, and may require a certified ignition interlock device. MO. REV. STAT. § 302.525. A second offense within five years results in a one-year restricted license and additional penalties.

Drug and Alcohol Abuse Prevention Program

The university has a drug abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. More information about the program, including the university's drug and alcohol policies, can be located at:

- Code of Student Rights and Responsibilities: [MissouriState.edu/StudentConduct](https://www.missouristate.edu/StudentConduct)
- Employee Handbook: [MissouriState.edu/StaffHandbook](https://www.missouristate.edu/StaffHandbook)
- University Alcohol Policy: [MissouriState.edu/AlcoholPolicy](https://www.missouristate.edu/AlcoholPolicy)
- Alcohol and Other Drug Abuse Prevention Program: [MissouriState.edu/AlcoholDrugPrevention](https://www.missouristate.edu/AlcoholDrugPrevention)
- Biennial review of the university's drug and alcohol abuse prevention program: [MissouriState.edu/BiennialReview](https://www.missouristate.edu/BiennialReview)

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

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

- Title IX Sexual Harassment Grievance Procedure Policy: <https://www.missouristate.edu/Policy/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm>
- Non-Discrimination Policy Statement: https://www.missouristate.edu/policy/G1_05_NonDiscriminationPolicy.htm
- Reporting Allegations of Discrimination on the Basis of a Protected Class: <https://www.missouristate.edu/Policy/G1-31-reporting-allegations-of-discrimination.htm>
- Discrimination Complaint and Investigation Procedures: <https://www.missouristate.edu/Policy/Op1-02-2-discrimination-complaint-and-investigation-procedures.htm>
- Code of Student Rights and Responsibilities: <https://www.missouristate.edu/studentconduct/code-of-student-rights-and-responsibilities.htm>
- Employee Handbook for Administrative, Professional, and Support Staff Employees: https://www.missouristate.edu/policy/G7_02_EmployeeHandbook.htm
- Faculty Handbook: <https://www.missouristate.edu/provost/facultyhandbook/>

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

Primary Prevention and Awareness Program:

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

Crime Definitions

Crime Type (Missouri Revised Statues)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.
Domestic Violence	<p>Missouri's protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> • "Domestic violence" is abuse or stalking committed by a family or household member. • "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time. <p>In addition, Missouri criminal statutes include various degrees of the crime "Domestic Assault," as follows:</p> <ul style="list-style-type: none"> • Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002. <ul style="list-style-type: none"> ○ Mo Rev. Stat. § 565.002(6) indicates that a "domestic victim" is a household or family member as the term "family" or "household member" is defined in 455.010, including any child who is a member of the household or family. • Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim;

Crime Type (Missouri Revised Statues)	Definitions
	<p>or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</p> <ul style="list-style-type: none"> • Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002. • Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.
Stalking	<ul style="list-style-type: none"> • Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the

Crime Type (Missouri Revised Statues)	Definitions
	<p>person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</p> <ul style="list-style-type: none"> • Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person. • As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.
Sexual Assault	<p>The institution has determined, based on good-faith research, that Missouri's criminal statutes do not define the term sexual assault.</p> <p>However, Missouri's protective order statutes indicate that "sexual assault" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. (Mo. Rev. Stat. § 455.010(1)(e)).</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> • Rape in the First Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. • Rape in the Second Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent. • Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling. • Incest (Mo. Rev. Stat. § 568.020.1): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1)

Crime Type (Missouri Revised Statues)	Definitions
	<p>Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood.</p> <ul style="list-style-type: none"> • Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032.1): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age. • Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034.1): A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.
Other "sexual assault" crimes	<p>Other crimes under Missouri law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Sodomy in the First Degree (Mo. Rev. Stat. § 566.060.1): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. • Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061.1): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent. • Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062.1): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age. • Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064.1): A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age. • Child Molestation, First Degree (Mo. Rev. Stat. § 566.067.1): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense. • Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068.1): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve

Crime Type (Missouri Revised Statues)	Definitions
	<p>years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.</p> <ul style="list-style-type: none"> • Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069.1): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact. • Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071.1): A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact. • Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083.1): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child. • Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093.1): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person. • Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095.1): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm. • Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100.1): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.

