

# **Missouri State University - Fairfax, VA**

## **2022 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 – Fairfax, Virginia Campus ("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 Director, Office of 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.

### **General Safety and Security Policies**

#### **Campus Security Personnel & Relationship with Local Law Enforcement**

The University does not have a campus security or police department presence on site at the Fairfax campus.

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

- Defense and Strategic Studies Department Head at 703-218-3565
- Office of University Safety at 417-836-5509
- 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 agency. 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, 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](https://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 Disciplinary Action 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. University employees are required to submit allegations of sex discrimination, including sexual harassment, within three days to the Title IX Coordinator.

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 areas are secured during the evenings and weekends. Access to the areas 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, library, and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization. The Department Head is responsible for assuring his/her area is secured and locked.

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

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

### **Security Considerations in the Maintenance of Facilities**

Security also is a consideration in maintaining campus facilities. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Maintenance personnel work to ensure pathways are well lit, that egress lighting is working in hallways and stairwells, and that other conditions that may result in an unsafe environment are addressed.

## **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 programs are available at [MissouriState.edu/PreparednessTraining](https://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** (updated 08.04.2022)

**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 (Virginia Code)
Possession of Marijuana	Possession of marijuana of up to one ounce is permitted for adults 21 years of age and older. <i>See</i> VA Code Ann. § 4.1-1100. Possession of more than one ounce is a civil penalty with a maximum fine of \$25. <i>Id.</i> However, no person shall consume marijuana or offer marijuana to another in a public place. <i>See</i> VA Code Ann. § 4.1-1108. For a first offense, offender is subject to a civil penalty of no more than \$25. <i>Id.</i> Second and subsequent offenses may result in required substance abuse treatment and/or education and may receive greater penalties. <i>Id.</i> However, except as authorized in the Drug Control Act, it is unlawful for a person to sell, give, distribute, or possess with intent to sell, give, or distribute marijuana. <i>See</i> Va. Code Ann. § 18.2-248.1. There is a rebuttable presumption, however, that marijuana in an amount less than one ounce is for the personal use of the person who possesses it. <i>See id.</i> Otherwise, the sale or possession of marijuana in an amount of up to one ounce is a class 1 misdemeanor. <i>Id.</i> The sale or possession of marijuana with an intent to distribute in an amount more than one ounce but less than five pounds is guilty of a Class 5 felony, and possession in an amount greater than five pounds is a felony. <i>Id.</i> Third and subsequent felony offenses receive greater penalties. <i>Id.</i>
Controlled Substances	Virginia statutes cover a wide range of offenses related to controlled substances. <i>See generally</i> Va. Code Ann. §§ 18.2-247 – 18.2-264. It is unlawful for any person knowingly or intentionally to possess a controlled substance without a valid prescription, unless an exception applies. <i>See</i> Va. Code Ann. § 18.2-250. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines and vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. <i>See id.</i> Distribution of certain drugs to persons under

Category	Summary (Virginia Code)
	<p>18 and sale or manufacture of drugs on or near certain properties, including institutions of higher education, carry enhanced penalties. <i>See</i> Va. Code Ann. § 18.2-255 and Va. Code Ann. § 18.2-255.2.</p> <p>As an example, any person who knowingly manufactures, sells, gives, or distributes any anabolic steroid may be sentenced to a term of imprisonment up to 10 years and a fine of up to \$20,000. <i>See</i> Va. Code Ann. § 18.2-248.5.</p> <p>In addition, any person who sells or possesses with intent to sell drug paraphernalia shall be guilty of a class 1 misdemeanor, with jail time up to 12 months and fines up to \$2,500. <i>See</i> Va. Code Ann. §§ 18.2-265.3, 18.2-11. <i>See</i> Va. Code Ann. § 18.2-265.3.</p>
Alcohol and Minors	<p>No person under the age of 21 may lawfully consume, purchase, or possess any alcoholic beverage unless in a private residence where he or she is accompanied by a parent/guardian or spouse who is 21 years of age or older. <i>See</i> Va. Code Ann. § 4.1-305. Use of an altered, fictitious, facsimile, or simulated form of identification to establish a false age in order to purchase or consume alcohol is unlawful. <i>Id.</i> Both of these offenses constitute Class 1 misdemeanors and are punishable by a minimum fine of \$500 or at least 50 hours of community service, as well as a license suspension between 6 months and 1 year (depending on the age of the offender). <i>Id.</i></p> <p>Any person other than a parent who purchases for, or otherwise gives, provides, or assists in the provision of alcoholic beverages to another person, when he knows or has reason to know that such person was less than 21 years of age is guilty of a Class 1 misdemeanor. In addition to other applicable penalties, this offense carries a driver's license suspension of up to 1 year. <i>See</i> Va. Code Ann. § 4.1-306.</p>
Driving While Intoxicated (DWI)	<p>A person is guilty of driving while intoxicated if they have a blood or breath alcohol concentration of 0.08 grams. <i>See</i> Va. Code Ann. § 18.2-266. The offender will be guilty of a Class 1 misdemeanor with a mandatory minimum fine of \$250. <i>See</i> Va. Code Ann. § 18.2-270. The offender will be required to have a vehicle interlock system for no less than 6 consecutive months without alcohol-related violations. <i>See</i> Va. Code Ann. § 18.2-270.1. The offender's license may also be suspended for 1 year. <i>See</i> Va. Code Ann. § 18.2-271</p>

