

**Missouri State™**

**U N I V E R S I T Y**

# **Nevada Campus**

**Annual Security**

**Report**

**Reporting Year 2016**

**Published October 1, 2017**

# Missouri State University – Nevada Campus

## 2017 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 - Nevada ("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 of Safety and Transportation 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 Safety and Transportation 636 E. Elm Street Springfield, MO 65897 417-836-8870.

The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

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

#### **Policies Concerning the Law Enforcement Authority of Campus Security Personnel**

While the University does not have any written agreements with local law enforcement agencies at the Nevada campus, it does maintain a close working relationship with local police.

There is not a Missouri State University public safety officer assigned to the Nevada campus. All crimes occurring on campus, on non-campus property owned by the University or on nearby public property should be reported immediately to the On-site Teacher Education Program Coordinator. The number to contact is 417-455-5431.

It is also appropriate to contact local law enforcement by calling 911. If calling from a cell phone, it is important to also give the location of the emergency.

## **Other Officials to Whom Crimes May Be Reported**

The University also has designated other 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 additional campus security authorities to whom the University would prefer that crimes be reported are as follows:

- Nick Nichols, On-Site Teacher Education Program Coordinator at 417-455-5431  
CNNichols@MissouriState.edu
- Tom Johnson, Director of Safety & Transportation at 417-836-8870

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

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

- Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 911 from any campus phone or cell phone. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred.
- 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 <http://www.missouristate.edu/safetran/12812.htm>

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.

## **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.

Any victim of a crime who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the persons 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.

### **Timely Warning**

In the event of criminal activity occurring either on campus or off the Nevada campus that in the judgment of the Missouri State University Springfield Campus-Department of Safety and Transportation constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples would be a rash of motor vehicle thefts or sexual assaults in the area that merit a warning because they present a continuing threat to the campus community.

This warning will be communicated to students and employees via the following method(s):

| <b>Method</b> | <b>Sign-Up Instructions</b>                                    |
|---------------|--|
| email         | Email will be sent to students registered at the Nevada campus |

Updates to the warnings will be provided as appropriate.

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

- On-Site Teacher Education Program Coordinator, 417-455-5431
- Safety and Transportation, 417-836-8870

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

### **Security of and Access to Campus Facilities**

Missouri State University-Nevada campus is on the campus of Crowder College. Crowder College maintains the following policy regarding access to campus facilities.

Campus facilities are open and available for use Monday – Thursday 7:00a.m.-10:00 p.m. and Friday 7:00a.m.-4:30 p.m. Holiday and weekend hours vary according to various lab, library, and cafeteria services. Please refer to the college website at [www.crowder.edu](http://www.crowder.edu) for additional details for each campus location.

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

Missouri State University-Nevada campus is on the campus of Crowder College. Crowder College maintains the following policy regarding the maintenance of campus facilities.

Crowder College Physical Plant staff and the Safety Team monitor facilities to ensure they are safe. Evacuation plans are posted throughout the facilities, indoor and outdoor light bulbs are replaced as needed, when low-lit areas are identified lighting is added, security cameras are maintained, trees and shrubs are trimmed, fire inspections are conducted by the local fire department, and tests of the emergency notification system (ENS) and the SchoolWay emergency reminder/notifications service are regularly conducted.

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

- Crime prevention programs are available at any time online at:  
<http://www.missouristate.edu/safetran/safetyvideos.htm>

This comprehensive set of videos were developed specifically for students on a college campus covers seven important topics relevant to safety on campus, including assaults, thefts, stalking and unhealthy relationships, everyday safety and travel tips, and common self-defense. Watch all of the topics, or any one of the seven chapters, each of which is less than 10 minutes in length.

- 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 MSU Springfield Director of Safety and Transportation 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.

## **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 such institution 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**

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

The University Alcohol Policy is available at:

[https://www.missouristate.edu/policy/Op11\\_01\\_UniversityAlcoholPolicy.htm](https://www.missouristate.edu/policy/Op11_01_UniversityAlcoholPolicy.htm)

**The University enforces federal and state drug laws.** The possession, sale, manufacture or distribution of illegal drugs is prohibited under both state and federal laws. Such laws will be enforced by the University's law enforcement authority on campus. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

## **Drug and Alcohol Abuse Prevention Program**

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

Student Drug and Alcohol Policies:

[https://www.missouristate.edu/policy/Op5\\_06\\_DrugandAlcohol.htm](https://www.missouristate.edu/policy/Op5_06_DrugandAlcohol.htm)

Employee Alcohol and Drug Abuse Policy:

[https://www.missouristate.edu/policy/Op7\\_01\\_AlcoholandDrugAbuse.htm](https://www.missouristate.edu/policy/Op7_01_AlcoholandDrugAbuse.htm)

Alcohol and Other Drug Abuse Prevention Program:

<https://www.missouristate.edu/dos/72221.htm>

Biennial review of the University's drug and alcohol abuse prevention program:

[https://www.missouristate.edu/assets/dos/2014-2015\\_Biennial\\_Review\\_003\\_.pdf](https://www.missouristate.edu/assets/dos/2014-2015_Biennial_Review_003_.pdf)

## **Policy, Procedures and Programs Related to Various Sex-Related Offenses, including Sexual Assault, and Domestic Violence, Dating Violence, and Stalking**