Crime Type (Missouri Revised Statues)	Definitions
	<ul style="list-style-type: none"> Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101.1): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.
Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))	Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.

University Definition of Consent

In addition to the definition of consent under state law, the institution uses the following definition of consent in its sexual misconduct policies for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent means the agreement or permission expressed through affirmative, voluntary words or actions that are mutually understandable to all parties involved, to engage in a specific act at a specific time. Consent if given for a specific sexual act at a specific time can be withdrawn at any time. Consent cannot be coerced or compelled by duress, threat, force or deception. Consent cannot be given by someone who, for any reason, cannot understand the facts, nature, extent or implications of the sexual situation occurring, including, but not limited to, those who are under the legal age of consent, asleep, unconscious, mentally or physically impaired through the effects of drugs or alcohol, or mentally impaired due to an intellectual or other disability. Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

Risk Reduction

Make Sure You Both Consent

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go. Have a conversation. The best way to know what a person wants to do, sexually or otherwise, is to ask them and listen to the response they give.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.

- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

Risk Reduction

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

- Decide ahead of time how you will get home and with whom.
- Stay with the crowd.
- Communicate clearly – verbally and with body language.
- Don’t ignore signs of trouble.
- Watch out for your friends and have them watch out for you.
- Keep track of your beverage, be aware of someone trying to slip you an incapacitating substance into your beverage.

Abusive Patterns

It is also important to be aware of the warning signs of an abusive person. Some examples include:

- Insults, humiliation, name-calling, threats.
- Pattern of unwanted texting, phone calls, emails, messaging, monitoring social network sites, stealing passwords.
- Intimidation, isolation, threats (including threats of suicide), withholding affection, destroying property.
- Interfering with income or ability to work, controlling finances.
- Unwanted touch, nonconsensual sex, controlling sexual situations or access to contraception.
- Slapping, shoving, hitting, kicking, strangling.

Bystander Intervention

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

- Green Dot: MissouriState.edu/GreenDot.
- Be a GOOD friend and a savvy bystander – look out for those around you.

- Don't leave your friend.
- Don't ignore signs of trouble – realize that it is important to intervene and help others.
- Be protective.
- BELIEVE.
- Get help.
- Be SUPPORTIVE in the short and long term.
- Don't hesitate to contact the police or other authorities.
- Counterintuitive behavior of victims is normal.

Other Information Covered by the PPAP

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

Ongoing Prevention and Awareness Campaign:

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

PPAP and OPAC Programming Methods:

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the university. Methods include, but are not limited to: online presentations, distribution of written materials, periodic email blasts, and guest speakers. Past programming and currently planned programming include the following:

- Title IX General Education Program (GEP) presentations (new students).
- Title IX University Honors College (UHC) presentations (any students).
- Title IX presentations to various university groups (any students, faculty, or staff).
- Student Access: Not Anymore Sexual Assault Awareness Training (new students).
- Green Dot Bystander Intervention presentations (any students, faculty, or staff).

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

If you are a victim of a sexual assault, domestic violence, dating violence or stalking, go to a safe place and call 9-1-1 or Missouri State University office of university safety at 417-836-

5509. At the earliest opportunity, you should also contact the university's Title IX Coordinator at 417-836-8506.

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

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

Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Cox Health Branson, 525 Branson Landing Blvd., Branson, MO 65616, 417-335-7000.

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

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

Security/Law Enforcement & How to Make a Police Report

- Missouri State University Office of University Safety: 417-836-5509
- Taney County Sheriff, 266 Main Street, Forsyth, MO 65653, 417-546-7250
- To make a police report, a victim should contact the local police agency listed below either by phone or in-person. The victim should provide as much information as possible, including name, address and when and what occurred, to the best of the victim's ability.

Information about Legal Protection Orders

In Missouri, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking or sexual assault. Information about Adult Orders of Protection may be found at: MissouriState.edu/ProtectionOrder.