## Drug and Alcohol Abuse Prevention Program

The University has a drug abuse and prevention program, which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such as legal sanctions for violations of applicable laws, health risks, etc.) and conducts a biennial review of this program to evaluate its effectiveness and assesses whether sanctions are being consistently enforced. 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 policies 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](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](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 (Virginia Code)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Virginia law does not define the term dating violence.
Domestic Violence	<p>The institution has determined, based on good-faith research, that Virginia law does not define the term domestic violence.</p> <p>However, Virginia law provides the following:</p> <ul style="list-style-type: none"> <li>• Va. Code Ann. § 18.2-57.2: Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.</li> <li>• Va. Code Ann. § 16.1-228: "Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.</li> </ul>
Stalking (Va. Code Ann. § 18.2-60.3)	Any person, except [certain caveats established by statute], who on more than one occasion engages in conduct, either in person or through any other means, including by mail, telephone, or an electronically transmitted communication, directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor. If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the

Crime Type (Virginia Code)	Definitions
	<p>person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.</p>
Sexual Assault	<p>The institution has determined, based on good-faith research that Virginia law does not define the term sexual assault.</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 Virginia law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Va. Code Ann. § 18.2-61): If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Virginia law does not define the term fondling.</li> <li>• Incest (Adultery and Fornication by Persons Forbidden to Marry; Incest) (Va. Code Ann. § 18.2-366): (A) Any person who engages in sexual intercourse with any person whom he or she is forbidden by law to marry is guilty of a Class 1 misdemeanor except as provided by subsection B; (B) Any person who engages in sexual intercourse with his daughter or granddaughter, or with her son or grandson, or her father or his mother, is guilty of a Class 5 felony. However, if a parent or grandparent engages in sexual intercourse with his or her child or grandchild, and such child or grandchild is at least 13 years of age but less than 18 years of age at the time of the offense, such parent or grandparent is guilty of a Class 3 felony. <ul style="list-style-type: none"> <li>◦ For the purposes of the above, parent includes step-parent, grandparent includes step-grandparent, child includes a step-child, and grandchild includes a step-grandchild.</li> </ul> </li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Virginia law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Virginia law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Carnal Knowledge of Child between Thirteen and Fifteen Years of Age (Va. Code Ann. § 18.2-63): (A) If any person carnally knows, without the use of force, a child thirteen years of age or older but</li> </ul>

Crime Type (Virginia Code)	Definitions
	<p>under fifteen years of age, such person shall be guilty of a Class 4 felony; (B) If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age who consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused's junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused's junior, the accused shall be guilty of a Class 4 misdemeanor. In calculating whether such child is three years or more a junior of the accused minor, the actual dates of birth of the child and the accused, respectively, shall be used.</p> <ul style="list-style-type: none"> <li>○ For the purposes of the above, (i) a child under the age of thirteen years shall not be considered a consenting child and (ii) "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate and inanimate object sexual penetration.</li> <li>• Forcible Sodomy (Va. Code Ann. § 18.2-67.1): An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anilingus, or anal intercourse with a complaining witness whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person, and (1) The complaining witness is less than 13 years of age; or (2) The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.</li> <li>• Object Sexual Penetration (Va. Code Ann. § 18.2-67.2): An accused shall be guilty of inanimate or animate object sexual penetration if he or she penetrates the labia majora or anus of a complaining witness, whether or not his or her spouse, other than for a bona fide medical purpose, or causes such complaining witness to so penetrate his or her own body with an object or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person or to penetrate, or to be penetrated by, an animal, and (1) The complaining witness is less than 13 years of age; or (2) The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.</li> <li>• Aggravated Sexual Battery (Va. Code Ann. § 18.2-67.3): An accused is guilty of aggravated sexual battery if he or she sexually abuses the complaining witness, and (1) The complaining witness is less than 13 years of age, or (2) The act is accomplished through the use of the complaining witness's mental incapacity or physical</li> </ul>