Consistent with the requirements of Title IX of the Education Amendments of 1972, the Clery Act, and the Violence Against Women Act ("VAWA"), the University prohibits discrimination based on sex in its educational programs and activities, including sexual harassment, and acts of domestic violence, dating violence, sexual violence (including sexual assault) and stalking. The University also prohibits any retaliation, intimidation, threats, coercion or any other discrimination against any individuals exercising their rights or responsibilities pursuant to these laws and institutional policy. The University's Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct and Title IX Resources are used to address complaints of this nature. These policies and the procedures for filing, investigating and resolving complaints for violations of these policies may be found at:

- Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct  
[https://www.missouristate.edu/policy/G1\\_31\\_TitleIX.htm](https://www.missouristate.edu/policy/G1_31_TitleIX.htm)
- Title IX Resources  
<http://www.missouristate.edu/titleix/>

The following discusses the University's educational programs to promote the awareness of domestic violence, dating violence, sexual assault and stalking; provides information concerning procedures students and employees should follow 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. In it they are specifically advised that the University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. In that regard, they are informed of the following definitions that apply within the state of Missouri:

| <b>Crime Type</b><br><b>(Missouri Revised Statues)</b>              | <b>Definitions</b>   |
|---|--|
| Dating Violence   | The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.  |
| Domestic Violence<br>(Mo. Rev. Stat. §§ 455.010(5) and 455.010 (7)) | <p>Abuse or stalking committed by a family or household member, as such terms are defined in Mo. Rev. Stat. § 455.010. "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.</p> <ul style="list-style-type: none"> <li>• Additionally, Missouri law defines the term “Domestic Assault” (Mo. Rev. Stat. §§ 565.072 to 565.076):             <ul style="list-style-type: none"> <li>○ A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002.                 <ul style="list-style-type: none"> <li>▪ Mo Rev. Stat. § 565.002(6) indicates that a “domestic victim” is a household or family member as the term “family” or “household member” is defined in 455.010, including any child who is a member of the household or family.</li> </ul> </li> <li>○ A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she:                 <ul style="list-style-type: none"> <li>• Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or</li> <li>• Recklessly causes serious physical injury to such domestic victim; or</li> <li>• Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</li> </ul> </li> <li>• A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002.</li> <li>• A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:                 <ol style="list-style-type: none"> <li>1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;</li> </ol> </li> </ul> </li> </ul> |

| <b>Crime Type</b><br><b>(Missouri Revised Statues)</b>  | <b>Definitions</b>   |
|---|--|
|   | <ol style="list-style-type: none"> <li>2. With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;</li> <li>3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;</li> <li>4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;</li> <li>5. The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or</li> <li>6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</li> </ol>   |
| <p>Stalking (Mo. Rev. Stat. §§ 565.225 and 565.227)</p> | <ul style="list-style-type: none"> <li>• As used below, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> <li>• A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: <ul style="list-style-type: none"> <li>• Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or</li> <li>• At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or</li> <li>• At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or</li> <li>• At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or</li> </ul> </li> </ul> |



| <b>Crime Type</b><br><b>(Missouri Revised Statues)</b> | <b>Definitions</b>  |
|--|---|
|  | <ul style="list-style-type: none"> <li>• He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or</li> <li>• At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</li> <li>• A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> </ul>  |
| Sexual Assault (Mo. Rev. Stat. § 455.010(1)(e))        | Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person’s consent.   |
| Rape, Fondling, Incest, Statutory Rape                 | <p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> <li>a. Rape (Mo. Rev. Stat. §§ 566.030 and 566.032): <ul style="list-style-type: none"> <li>i. A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>ii. A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> </ul> </li> <li>b. Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling.</li> <li>c. Incest (Mo. Rev. Stat. § 568.020): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: <ul style="list-style-type: none"> <li>1. Ancestor or descendant by blood or adoption; or</li> <li>2. Stepchild, while the marriage creating that relationship exists; or</li> <li>3. Brother or sister of the whole or half-blood; or</li> </ul> </li> </ul> |

| <b>Crime Type</b><br><b>(Missouri Revised Statues)</b>      | <b>Definitions</b>  |
|---|---|
|   | <p>4. Uncle, aunt, nephew or niece of the whole blood.</p> <p>1. Statutory Rape (Mo. Rev. Stat. §§ 566.032 and 566.034):</p> <ul style="list-style-type: none"> <li>a. A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.</li> <li>b. A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</li> </ul>   |
| <p>Other Crimes that could be considered Sexual Assault</p> | <p>Other crimes under Missouri law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>o Sodomy (Mo. Rev. Stat. §§ 566.060 and 566.061): <ul style="list-style-type: none"> <li>▪ A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>▪ A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.</li> </ul> </li> <li>o Statutory Sodomy (Mo. Rev. Stat. §§ 566.062 and 566.064): <ul style="list-style-type: none"> <li>i. A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.</li> <li>ii. A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.</li> </ul> </li> <li>o Child Molestation (Mo. Rev. Stat. §§ 566.067 to 566.071): <ul style="list-style-type: none"> <li>▪ A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense.</li> <li>▪ A person commits the offense of child molestation in the second degree if he or she: <ul style="list-style-type: none"> <li>1. Subjects a child who is less than twelve years of age to sexual contact; or</li> </ul> </li> </ul> </li> </ul> |

| <b>Crime Type</b><br><b>(Missouri Revised Statues)</b> | <b>Definitions</b>  |
|--|---|
|  | <p style="text-align: center;">2. Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.</p> <ul style="list-style-type: none"> <li>• A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.</li> <li>• A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.</li> </ul> <p>1. Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083):</p> <p>a. A person commits the offense of sexual misconduct involving a child if such person:</p> <ul style="list-style-type: none"> <li>• Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;</li> <li>• Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child;</li> <li>• Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or</li> <li>• Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</li> </ul> <ul style="list-style-type: none"> <li>• Sexual Misconduct (Mo. Rev. Stat. §§ 566.093 and 566.095): <ul style="list-style-type: none"> <li>○ A person commits the offense of sexual misconduct in the first degree if such person: <ol style="list-style-type: none"> <li>1. Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;</li> <li>2. Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or</li> <li>3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.</li> </ol> </li> </ul> </li> </ul> |