A protection order may be obtained by filing a petition with the court. Courts can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 15 days, until a court hearing, and (2) Full Orders of Protection, which may be issued for up to one year. Additional information about the orders may be found at: [Court](#).

- A Petition for Order of Protection should be filed for Monday Friday from 8:00 a.m. 5:00 p.m. on non-holidays. Go to the Taney County Circuit Clerks office, which is located at 132 David Street, Forsyth, Missouri 65653 on the 2nd Floor. Monday Friday after 5:00 p.m., weekends and holidays go to the Taney County Sheriff's Department, which is located at 132 David Street, Forsyth, Missouri 65653, behind the courthouse. More information is available here: <http://taneycountyprosecutor.com/orders-of-protection/>

- The circuit court clerk's office can provide the necessary forms and may assist in completing the forms. Forms may also be found at [Protection Order Form](#). A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.

- The Taney County Prosecutor provides advocates for victims of domestic violence through their Victim Advocate The Taney County Prosecutor is located at: 1132 David St, Forsyth, MO 65653. The Victim Advocate phone number is: 417-546-7263. More information may be found at: <http://taneycountyprosecutor.com/victimwitness/>

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

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

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

Available Victim Services:

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

Campus Resources

Title IX Office

Located in Carrington Hall 205, The Title IX office is responsible for overseeing all Title IX issues and providing support to complainants and respondents.

417-836-6810

Title IX Coordinator

417-836-8506

TitleIX@MissouriState.edu

Counseling Center

Receive free and confidential counseling services. Students are requested to schedule an intake as the point of entry, however crisis appointments will be handled by seeing students in crisis the same day they call. The Counseling Center has a full time, licensed counselor who specializes in substance abuse.

417-836-5116

Magers Health and Wellness Center

Magers Health and Wellness Center is the medical home for Missouri State University. It offers confidential health and wellness services, follow-up care, sexually transmitted infection and disease screening and testing as well as a fully stocked pharmacy with over-the-counter medications.

417-836-4000

Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The University's financial aid website can be found at:

<https://www.missouristate.edu/FinancialAid/>

Off-Campus Resources

The Crisis Center of Taney County:

- Call 866-379-0074 24 hours a day to speak to a crisis counselor and request assistance.
- PO Box 282, Branson, MO 65615
- 417-561-5105
- <https://www.taneycrisiscenter.org/>

Missouri Legal Services: <https://www.lsmo.org/>

Missouri Coalition Against Domestic and Sexual Violence: <https://www.mocadsv.org/>

National Domestic Violence Hotline: 1-800-799-7233

National Sexual Assault Hotline: 1-800-656-4673

Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>

U.S. Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>

National Coalition Against Domestic Violence: <http://www.ncadv.org/>

National Sexual Violence Resource Center: <http://www.nsvrc.org/>

Stalking Resource Center: <http://victimsofcrime.org/our-programs/stalking-resource-center>

U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>

Immigration Advocates Network: <https://www.immigrationadvocates.org/>

Accommodations and Supportive Measures:

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

Requests for accommodations or supportive measures should be made to the Title IX Coordinator at 417-836-8506, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or supportive measures will be implemented.

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

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

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

Procedures for Disciplinary Action:

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Title IX Sexual Harassment Grievance Procedure Policy. Information about the Title IX Coordinator and Deputy Title IX Coordinator are found below. Reports should be filed with the Title IX Coordinator.

Title IX Coordinator

417-836-8506

TitleIX@MissouriState.edu

Deputy Title IX Coordinator

417-836-8510

TitleIX@MissouriState.edu

An electronic form available at MissouriState.edu/TitleIXComplaint can also be used to file a report.

Upon receipt of a formal complaint, the Title IX Coordinator will open a formal case file and assign the investigation to an investigator to lead the investigation. The Title IX Coordinator and/or Deputy Title IX Coordinator designee will analyze the complaint and notify the respondent that a complaint has been filed.