Crime Type (Virginia Code)	Definitions
	<p>helplessness, or (3) The offense is committed by a parent, step-parent, grandparent, or step-grandparent and the complaining witness is at least 13 but less than 18 years of age, or (4) The act is accomplished against the will of the complaining witness by force, threat or intimidation, and (a) The complaining witness is at least 13 but less than 15 years of age, or (b) The accused causes serious bodily or mental injury to the complaining witness, or (c) The accused uses or threatens to use a dangerous weapon; or (5) The offense is not a recognized form of treatment in the profession, and is committed, without the express consent of the patient, by (i) a massage therapist, or a person purporting to be a massage therapist, during an actual or purported practice of massage therapy, as those terms are defined in § 54.1–3000; (ii) a person practicing or purporting to practice the healing arts, during an actual or purported practice of the healing arts, as those terms are defined in §§ 54.1–2900 and 54.1–2903; or (iii) a physical therapist, or a person purporting to be a physical therapist, during an actual or purported practice of physical therapy, as those terms are defined in § 54.1–3473.</p> <ul style="list-style-type: none"> <li>• Sexual Battery (Va. Code Ann. § 18.2-67.4): An accused shall be guilty of sexual battery if he sexually abuses, as defined in 18.2-67.10 [below], (i) the complaining witness against the will of the complaining witness by force, threat, intimidation, or ruse, or (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness.</li> <li>• Sexual Abuse of Child under 15 Years of Age (Va. Code Ann. § 18.2-67.4:2): Any adult who, with lascivious intent, commits an act of sexual abuse, as defined in § 18.2-67.10 [below], with any child 13 years of age or older but under 15 years of age is guilty of a Class 1 misdemeanor.</li> <li>• Sexual Abuse (Va. Code Ann. § 18.2-67.10): "Sexual abuse" means an act committed with the intent to sexually molest, arouse, or gratify any person, where: (a) The accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts; (b) The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; (c) If the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or (d) The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts.</li> </ul> <p>In addition, Virginia statutes specific to institutions of higher education define sexual violence as follows (Va. Code Ann. § 23.1-806.A): "Sexual</p>

<b>Crime Type (Virginia Code)</b>	<b>Definitions</b>
	violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Virginia law does not define the term consent (as it relates to sexual activity).

### 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/Community Engagement*

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.

- Participate in Engaging Bears: [MissouriState.edu/Engage/](https://MissouriState.edu/Engage/)
- 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.
- Understand that 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).
- Engaging Bears overview training presentations, effective August 2022 (any students, faculty, or staff).
- Previous 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 Inova Fair Oaks Medical Campus, 3600 Joseph Siewick Drive, Fairfax, VA 22033, (703) 391-3600.

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
- City of Fairfax Police Department, 3730 Old Lee Highway, Fairfax, VA 22030-1800, 703-385-7924
- Fairfax County Police, 4100 Chain Bridge Road, Fairfax, Virginia 22030, 703-691-2131
- To make a police report, a victim should contact one of the local police agencies listed above 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

- Protective orders are legal documents issued by a judge or magistrate to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force or threat that results in bodily injury or places that person in fear of death, sexual assault or bodily injury. A petitioner files a request for a protective order against a respondent. In Virginia, there are three kinds of protective orders, as follows:
  - Emergency Protective Order (EPO) – usually issued by a magistrate, these expire at the end of the third day following the issuance or the next day court is in session, which is later (72 hours). This is intended to allow time for a preliminary protective order to be filed with the court.