| Crime Type<br>(Missouri Revised Statues)                                  | Definitions   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.</li> <li>• Sexual Abuse (Mo. Rev. Stat. §§ 566.100 and 566.101): <ul style="list-style-type: none"> <li>○ A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.</li> <li>○ A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.</li> </ul> </li> </ul> |
| Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14)) | <ul style="list-style-type: none"> <li>○ Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: <ul style="list-style-type: none"> <li>○ It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or</li> <li>○ It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or</li> <li>○ It is induced by force, duress or deception.</li> </ul> </li> </ul>   |

In addition to the definition of consent under Missouri law, the University uses the following definition of consent in its Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent is sexual permission and must be clear, knowing and voluntary. In order to consent effectively to sexual activity an individual must be able to understand “who, what, when, where, why and how” with respect to that sexual activity. Consent or lack of consent may be expressed or implied. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don’t. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct and such mental incapacity is manifest or known to the actor; or
2. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to

make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

3. It is induced by force, duress or deception.

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

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

- Decide ahead of time how you will get home and with whom
- Keep track of your drink (whether alcoholic or not)
- Stay with the crowd
- Communicate clearly – verbally and with body language
- Don't ignore signs of trouble

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:

- Communicate clearly – verbally and with body language
- Not everyone who wants to flirt or kiss wants to have sex
- Purposely getting someone drunk so that they can't resist is a crime
- Being drunk is not a defense to your behavior
- Asking repeatedly in hopes of getting a different answer is coercive
- Drunk, drugged or sleeping people CANNOT consent

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

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

- Green Dot: <https://www.missouristate.edu/greendot/>
- Be a good friend and a savvy bystander

- Don't leave your friend
- Don't ignore signs of trouble
- Be protective
- Believe
- Get help
- Be supportive in the short and long term
- Don't hesitate to contact the police or other authorities.
- Counterintuitive behavior of victims is normal
- Ask the person who you're concerned about if they need help
- Following up later to check in with the person who you were concerned about

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 Program:**

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 includes the following:

1. Title IX General Education Program (GEP) presentations- 92 presentations
2. Title IX University Honors College (UHC) presentations- 4 presentation
3. Title IX presentations to various University groups- 26 presentations
4. Haven online training program- Must be completed by the end of student's first semester
5. Green Dot presentations-monthly
6. Expand online Title IX training

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

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call 911 or Missouri State University Department of Safety and Transportation at (417) 836-5509. At the earliest opportunity, you should also contact the University's Title IX Coordinator Jill Patterson 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. To that end, keep in mind the following:
  - You should 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 Mercy Emergency-Trauma Center 417-556-2300 100 Mercy Way, Joplin, MO 64804 Freeman Hospital West-Emergency Room (417) 347-6656 1102 W 32nd St, Joplin, MO 64804
  - 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.
  - Evidence in electronic formats should also be retained (e.g., text messages, emails, photos, social media posts, screenshots, etc.).
  - Victims of stalking should also preserve evidence of the crime to the extent possible.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (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.
  - Missouri State University Department of Safety and Transportation (417) 836-5509
  - Nevada Police Department (417) 448-5100 120 South Ash Street, Nevada, MO 64772  
Vernon County Sheriff's Office 417-283-4400 2040 East Hunter, Nevada, MO 64772
  - To make a police report, a victim should contact the local police agency 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.
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.
  - In Missouri, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at: <http://www.courts.mo.gov/page.jsp?id=533>.

A protection order may be obtained by filing a petition with the court. Courts can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 15 days, until a court hearing, and (2) Full Orders of Protection, which may be issued for up to one year. Additional information about the orders may be found at: <http://www.courts.mo.gov/file.jsp?id=69655>.

- A Petition for Order of Protection should be filed for in the 28th Circuit Court. The address is: 100 W. Cherry, Suite 15 Nevada, MO 64772. The phone number is 417-448-2525.
- The circuit court clerk's office can provide the necessary forms and may assist in completing the forms. Forms may also be found online at: <http://www.courts.mo.gov/file.jsp?id=537>. A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

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

- If you are a victim of a crime, you have rights, too! The Prosecutor's office has a victim-witness assistance program. Ms. "Peggy" Schenker serves as an advocate for victims and witnesses and provides guidance through the maze of the criminal justice system. Contact the advocate: [victims@vernoncountymo.org](mailto:victims@vernoncountymo.org)

As part of services to victims, the prosecutor's office also participates in various programs to benefit victims, and to educate those who have victimized them, including:

Batter Intervention Services: a 30-week program for persons convicted of domestic violence crimes.

Domestic Violence Task Force: the prosecutor and the victim/witness advocate are members of a task force which seeks to find way to more effectively address domestic violence. If you are a victim of abuse by a family member, and need shelter, contact the Moss House at 667-7171.

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

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

- The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution 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**

Carrington 314  
[417-836-6810](tel:417-836-6810)

### **Title IX Coordinator**

[417-836-8506](tel:417-836-8506)  
[JillPatterson@missouristate.edu](mailto:JillPatterson@missouristate.edu)

The Title IX Office is responsible for overseeing all Title IX issues and providing support to Complainants and Respondents.