The Equity Investigator will then commence an investigation of the allegations within the Formal Complaint and the respondent's rebuttal statement (if any). If the respondent elects not to participate in the Formal Complaint Process, the matter will be investigated without the respondent's involvement.

If, during the investigation, the complainant indicates a desire to withdraw the Formal Complaint, the investigation may be closed and the complainant will not be permitted to re-file the complaint absent a showing of extraordinary circumstances and at the discretion of the EOO. The Equity Investigator, however, may, in consultation with the EOO or the Title IX Coordinator (depending on the subject matter), decide to complete the investigation, depending on the nature, extent, and/or severity of the allegations.

During the investigation, the Equity Investigator is authorized to contact any and all University personnel and other individuals (e.g. agents, subcontractors, volunteers, or guests) who may have information relevant to the Formal Complaint. The Equity Investigator will have access to all relevant University records. The Equity Investigator will maintain a written record of interviews and investigation, which will be considered to be a permanent confidential record, subject to [Op8.18 Records Management Policy \(Records Retention Policy\)](#).

Live Hearing of Formal Complaints of Title IX Sexual Harassment. Following the completion of the Title IX Final Investigative Report, the Title IX Coordinator will review the Title IX Final Investigative Report along with the corresponding Formal Complaint for possible dismissal pursuant to the Dismissal of Formal Complaints. If a Formal Complaint is not dismissed, the Title IX Coordinator will schedule a Live Hearing, as described in Live Hearing of Formal Complaints of Title IX Sexual Harassment, no sooner than five (5) Days following the issuance of the Title IX Final Investigative Report.

Role of Title IX Coordinator in Live Hearing. The Title IX Coordinator will have no substantive role in the Live Hearing except for coordination of the Live Hearing including, but not limited to:

- The selection and coordination of the Decision Maker(s) assigned to facilitate the Live Hearing;
- The facilitation of the Live Hearing being conducted virtually, pursuant to the Virtual Live Hearing Section; and
- Ensuring that an audio recording of the Live Hearing is created and available, as set forth in Availability of Live Hearing Audio

Evidence Available at the Live Hearing. At the Live Hearing, the Complainant and Respondent (including their Advisors), as well as any Decision Maker, will have an equal opportunity to inspect and review all evidence available in the Evidence Database, as set forth in the Investigation of Allegation of Sexual Harassment in a Formal Complaint.

Presentation of Evidence at the Live Hearing. Subject to the limitations identified in Section 9.4 Determining Relevance During the Live Hearing of the Title IX Sexual Harassment Grievance Procedure Policy, at the Live Hearing, the Decision Maker will facilitate the presentation of evidence through the presentation of relevant questions, via Direct Examination and Cross Examination, to the Complainant, Respondent, and any witnesses, including questions on credibility. The Decision Maker, as a neutral factfinder, may pose direct questions to any participant in the Live Hearing (Complainant, Respondent, and/or Witnesses). The Advisor for the Complainant and Respondent may engage in Cross Examination, as set forth in this Policy. The Decision Maker will not require, allow, rely upon, or otherwise use Direct or Cross Examination questions that seek disclosure of information prohibited under the Evidence Collected by the university During the Title IX Investigation Section, unless the appropriate authorization has been provided. Any determinations of credibility made by the Decision Maker will not be based solely on an individual's status as a Complainant, Respondent, or Witness.

Determining Relevance During the Live Hearing. In making its decision regarding relevance, the Decision Maker will determine whether the question posed is probative to the question of responsibility as set forth in the Formal Complaint. The Decision-Maker must focus on evidence pertinent to proving whether facts material to the allegation(s) of Sexual Harassment are more or less likely to be true. The University has pre-determined that questions and evidence about the Complainant's sexual predisposition and/or prior sexual behavior are "irrelevant," and will not be permitted, unless the Decision Maker determines that:

- Such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
- The questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Cross Examination During Live Hearing. The Decision Maker will only allow the Complainant or Respondent's Advisor to ask the other Party and any witnesses relevant questions and follow-up questions. Such questioning must be allowed directly, orally, and in real-time, subject to the right of a virtual Live Hearing.