- Preliminary Protective Order (PPO) – temporary protection that lasts 15 days or until notice to the respondent and a full hearing. A petition must be filed with the court to obtain a PPO.
- Protective Order – a full protective order can be issued by a judge for up to two years after both parties have notice and the opportunity to be heard in court.
- An individual can file for a protective order at the Fairfax County General District Court at 4110 Chain Bridge Road, Fairfax, VA 22033, 703-246-3012. Specifically, protective orders are filed in the Civil Division, Room 211, on the 2<sup>nd</sup> floor.
- For more information about protective orders, please visit the following webpages:
  - <http://www.fairfaxcounty.gov/courts/gdc/publications/filing-protective-orders.pdf>
  - <http://www.fairfaxcounty.gov/courts/jdr/jdrfamilyviolence.htm>
  - <http://www.fairfaxcounty.gov/news/2007/038.htm>
- Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.
- If you would like help with what to write, please contact an attorney. You may also contact the Virginia Sexual and Domestic Violence Action Alliance: <https://www.nsvrc.org/organizations/225>

The University 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 University and can be enforced on campus, if necessary. Upon learning of any orders, the University 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](mailto: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**

- Virginia Sexual and Domestic Violence Action Alliance: <https://www.nsvrc.org/organizations/225>
- Virginia Legal Aid: <https://www.valegalaid.org/>
- National Domestic Violence Hotline: 1-800-799-7233, <https://www.thehotline.org/>
- National Sexual Assault Hotline: 1-800-656-4673, <https://www.rainn.org/>
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US 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 protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to 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. The Title IX Grievance Procedure Policy applies to all members of the University community (students, faculty, and staff) for allegations relating to domestic violence, dating violence, sexual assault and/or stalking.

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](mailto:TitleIX@MissouriState.edu)**Deputy Title IX Coordinator**

417-836-8510

[TitleIX@MissouriState.edu](mailto:TitleIX@MissouriState.edu)

An electronic form available at [MissouriState.edu/TitleIXComplaint](https://MissouriState.edu/TitleIXComplaint) can also be used to file a report.

Following the submission of a Formal Complaint, the Title IX Coordinator will notify the Parties of the possibility of resolving a Formal Complaint prior to the resolution of the Grievance Process through the Informal Resolution Process outlined in this Section. The Informal Resolution Process must be voluntary and agreed to by both the Complainant and Respondent, and cannot be utilized if the Respondent is an employee of the University. Either party may indicate their intention to withdraw from the Informal Resolution Process at any time prior to the execution of the final Informal Resolution Agreement.

Agreement to participate in Informal Resolution Process. Either party may indicate in writing at any time, prior to the conclusion of the Grievance Process, their desire to participate in the Informal Resolution Process. Any communication regarding the Informal Resolution Process must be directed in writing to the Title IX Coordinator. Following written notice of a Party's interest in the Informal Resolution Process, the Title IX Coordinator will notify the other Party of the interested Party's desire to pursue Informal Resolution. Should the other Party acknowledge in writing that they are also interested in pursuing Informal Resolution under this Section, the Title IX Coordinator will suspend the investigation of the allegations found in the Formal Complaint and prepare a draft Informal Resolution Agreement.

1. The Complainant and Respondent may, but are not required to, suggest Supportive Measures, Remedies, and/or other desired outcomes, that should be included in the Draft Informal Resolution Agreement.
2. The Title IX Coordinator will draft the Informal Resolution Agreement, in consideration of any suggestions provided by the Parties, and present the draft to the Complainant and Respondent for consideration.
3. Upon receipt of the draft Informal Resolution Agreement a party must notify the Title IX Coordinator in writing that: i) the Party approves the Informal Resolution Agreement without edit; ii) the Party requests revision to the resolution outcomes selected by the Title IX Coordinator, or iii) the Party no longer wants to participate in the Informal Resolution Process.

Revised Informal Resolution Agreement. If a Party requests a revision to the Title IX Coordinator's Draft Informal Resolution Agreement, the Title IX Coordinator will:

1. Inform each Party as to the response provided by the other Party.
2. Generate a Revised Informal Resolution Agreement based on the feedback received by the Parties, to the extent that the Title IX Coordinator reasonably believes the Parties can come to an agreement as to a Final Informal Resolution Agreement.