### **Counseling Center**

[417-836-5116](tel:417-836-5116)

Free and confidential counseling services for students. Students are requested to call to schedule an Intake as the point of entry to the Counseling Center (CC). The CC also has a full time, licensed counselor who specializes in substance abuse. Crisis appointments will be handled by seeing students in crisis the same day they call. Ideally they will be scheduled during one of the available crisis openings on the calendar each day.

### **Taylor Health and Wellness Center**

[417-836-4000](tel:417-836-4000)

Taylor 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.

### **Bearisters: Free Legal Advice**

Missouri State University offers an opportunity for currently enrolled students seeking personal legal advice to meet with a local attorney free of charge. The attorney schedule is: Mondays beginning at 3:00 pm, Wednesdays beginning at 8:00 am, and Thursdays beginning at 3:00 pm. The appointments must be scheduled the day before the appointment by 2:00 pm. by calling the Dean of Students Office at 417-836-5527 (or stopping by to sign up). Please bring your student ID and come to PSU 405 on the day of your scheduled appointment. **All appointments must be scheduled in advance.**

[Bearister's Brochure](#)

## **Visa/Immigration Assistance**

Maintaining your immigration status is very important for international students. It is your responsibility to learn and understand how to maintain your immigration status and the results of violating that status. If you fail to maintain your immigration status, you will be considered "out of status."

Visit the [International Services website](#) for more immigration information.

## **Financial Aid Services**

[Office of Student Financial Aid](#)

Carrington Hall 101

[417-836-5262](#)

## **Gender Neutral Bathroom Locations**

Administrative Services provides a list with all of the [single use restrooms](#) on campus.

## **Gender Pronoun Guide**

Some people don't feel that traditional gender pronouns (she/her, he/him) fit their gender identities. Transgender, genderqueer and other gender-variant people may wish to use different pronouns. This [guide](#) is a starting point for using pronouns respectfully.

## **Off campus resources**

The Victim Center and Harmony House Share a 24-hour crisis hotline.

**Call [417-864-SAFE](#) (417-864-7233) 24 hours a day to speak to a crisis counselor and request assistance.**

- Advocates on-call 24-hours a day.
- Availability to talk on the phone.
- Availability to meet at the hospital or police department.
- Victim advocates are available to accompany victims to the hospital for examination, care, and possible evidence collection.

During regular business hours, the Victim Center and Harmony House may be contacted directly for assistance.

## **Victim Center**

819 N Boonville Ave, Springfield, MO 65802

[417-863-7273](#)

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

Located downtown, the Victim's Center exists to assist victims of violent and/or sexual crimes. Services are free and include free counseling, court support and advocacy.

## Harmony House

3404 E Ridgeview St, Springfield, MO 65804

[417-837-7700](tel:417-837-7700)

<http://www.myharmonyhouse.org>

Harmony House provides shelter, advocacy and education to survivors of domestic violence and promotes the principle that all individuals have the right to a life free of abuse.

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

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

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

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

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

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/>

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

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

### Accommodation and Protective 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 of this nature should be made to the Title IX Coordinator, Jill Patterson at (417) 836-8506, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented. When determining the reasonableness of such a request, the Title IX Coordinator 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 residence hall, dining hall, class, transportation or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

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

them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the Title IX Coordinator in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct. Reports should be made to the Title IX Coordinator

An electronic form available at <http://www.missouristate.edu/titleix/file-a-complaint.htm> can also be used to file a report.

Upon receipt of a report of a potential Title IX violation, the Title IX Coordinator may open a formal case file and assign the investigation to either the Title IX Coordinator or a Title IX Investigator to lead the investigation. The Title IX Coordinator and/or Title IX Investigator designee will analyze the complaint and notify the respondent that a complaint has been filed.

During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Upon completion of the investigation, the investigator(s) make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. The investigator(s) will then prepare an investigation report outlining the findings. Any conduct that may be in violation of this policy will be investigated in a timely manner, typically within 60 calendar days.

### **If the Respondent is a student, the University will follow the adjudication process outlined in the Code.**

#### 6.1

Any member of the University community (complainant) may file a complaint against any student for misconduct (respondent). The complaint may be prepared in writing or notice may be given in another manner and directed to the Dean of Students Office, which is responsible for the administration of the University conduct system. Any charge should be submitted as soon as is reasonably possible after the event takes place, but in any case, no longer than 12 months from the date the person knew or should have known the facts, unless otherwise required by law. In most cases students will not undergo more than one conduct process within the University for the same incident. For example, if a student is assigned consequences from their academic department for an incident, the student will not typically face conduct charges for the same incident.

#### 6.2

If the complaint is for sexual assault under [G1.31 Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct](#), the Conduct Officer shall follow the investigative steps outlined in that policy, and in the case of any conflict between G1.31 and this policy, G1.31 shall control. If a complaint includes allegations of sexual assault under G1.31 Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct, mediation is not appropriate even on a voluntary basis. After completing a

Title IX investigation, the Title IX Office shall prepare an investigative report summarizing the investigation and the conclusion of same. After receiving the investigative report from the Title IX Office, the Conduct Officer shall do the following:

1. Present charges to the respondent in written form as outlined in 6.4 which stem from the findings of the investigative report;
2. Meet with the respondent by the deadline assigned in the letter of charges to review charges and give a summary of information to be presented as to allow preparation of refutation. The respondent will be given the opportunity to review any materials from the investigation report including but not limited to: audio recordings, investigative report, and exhibits;
3. Answer questions and provide any necessary clarification of the Code and/or its procedures;
4. Discuss the respondent's level of responsibility in the conduct situation. The respondent may give additional information, present additional pertinent documents or records pertaining to the incident, and present additional witnesses which were not provided during the investigative phase; and
5. In cases where the Conduct Officer and the respondent are unable to come to an agreement on responsibility for a violation or an appropriate consequence, the respondent shall have the right to request a hearing in front of a hearing authority.