Following each question posed by an Advisor, the Decision Maker will instruct the individual receiving the question to wait prior to responding, so that the Decision Maker may decide as to the relevance of the question asked. Only questions that are relevant to the allegations of Sexual Harassment will be considered. If the Decision Maker believes that a question posed to an individual is not relevant, the Decision Maker will notify the Advisor asking the question of that determination and provide a brief explanation as to why the question was determined irrelevant and was excluded.

Effect of Failing to Submit to Direct Examination. The Decision Maker may not draw any inference about the determination of responsibility based solely on a Party's refusal to answer any questions posed during the Live Hearing. The Decision Maker may rely on any relevant statements of a witness or Party, even if that party or witness refuses to respond to Direct Examination by the Decision Maker or Cross Examination by a Party's Advisor.

Virtual Live Hearing. At the determination of the Title IX Coordinator, or at the request of either the Complainant or the Respondent, the Title IX Coordinator will provide for the Live Hearing to occur with the Complainant and Respondent located in separate rooms with technology sufficient to enable the Decision Maker(s), Complainant, Respondent, and witnesses to simultaneously see and hear the answering of questions and presentation of evidence.

Determination Regarding Responsibility. Following the Live Hearing, the Decision Maker will conduct an objective evaluation of all relevant evidence presented during the Grievance Process. The Title IX Coordinator and Title IX Investigator will endeavor in good faith to ensure that the Grievance Process as set forth in this Policy is completed promptly and pursuant to the timing requirements set forth in this Policy. Absent necessary delays in the Grievance Process, including:

- The absence of a Complainant or Respondent, Advisor, or witness;
- Concurrent law enforcement activity relating to the allegations of Sexual Harassment;
- The need for accommodations of disabilities through the Grievance Process;
- The need for language assistance through the Grievance Process;
- Failure of an Advisor to adhere to this Policy or the Advisor Statement of Expectations, as identified in Section 7.3, or
- Circumstances outside of a Party's control that might temporarily prevent them from full participation in the Grievance Process.

The Grievance Process should conclude within a period of 90 days. The Decision Maker will issue a written determination regarding responsibility for the allegation set forth in the Formal Complaint in light of the Preponderance of the Evidence. The Written Determination of the Decision Maker will be provided to the Title IX Coordinator. The Title IX Coordinator will review the Written Determination to ensure it includes all information required by this Section. The Title IX Coordinator will then provide the Written Determination simultaneously to the Complainant and the Respondent. The Written Determination must include the following information:

- The allegations potentially constituting Sexual Harassment as defined under this Policy;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the issuance of the Written Determination, including any notifications to the

Complainant and Respondent, interviews with the Complainant and Respondent and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the Student Code, Greenwood Handbook, Faculty Handbook, Employee Handbook, as applicable, to the facts raised in the Live Hearing;
- A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any Disciplinary Sanctions imposed on the Respondent, and whether Remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant;
- The University's procedures and permissible bases for Appeal, as set forth in Section 10 Appeals of the Title IX Sexual Harassment Grievance Procedure Policy; and
- The date on which an Appeal will no longer be accepted pursuant to Section 10 Appeals of the Title IX Sexual Harassment Grievance Procedure Policy.

Final Determination Regarding Responsibility. The Written Determination, including any Disciplinary Sanctions, will not be final until the conclusion of any Appeal filed pursuant Section 10 Appeals of the Title IX Sexual Harassment Grievance Procedure Policy, or if no appeal is filed, the date set forth in the Written Notification.

Availability of Live Hearing Audio. Within three (3) Days of the Live Hearing, an audio recording of the Live Hearing will be made available to the Parties via the Evidence Database. The Complainant and Respondent shall have access to the audio recording of the Live Hearing until the expiration of the appeal period, as outlined Section 10 Appeals of the Title IX Sexual Harassment Grievance Procedure Policy.