3. Provide the Revised Informal Resolution Agreement to the Parties for review and response.

Failure to Agree on Revised or Draft Informal Resolution Agreement. If the Parties do not agree to accept the Revised Informal Resolution Agreement, then the Informal Resolution Process will cease and, to the extent permitted by the Policy's jurisdictional requirements, the Grievance Process will resume. Either Party may reengage the Informal Resolution Process to the extent that they communicate, in writing their willingness to accept a prior Draft Informal Resolution or Revised Informal Resolution Agreement previously accepted by the other Party.

Finalized Informal Resolution Agreement. Once both Parties acknowledge in writing their agreement to a Draft Informal Resolution Agreement or a Revised Informal Resolution Agreement, the Title IX Coordinator will finalize the Informal Resolution Agreement. The Title IX Coordinator will present the Final Informal Resolution Agreement to both Parties for signature. Once each Party has signed the Informal Resolution Agreement the Title IX Coordinator will:

1. Notify those offices necessary for the implementation of any resolution outcome identified in the Final Informal Agreement.
2. Dismiss the Formal Complaint.

The Title IX Office will retain Final Informal Resolution Agreements pursuant to the limitations Information obtained by the Title IX Coordinator solely in connection with the negotiation of the Informal Resolution Agreement will not be included in the Grievance Process should the Informal Resolution Process conclude without an Informal Resolution Agreement.

If the Parties do not agree to an Informal Resolution, , the Title IX Coordinator will provide a Notice of Formal Complaint of Sexual Harassment (Notice of Formal Complaint) to the Complainant and to the Respondent identified in the Formal Complaint. The Notice of Formal Complaint will include the following information:

- Notice of the University Grievance Process as identified in this Policy.
- Notice of the allegations of Sexual Harassment from the Formal Complaint, including, if known to the Title IX Coordinator, the following details regarding the allegations of Sexual Harassment: the identities of the parties involved in the alleged incident, the conduct allegedly constituting Sexual Harassment under this Policy, the date and location of the alleged incident.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process.
- A statement informing the Parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney, during the investigation of the Formal Complaint.
- A statement informing the Parties that they, and their Advisors, will have the right to inspect and review evidence obtained during the investigation of the Formal Complaint.

- A statement informing the Complainant and Respondent of any provision in the University's applicable policies that prohibits knowingly making false statements in bad faith or knowingly submitting false information (collectively, False Statement(s)) during the Grievance Process.
- As applicable, a statement regarding the requirements of the Informal Resolution Process, including i) the voluntary nature of a Party's participation in the Informal Resolution Process, ii) the circumstances under which the Informal Resolution Process precludes the Parties from resuming a Formal Complaint arising from the same allegations, iii) the Parties' right to withdraw from the Informal Resolution Process, and iv) the records that will be maintained and disclosed following the conclusion of the Informal Resolution Process.

**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 the following Live Hearing of Formal Complaints of Title IX Sexual Harassment section, no sooner than five (5) Days following the issuance of the Title IX Final Investigative Report. While each investigation is unique, the University generally notes that the formal Grievance Process lasts from 90 – 120 days.

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 the 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, 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 the 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:

1. A procedural irregularity that affected the outcome of the matter;
2. 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
3. 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 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.

Allegations of dating violence, domestic violence, sexual assault, and stalking that are not covered by the Title IX Sexual Harassment Grievance Procedure Policy may be governed by the University's Discrimination Complaint and Investigation Procedures. In those cases, any member of the University community should contact the Equal Opportunity Officer (EOO) or designee to arrange a meeting. After the initial consultation, the Equity Investigator, in consultation with the EOO, will draw a preliminary conclusion regarding whether the allegations fall within the scope of this policy.

If so, the Equity Investigator will initiate the Informal Complaint Procedure. The Equity Investigator may communicate directly with the respondent to discuss the behavior at issue. If this resolves the complaint, no other person will be contacted, although necessary supervisory and administrative personnel may be informed. The Equity Investigator may also meet with both parties, make inquiries to ascertain pertinent facts, and consult with other personnel to facilitate the process. If this option does not resolve the matter, all other options remain open to the complainant.