### 6.3

In complaints that do not include allegations under [G1.31 Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct](#), the Conduct Officer will promptly investigate to determine if there is reasonable cause to charge the accused individual and what policy violations may be considered as part of the complaint. In the event of an informal resolution, the Conduct Officer may take appropriate steps to resolve the situation and such disposition shall be final and there shall be no subsequent proceedings.

### 6.4

All charges shall be presented to the respondent in written form, via Missouri State University email and/or U.S. mail. The written notice of charges will contain the following:

1. The sections of the Code or other University policies allegedly violated
2. Date, time, and place the alleged violation occurred
3. A concise summary of the alleged violation
4. A list of witnesses (to be supplemented later if necessary)
5. A date, time, and location for the respondent to meet with the Conduct Officer. The respondent's class schedule shall be consulted; the respondent may ask the Conduct Officer for an alternate date and time to meet within the deadline listed in the letter. The decision to alter the meeting time and date is at the discretion of the Conduct Officer.

### 6.5

The respondent will have a conduct meeting with the Conduct Officer by the deadline assigned in the letter of charges. At this meeting the following matters will be decided:

1. The Conduct Officer will go over the charges and give a summary of the information to be presented.
2. The Conduct Officer will answer any questions and provide any requested clarification of the Code and/or its procedures.

3. The respondent may respond to the charges and provide any information he/she believes to be relevant in determining responsibility. He/she has the opportunity to present information, ask questions, present records or documentation pertaining to the incident, present witnesses, and provide explanations to the Conduct Officer.
4. The Conduct Officer and the respondent will discuss the respondent's level of responsibility in the conduct situation and attempt to come to an agreement regarding responsibility (or no responsibility) and consequences as necessary. If an agreement is reached, a Case Resolution Form (CRF) will be filled out by the Conduct Officer.
5. In cases where the Conduct Officer and the respondent are unable to come to an agreement on responsibility for a violation or an appropriate consequence, the respondent shall have the right to request a hearing in front of a Hearing Authority. If the respondent's Conduct Officer is a Residence Life staff member, the respondent may choose as the Hearing Authority either the Assistant Director for the opposite side of campus (if unavailable, the Associate Director, another Assistant Director who does not have direct supervisory capacity over the complainant, or the Director may serve as the Hearing Authority) or a hearing panel.
6. Except as set forth in subsection (g) below, if the respondent fails to attend the scheduled conduct meeting, the Conduct Officer may, at his or her discretion, conduct the meeting in the respondent's absence and render a finding of responsibility or no responsibility. In these cases, the Conduct Officer will complete a Case Resolution Form (CRF) and send a findings letter to the respondent; the respondent is responsible for fulfilling or upholding the consequences listed within the letter. If the respondent wishes to appeal that conduct decision he/she may do so by following the appeals processes outlined in Article VIII of this document.
7. In cases where the respondent fails to appear for an initial conduct meeting and the recommended outcome would be Residence Hall suspension/expulsion, University suspension, or University dismissal, the Conduct Officer will assume a plea of not responsible and set up a hearing with the Dean of Students (or his/her designee) as the Hearing Authority.
8. In matters concerning hearings and where the Director of Student Conduct is not serving in a Hearing Authority capacity, the Director of Student Conduct and/or Office of Student Conduct Staff will assist both the respondent and the complainant in understanding the hearing process.
9. The Conduct Officer's determination will be made by a preponderance of evidence, on the basis of whether or not it is more likely than not that the respondent violated the Code of Student Rights and Responsibilities.
10. In consideration of the limited role of advisors and of the compelling interest of the university to expeditiously resolve allegations of violations of the Code, the work of a Conduct Officer will not, as a general practice, be delayed due to the unavailability of an advisor. The responding student is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any hearing.

## 6.6

When a student enrolls at the University, s/he does so voluntarily and in so doing implicitly accepts certain obligations of performance and behavior established by the University, as defined in this Code and other official University publications. The development of self-discipline is a goal of education, and the conduct process is intended to be educational in nature. The conduct system described herein is designed to further the educational process; therefore, it is not comparable to, or a substitute for, jurisprudence under a criminal code. Therefore, formal rules of process, procedure, and/or technical

rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings. The procedures outlined below are designed to balance the rights and responsibilities of the student accused of wrong doing with the rights of the accuser, other students, members of the academic community, and the public. Hearings shall be conducted in order to provide a fair opportunity for hearing of every participant's position, explanations, and information according to the following guidelines:

1. Hearings will be conducted in private.
2. Admission of any person to the hearing shall be at the discretion of the Hearing Authority. The complainant and the respondent must each inform the Office of Student Conduct of witnesses who he/she intend to have provide information at the hearing at least five (5) days in advance of the hearing. The Hearing Authority may determine that there are other relevant persons who know information about the situation and invite them to participate in the hearing to share their information.
3. The Hearing Authority may cause to be removed from the hearing any person, including the complainant, respondent, or an advisor, who disrupts or impedes the hearing, or who fails to adhere to the rulings of the Hearing Authority. The Hearing Authority may direct that persons, other than the respondent or the complainant, who are to be called upon to provide information, be excluded from the hearing except for that purpose. If the Complaint alleges there has been a violation under G1.31 Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct, when requested, the Conduct Advisor will make arrangements for the Complainant and Respondent not to be in the same room at the same time. The members of the Hearing Authority may conduct private deliberations at such times and places as he/she deem proper.
4. Unless prior arrangements have been approved by the Hearing Authority, the complainant must appear in support of the charge(s) before the Hearing Authority designated. If the complainant fails to appear, charges may be dropped at the discretion of the Hearing Authority. However, if the complaint alleges there has been a violation under G1.31 Title IX Policy on Sexual Assault, Stalking, and Other Forms of Sexual Misconduct, a Complainant's presence at a hearing is not a prerequisite to proceeding with the hearing.
5. If the respondent has been properly notified of the hearing, but fails to appear, the hearing may take place in his/her absence and the findings and consequences will be binding on the respondent. Only upon showing of exceptional circumstances (to be determined by the Hearing Authority) will the respondent be granted a new hearing on the basis of absence. In conduct hearings and/or meetings, it shall be presumed that the notice of a hearing/meeting has been received if the notice is furnished in one of the following ways: notice is sent by campus, regular, registered, or electronic mail to the address provided by the student to the Office of Student Conduct or that is on record in the Registrar's Office, or, if undeliverable, to the permanent address of record.
6. In hearings involving more than one accused student, the Hearing Authority, at his or her discretion, may decide to separately conduct the hearings concerning each student.
7. The complainant and the respondent each have the right to be assisted by any advisor he/she choose at their own expense. The advisor may be an attorney. The complainant and the respondent are each responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any hearing. It is the

responsibility of the complainant and the respondent to notify the Office of Student Conduct of the identity of the advisor secured no later than five (5) days in advance of the hearing date.

8. In consideration of the limited role of advisors and of the compelling interest of the university to expeditiously resolve allegations of violations of the Code, the work of a Hearing Authority will not, as a general practice, be delayed due to the unavailability of an advisor.
9. Presenting information and challenging presented information at a hearing are rights available to both the respondent and the complainant. However, direct questioning by the complainant or the respondent is not an inherent right and all questions shall be submitted to the Hearing Authority to ask the questions on their behalf. Only those questions appropriate and relevant will be allowed. Moreover, the complainant and the respondent shall be afforded similar and timely access to any summary of investigative findings presented by the University consistent with FERPA and other privacy laws.
10. It is the responsibility of the person desiring the presence of a witness before a hearing to ensure that the witness appears. Because experience has demonstrated that the actual appearance of an individual is of greater value than a written statement, the latter is discouraged and should not be used unless the individual cannot reasonably be expected to appear. Any written statement must be dated, signed by the person making it, and witnessed by a University employee. The work of a Hearing Authority will not, as a general practice, be delayed due to the unavailability of a witness.
11. The Hearing Authority will accept for consideration all information which reasonable persons would accept as having relevant to the allegations. Unduly repetitious, irrelevant, or personally abusive information should be excluded. In a case alleging a violation under G1.31 Title IX Policy on Sexual Assault, Stalking, and Other Forms of Sexual Misconduct, questioning about the Complainant's sexual history with anyone other than the Respondent will not be permitted.
12. Pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the Hearing Authority. The Office of Student Conduct must receive pertinent records, exhibits, and written statements at least five (5) days prior to a hearing.
13. All procedural questions are subject to the final decision of the Hearing Authority.
14. After the hearing, the Hearing Authority shall determine (by majority vote if the hearing body consists of more than one person) whether the respondent has violated each of the charged sections of the Code.
15. The Hearing Authority's determination shall be made on the preponderance of evidence, on the basis of whether it is more likely than not that the respondent violated the Code.
16. Any participant in a hearing who has a disability and requires accommodation in order to fully participate in the hearing should arrange accommodations from either the Disability Resource Center or the Learning Diagnostic Center sufficiently in advance of the hearing.
17. There may be circumstances, particularly in cases of sexual assault, domestic or dating violence, or stalking in which the Complainant may request and be provided screening from the respondent in a hearing situation. Accommodations for this will be considered on a case by case basis and granted at the discretion of the Hearing Authority and the Dean of Students.

## 6.7

There shall be a single verbatim record, such as a digital recording, of all hearings. The record shall be



the property of the University. The complainant and the accused student shall not be allowed to make a separate recording of any type. The Hearing Authority will provide the Conduct Advisor with a written summary which outlines the finding, what information was considered, the basis for the finding, and the recommended consequences. (See also [8.4](#)).

#### 6.8

Except in the case of a student charged with failing to obey the summons of a Hearing Authority or University official, no student may be found to have violated the Code solely because the student failed to appear for a hearing. In all cases, the information in support of the charges shall be presented and considered.

#### 6.9

The records of a student may be placed on a hold under this Code when a student:

1. Is given sufficient notice to respond to a letter of conduct charges and fails to respond
2. Does not fulfill a conduct consequence within the deadline established by a Hearing Authority or by agreement with a Conduct Officer
3. Has received a consequence that prohibits future enrollment
4. Has indicated a criminal charge or conviction on the application for admission and must provide requested information to the Dean of Students that is relevant to reaching an admissions decision.
5. Has been summoned by the Dean of Students or a designee for a meeting concerning the student's alleged misconduct and will not comply with the request.