Appeals. Both the Complainant and Respondent may submit an appeal from a Written Determination of responsibility following either (i) a Live Hearing, or (ii) the University's dismissal of a Formal Complaint, or any allegation contained within a Formal Complaint. In either case, the University will process the Appeal pursuant to this Section.

- Filing of an Appeal. Within five (5) Days of the submission of the Written Determination or Dismissal, either the Complainant or the Respondent may file a written appeal of the Written Determination or Dismissal. Any Appeal must be limited to one (1) of the three (3) bases for appeals identified in Section 10.2 Bases for Appeals Section of Title IX Sexual Harassment Grievance Procedure Policy. Any Party submitting an appeal will have an opportunity to provide a statement in support of, or challenging, the Written Determination or Dismissal. Following the submission of an Appeal, the Title IX Coordinator will provide to the non-Appealing party notice that an appeal has been filed, along with a copy of the written appeal and directions on how to respond to the appeal.
- Bases for Appeal.
- The University will consider Appeals of a Written Determination or Dismissal on the following three (3) grounds:
 - A procedural irregularity that affected the outcome of the matter;
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and

- The Title IX Coordinator, Title IX Investigator, or Decision Maker(s) had a conflict of interest or bias against Complainants or Respondents generally, or the Complainant or Respondent specifically, that affected the outcome of the matter;

Responding to Appeals. The non-appealing Party will have five (5) Days following receipt of the Notice of Appeal to respond to the written appeal by providing a written statement either supporting or challenging the Written Determination or Dismissal (as applicable) and responding to the bases of appeal.

Written Decisions of Appeals. At the conclusion of the time period identified in Section 10.3 Responding to Appeals of Title IX Sexual Harassment Grievance Procedure Policy a new Decision Maker, assigned for the purpose of the Appeal, will review all documents received in connection with the written appeal and provide a written decision on appeal (Written Decision). The Written Decision will include a rationale for the result as to each basis of appeal identified by the appealing party. On Appeal, the Decision Maker may choose to either:

- affirm the Written Determination or Dismissal;
- reverse the Written Determination’s finding of responsibility or no responsibility;
- reverse the Dismissal of a Formal Complaint, or an allegation included in a Formal Complaint; or
- deny the appeal because it does not fall within the bases for Appeal as identified in Section 10.2 Bases for Appeals Section of the Title IX Sexual Harassment Grievance Procedure Policy.

The Decision Maker on appeal will provide the Written Decision to the Title IX Coordinator, who shall provide a copy of the Written Decision simultaneously to the Parties.

Final Disciplinary Sanctions and Remedies. Should the Decision Maker affirm the Written Determination as to responsibility, or deny an appeal challenging responsibility, the determination regarding responsibility will become final, and the Title IX Coordinator shall notify University offices and officials as necessary to ensure the implementation of any Disciplinary Sanction and/or Remedies included in the Written Determination.

Effect of Reversal on Appeal. Any Dismissal of a Formal Complaint, or any allegation included in a Formal Complaint, that is reversed on Appeal by the Decision Maker will proceed through the Grievance Process outlined in this Policy.

Rights of the Parties in an Institutional Proceeding:

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

1. A prompt, fair and impartial process from the initial investigation to the final result.
 - A prompt, fair and impartial process is one that is:
 - Completed within reasonably prompt timeframes designated by the institution’s policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - Conducted in a manner that:

- Is consistent with the institution’s policies and transparent to the accuser and the accused.
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. The University will ensure that all individuals serving as Title IX Coordinator, Title IX Investigator, and any Decision Makers receive training on the topics identified in Section 12.1, required training
- **Required Training.** The University Title IX Coordinator, Title IX Investigator, and Decision Makers will all be required to engage in training covering the following topics:
 - The definition of Sexual Harassment under §106.30 of the Title IX Regulations and as used in this Policy;
 - The scope of the University’s education program or activity;
 - How to conduct an investigation and the Grievance Process; and
 - How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Position Specific Training. In addition to the training set forth in Section 12.1 General Training of the Title IX Sexual Harassment Grievance Procedure Policy. the General Training section, the following positions will be required to engage in training covering the following position-specific topics:

Decision Makers. All Decision Makers must be trained on topics including:

- i. how to serve impartially;
- ii. issues of relevance as described in Section 9; and
- iii. any technology to be used at a Live Hearing.