The Equity Investigator will make all reasonable attempts to resolve the matter within 30 business days. The specific details of each case will determine the best possible means for achieving a satisfactory resolution. If, at the conclusion of the Informal Complaint Procedure, the Equity Investigator determines that the respondent has engaged in conduct that constitutes discrimination or harassment as prohibited by the University's Non-Discrimination Policy Statement, or is in violation of other University policy, the Equity Investigator will prepare a written summary of findings.

If either party is dissatisfied with the results of the Informal Complaint Procedure, the complainant may exercise the Formal Complaint Procedure, as follows.

If the complaint has not been reduced to writing in the Informal Complaint Process, a written Formal Complaint signed by the complainant will be required for initiation of the Formal Complaint Procedure. Within 10 business days of the receipt of a signed written Formal Complaint, the Equity Investigator will notify the respondent of the Formal Complaint. The respondent will then be given 10 business days from receipt of the Formal Complaint to

provide the Equity Investigator with a formal written statement rebutting or otherwise responding to the Formal Complaint.

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.

At the conclusion of the investigation, the Equity Investigator shall prepare a Report of Findings. The Report of Findings will be issued within sixty (60) business days after the commencement of Formal Complaint procedures. When charges of discrimination, harassment, and/or retaliation are substantiated based on the preponderance of the evidence, the appropriate University administrator shall initiate the appropriate disciplinary process based on the status of the respondent. When charges of discrimination, harassment and/or retaliation are not substantiated and no preponderance of evidence is found, written notification of such findings shall be provided to the appropriate University administrator.

### **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. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- **Required Training:**

The University will ensure that all individuals serving as Title IX Coordinator, Title IX Investigator, and any Decision Makers will all be required to engage in training covering the following topics:

### General Training:

- 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:

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:
    - how to serve impartially;
    - issues of relevance; and
    - 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:
    - issues of relevance; and
    - technology to be used to populate the Electronic Database.
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 Responsibility. 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.

- Loss of Privileges
- Level Two Probation
- Denial of Privilege to Re-Enroll
- University Housing Probation
- University Housing Suspension
- University Housing Expulsion
- Suspension
- Dismissal
- Revocation of Degree
- Withholding of Degree

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:

- Dismissal
- Revocation of Tenure
- Demotion of Rank
- 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:

- Written reprimand
- Reassignment of duties (which may include a demotion)
- Suspension without pay
- Dismissal

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 or unilateral);
- 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 Title IX Coordinator. State registry of sex offender information may be accessed at the following link: <https://sex-offender.vsp.virginia.gov/sor/index.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
- Defense and Strategic Studies Department Head, 703-218-3565

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 operations 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 Defense and Strategic Studies Department Head at 703-218-3565 any emergency or potentially dangerous situation.

The Defensive and Strategic Studies Department Head will access available sources of information from building management, 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 Defensive and Strategic Studies Department Head may consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified.

The Defensive and Strategic Studies Department Head 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 Defense and Strategic Studies Department Head 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 University's Defensive and Strategic Studies Department Head 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, for example, via local news sources and social media.

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.

<b>Method</b>	<b>Sign-Up Instructions</b>
Building alarm system	No enrollment needed
University email	No enrollment needed
MSU alert (text, voice, email)	Students and employees are automatically enrolled
University website	No enrollment needed

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:

<b>Crime</b>		<b>On Campus</b>	<b>Non Campus</b>	<b>Public Property</b>
Murder/Non-Negligent Manslaughter	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Manslaughter by Negligence	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Rape	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Fondling	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Statutory Rape	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Incest	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Aggravated Assault	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Robbery	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Burglary	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Motor Vehicle Theft	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Arson	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Dating Violence	2021	0	0	0
	2020	0	0	0
	2019	0	0	0

Domestic Violence	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Stalking	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Arrest – Drug Abuse Violation	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Arrest – Liquor Law Violation	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Arrest - Weapon Violation	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Disciplinary Referral – Drug Abuse Violation	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Disciplinary Referral – Liquor Law Violation	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Disciplinary Referral - Weapon Violation	2021	0	0	0
	2020	0	0	0
	2019	0	0	0

\* The University does not have on-campus student housing facilities.

**Hate crimes:**

2021: No hate crimes reported.

2020: No hate crimes reported.

2019: No hate crimes reported.

**Crimes unfounded by the University:**

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

2019: 0 unfounded crimes.

**Statistics for unfounded crimes provided by law enforcement agencies:**

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

2019: 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.