The purpose of a hold is to compel a student to fulfill an obligation to the Dean of Students Office. A Student Life (SL) hold on records denies the student the right to register for future classes or change class registration until cleared by the Conduct Officer, Hearing Authority, or Dean of Students. A hold on records will be removed by a Conduct Officer and/or Hearing Authority when the student fulfills the required conditions. A student receiving a hold may seek relief from the Vice President for Student Affairs. The student shall request relief in writing. Upon review, the Vice President can amend the conditions of the hold or remove the hold.

#### 6.10

Individual students' disciplinary records, including the outcome of a conduct meeting or a hearing, are educational records and are protected from release under the Federal Education Rights and Privacy Act (FERPA), except as otherwise required or permitted by law.

#### 8.1

Within five (5) University business days of the initial decision letter, the complainant or the respondent may appeal the conduct decision by submitting a written request for appeal to the Dean of Students that is signed by the appealing party, dated, and explains the reasons for appeal.

1. A decision reached at a conduct hearing in front of the Dean of Students designee, a University Hearing Panel, and all other conduct decision appeals will be delivered to the Dean of Students for his review. The Dean of Students may choose a designee (appeal authority) to review an appeal. In the event a conduct decision was made by the Dean of Students, the appeal shall be delivered to the Vice President for Student Affairs who will designate an appeal authority to review the appeal.

2. In cases involving complaints of sexual harassment (including sexual violence) under [G1.31 Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct](#), the complainant shall have the same rights as the responding student. Appeals shall be in writing, signed and dated by the one appealing the decision, and shall be delivered to the Dean of Students for review of the appeal request.

## 8.2

Except as required to explain the basis of new information, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

1. Procedural Error: To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and present information that the Code was violated, and giving the respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.
2. Unsupported Conclusion: To determine whether the decision reached regarding the accused student was based upon a preponderance of evidence.
3. Disproportionate Consequence: To determine whether the consequences assigned were appropriate for the violation(s) of the Code which the student was found to have committed.
4. New Information: To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

## 8.3

In the event the student appealing a decision or a consequence wishes to review the verbatim record, s/he may make application to the Conduct Officer and/or Hearing Authority to do so. The verbatim record will remain in the possession of the University during the review. Under no circumstances will a copy of the recording be released.

## 8.4

In the event a verbatim recording is not available due to mechanical failure or otherwise, the absence of the verbatim record shall not, in itself, be cause for appeal. In such cases the Conduct Officer and/or Hearing Authority will provide the hearing authority record, which will be considered sufficient for review by an appeal authority.

## 8.5

The appeal authority reviewing the appeal may do any of the following:

1. Remand the matter to the original Hearing Authority for re-opening of the hearing to allow consideration of the original determination and/or consequence(s).
2. Affirm the finding of responsibility or no responsibility.
3. Reverse the finding of responsibility or no responsibility.
4. Modify the consequences that have been assigned.
5. Deny the appeal because it does not fall within the parameters of or comply with the requirements set forth in this Code.
6. If a finding of responsibility or no responsibility is reversed on appeal or if an appeal is dismissed, the matter shall be considered resolved and the decision by the person deciding the

appeal shall be considered final and binding upon all involved unless the President of the University decides to review the decision.

## 8.6

In cases where the consequence is either suspension or dismissal, the President of the University may, at his/her discretion, review the decision of an appellate authority and has the full range of responses outlined in 8.5.

**If the Respondent is a faculty member, the University will follow the adjudication process outlined in the Faculty Handbook and the Professional Practice Review Process (PPRP).**

13.1. Overview This section describes the Professional Practices Review Process (PPRP), the formal process for reviewing allegations of a faculty member's misconduct or unprofessional behavior, and the range of sanctions, up to and including dismissal, that may be imposed. Processes to review grievances by faculty against administrators are described in Chapter 12. In all cases, efforts to reach a resolution should be made through informal negotiations, and the formal proceedings described here should only commence once those efforts have been exhausted.

### 13.2. Administrative Actions

13.2.1. Informal Resolution Prior to invoking the Professional Practices Review Procedure (PPRP), the administrator(s) should demonstrate reasonable attempt to resolve the complaint about the faculty member through informal negotiation. The use of mediators (impartial third parties) or alternative dispute resolution should be considered, and the University will pay for the cost of the mediator. The Academic Personnel Review Commission (APRC) must be informed of the attempts at informal resolution and may participate in the resolution attempts. The APRC must also inform the Provost or designee that such resolution attempts are starting.

13.2.2. Major Sanctions Major sanctions are adverse employment actions and include such penalties as dismissal, revocation of tenure, demotion of rank, involuntary reassignment to duties which substantially change the nature of the faculty member's responsibilities and suspension of employment without pay. Dismissal of a faculty member may only occur if the statutory reasons set forth in RSMo Section 174.150 are established (incompetence, neglect or refusal to perform duties, dishonesty, drunkenness, or immoral conduct – see also Section 14.5). Reassignment which occurs pursuant to Section 13.2.4 is not a University sanction. With the exception of a sanction imposed on the basis of imminent threat (see Section 13.2.5), a major sanction on a faculty member may be imposed only after the formal review process set forth in the Professional Practices Review Process (PPRP) has occurred or after consent of the faculty member is obtained. The PPRP process must be used regardless of whether sanctions are being considered for a single faculty member or a group of faculty members. If multiple faculty members are involved, a separate PPRP must be used for each individual faculty member unless all parties agree that one PPRP be conducted.