Title IX Investigators. Any individual who serves as a Title IX Investigator must be trained on topics including:

- i. issues of relevance; and

- ii. technology to be used to populate the Electronic Database discussed in Section 8.2 Evidence Collected by the University During the Title IX Investigation section of the Title IX Sexual Harassment Grievance Procedure Policy. Section 8.2.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

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

Potential Disciplinary Sanctions following a Determination of Responsible. At the conclusion of the Grievance Process and following a determination of responsibility, a Respondent could be subject to the following Disciplinary Sanctions, depending on whether the Respondent is a student, faculty, or staff.

- Student Respondents who are found responsible at the conclusion of the Grievance Process are subject to the Disciplinary Sanctions, as determined by the Decision Maker, and as defined by the Student Code:
 - i. Loss of Privileges - Denial of specified privileges for a designated period of time.
 - ii. Level Two Probation - Is imposed for a specific period of time and affects the student's good standing in the university. While on level two probation the student shall be declared ineligible to campaign for or hold office or other leadership roles in a student organization. The student shall not represent the university in any university sponsored activity or position. While on level two probation students are prohibited from participating in the Study Away program, attending conferences on behalf of the university, or representing the university at an official function, event, or intercollegiate competition as a player, manager or student coach. If found responsible for a violation of the Code while on level two probation, it may result in separation from the university (e.g. denial of privilege to re-enroll, suspension or dismissal) at the discretion of the conduct officer.
 - iii. Denial of Privilege to Re-Enroll - This places the student on level two probation, permits the student to complete the current semester barring further violations, but prohibits the individual from enrolling for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. While prohibited from enrolling, the student is denied access to university owned or leased grounds, facilities and vehicles, and all university planned, promoted or sponsored

activities. In the case where a student is a member of a student organization, the student is prohibited from attending the student organization's activities on or off-campus. A hold is placed on the student's records.

- iv. University Housing Probation - Probation is for a specified period of time and includes the probability of suspension or expulsion from university housing if the student is found to be in violation of university policy during the probationary period.
 - v. University Housing Suspension - Separation of the student from occupancy in university housing for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student may be denied access to dining facilities connected to university housing during the suspension. A permanent conduct record is maintained.
 - vi. University Housing Expulsion - Permanent separation of the student from university housing. The student shall be permanently denied access to occupancy in university housing, and access to all university housing (including dining facilities connected to university housing). A permanent conduct record is maintained.
 - vii. Suspension - Separation of the student from the university for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. While on suspension, the student is denied access to university owned or leased grounds, facilities, equipment, computer networks and vehicles, and all university planned, promoted or sponsored activities. In the case where a student is a member of a student organization, the student is prohibited from attending the student organization's activities on or off campus. An SL (Student Life) hold is placed on the student's records. A permanent conduct record is maintained.
 - viii. Dismissal - Permanent separation of a student from the university. When dismissed, a student is denied access to university owned or leased grounds, facilities and vehicles, and all university planned, promoted or sponsored activities. In the case where a student is a member of a student organization, the student is prohibited from attending any student organization activity. There is a permanent SL (Student Life) hold on the student's records. A notation is made on the student's permanent academic record with removal resulting only from action by the president of the university. A permanent conduct record is maintained.
 - ix. Revocation of Degree - Admission to or a degree awarded from the university may be revoked for fraud, misrepresentation or other violation of university standards in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.
 - x. Withholding of Degree - The university may withhold awarding a degree otherwise earned until the completion of the process set forth in this student conduct code, including the completion of all consequences assigned, if any.
- Faculty Respondents who are found responsible at the conclusion of the Grievance Process are subject to Disciplinary Sanctions, as determined by the Decision Maker, and as defined by of Faculty Handbook:
 - i. Dismissal
 - ii. Revocation of Tenure

- iii. Demotion of Rank
- iv. Reassignment of Duties
- Employee Respondents who are found responsible at the conclusion of the Grievance Process are subject to the following Disciplinary Sanctions, as determined by the Decision Maker, and as defined by the Employee Handbook:
 - i. Written reprimand - A written reprimand documents the occurrence and the severity and usually warns that further violations will result in suspension without pay or termination. It may be a final opportunity to improve.
 - ii. Reassignment of duties (which may include a demotion) - An employee may be demoted to a lower salary grade for poor performance or conduct violations.
 - iii. Suspension without pay - A suspension without pay may be used to impress upon the employee that a behavior or work performance level must be changed or dismissal will be inevitable. Suspension results in the loss of pay for a specified period of time (usually three days).
 - iv. Dismissal - A serious offense and repeated disciplinary problems will require dismissal. While employment may be terminated at any time without cause, examples of conduct that can result in dismissal for a single incident are dishonesty, insubordination, immoral conduct, theft, use of drugs or alcohol or other serious conduct as outlined in the university's disciplinary guidelines.

Supportive Measures. Following receipt of an allegation of Sexual Harassment, and at any time during the Grievance Process, the Title IX Coordinator may implement Supportive Measures designed to restore or preserve equal access to the University's education program or activity including measures designed to protect the safety of the Complainant and Respondent or deter Sexual Harassment.

Supportive measures may include the following:

- Referral to University or Local Counseling Services;
- Referral to local law enforcement;
- Provide any information to victims of Clery Act crimes available through University Safety;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Coordination with the University's Safe Walk program;
- Restrictions on contact between the Complainant and Respondent (mutual);
- Changes in work or housing locations;
- Leaves of absence;
- Coordination with the University Safety Office for increased security and monitoring; and/or
- Other measures determined by the Title IX Coordinator to be appropriate and which are not unreasonably burdensome to the Respondent.

The Title IX Coordinator is responsible for coordinating the implementation of any Supportive Measure put in place pursuant to this Policy.

Publicly Available Recordkeeping:

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

Victims to Receive Written Notification of Rights:

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

Sex Offender Registration Program:

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Title IX Coordinator at (417) 836-8506. State registry of sex offender information may be accessed at the following link:<https://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

Timely Warnings and Emergency Response

Timely Warnings

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

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

- Office of University Safety, 417-836-5509
- Director of University Safety, 417-836-8444

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

Emergency Response

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

Students, staff and visitors are encouraged to notify the office of university safety at office of university safety of any emergency or potentially dangerous situation.

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

Once the emergency is confirmed and based on its nature, the director of university safety will consult with other appropriate university officials to determine the appropriate segment or segments of the university community to be notified.

The director of university safety in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

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

The director of university safety will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

The director of university safety will notify local law enforcement of the emergency if they are not already aware of it and building management, and if necessary, will coordinate with the vice president for marketing and communications to ensure the surrounding community is made aware of the emergency.

Methods for Issuing Timely Warnings and Emergency Notifications

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

Method	Sign-Up Instructions
Blue light outdoor speakers	No enrollment needed
Posters	No enrollment needed
University website	No enrollment needed
University social media accounts	No enrollment needed
Building alarm systems	No enrollment needed
MSU alert (text, voice, email)	Students and employees are automatically enrolled

Testing & Documentation

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

The director of university safety maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

Crime Statistics

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

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

Hate crimes:

2020: No hate crimes reported.

2019: No hate crimes reported.

2018: No hate crimes reported.

Crimes unfounded by the University:

2020: 0 unfounded crimes.

2019: 0 unfounded crimes.

2018: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2020: 0 unfounded crimes.

2019: 0 unfounded crimes.

2018: 0 unfounded crimes.

Data from law enforcement agencies:

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.
- The University was provided with some crime data from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the University's Clery Geography.
- Certain law enforcement agencies did not comply with the University's request for crime statistics.