13.2.3. Minor Sanctions Minor sanctions are less serious actions and include such responses as formal warnings, letters of reprimand and requests for formal written apologies. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed minor sanction should not be imposed. The imposition of minor sanctions may occur without use of the PPRP; however, a faculty member who believes that a major sanction has been imposed under this section, or that a minor sanction has been unjustly imposed, may file a grievance with the APRC (see Chapter 12). 95

### 13.2.4. Reassignments

13.2.4.1. Discretionary Reassignments within a Department/School Department Heads and School Directors have the discretion to make assignment changes within their academic units, e.g., changes of program coordinators or graduate directors. Such reassignments do not represent sanctions and are not subject to PPRP or APRC processes.

13.2.4.2. Reassignment with Consent A faculty member may be removed from teaching assignments or reassigned to other University duties by the Provost if he/she consents to the reassignment. Reassignment may be offered to a faculty member as an alternative remedy as part of the PPRP. A memorandum of understanding (MOU) regarding the reassignment shall be drafted by the Provost and faculty member. The faculty member will have up to five business days to sign the MOU. Refusal to consent to a reassignment may not, in itself, be used as a condition or basis for sanctioning a faculty member.

13.2.4.3. Reassignment without Consent A faculty member may be temporarily reassigned for up to one academic year by the Provost without his/her consent in exceptional circumstances for the good of the University. The existence of the exceptional circumstances must be verified by the Department Head, Dean, and Provost (all three must agree). A faculty member who believes he/she has been removed from the teaching assignments or reassigned improperly, and who is not involved in the PPRP, may file a grievance with the APRC.

13.2.5. Imminent Threat If a faculty member poses an imminent threat, major sanctions can be imposed before the internal University informal and formal review processes have been initiated. If there is probable cause to believe that the actions of a faculty member pose an imminent threat to the safety of a member of the University Community, or if the faculty member has threatened destruction of University property and there is probable cause to believe the threat will be carried out, the Provost or President has the authority to suspend the faculty member from his/her teaching or other assignments and/or ban the faculty member from using University property or services. If a major sanction is imposed based on an imminent threat, the faculty member may initiate the Academic Personnel Grievance Process.

13.3. Initiation of Formal PPRP The PPRP is initiated by a Department Head, Dean, Provost, or President if the conduct of a faculty member is considered sufficiently grave to justify imposition of major sanctions and attempts at resolution by informal negotiations have been exhausted. After discussing the situation with the faculty member, the administrator institutes the PPRP by preparing a written complaint and providing it to the faculty member. Only the President of the University may institute the PPRP if a dismissal is a recommended sanction. If the President has initiated the PPRP, the President may designate a representative to fulfill the role of the administrator in the hearings. Exercising academic freedom of speech or political speech/ affiliation shall not be grounds for dismissal or imposition of major sanctions. Although the PPRP may be initiated only by administrators, faculty or staff may present allegations of unprofessional conduct against another faculty member to the faculty member's Department Head who should investigate and proceed appropriately. If the Department Head is unable to resolve the complaint, the person alleging the impropriety may take the matter to the Dean of the faculty member's college or the Provost or designee. If none of the three administrators chooses to initiate the PPRP, the matter is considered resolved.

#### 13.4. The Review Process

13.4.1. Informal Resolution Continued attempts for resolution through informal negotiations can occur after a written complaint has been filed to initiate the PPRP. If the faculty member and administration come to an agreement resolving the issues, the PPRP shall be rescinded.

13.4.2. Formal Review If a mutually agreeable resolution of the dispute has not been reached through informal review, the formal review process may be instituted by the Provost or President through written notification of the faculty member and the Academic Personnel Review Commission (APRC). Within 21 calendar days, the APRC shall empanel a five member University Hearing Panel (UHP) as set forth in Section 12.4.1.2. The APRC shall be available to advise the UHP on procedural issues, to ensure that the PPRP process is followed, and to ensure that the faculty member receives due process before sanctions are imposed. The UHP may receive legal advice from the Office of General Counsel. A faculty member may be removed from teaching assignments and reassigned to other University duties while the PPRP process is proceeding if the Department Head, Dean and Provost all agree. The faculty member shall continue to receive his/her salary throughout the process, and it shall not be reduced because of the reassignment.

13.4.3. Documentary Evidence The formal charges and all evidence utilized during the informal review shall be forwarded to the UHP for review. The administration and faculty member may present any other written evidence to the UHP, which shall also be presented to the other party.

13.4.4. Prehearing Meetings At the first UHP meeting, the UHP shall select a chair person, review the written material, and review the procedures for conducting the hearing. The chairperson of the APRC shall attend this meeting. The UHP may also hold joint prehearing meetings with the parties in order to understand the simple underlying facts, simplify the issues, effect stipulations of fact, provide for the exchange of information, or to achieve other pre hearing objectives as will make the hearing fair, effective, and expeditious. The UHP may not interview witnesses at any prehearing meetings. Any additional written material submitted to or requested by the UHP will be shared with the parties.

13.4.5. Hearing The formal hearing may involve one or more meetings at which witnesses may be questioned. Each party shall provide the names of its witnesses to the other party and the UHP in advance of the hearing. The administrator initiating the PPRP and the faculty member will each be allowed to present an opening statement without interruption and orally question the witnesses and parties. The UHP may also orally question the witnesses and parties. The administrator and the faculty member may be represented by counsel, but counsel shall not be permitted to question the witnesses or parties. The Missouri Rules of Evidence need not be followed, but the UHP will base its finding on only reliable evidence. A verbatim record of the hearing will be taken and made available to the parties at the University's cost. 97

13.4.6. Burden of Proof The administration must prove its case against the faculty member by a preponderance of the evidence.

13.4.7. Confidentiality To the extent practical, the informal and formal PPRP shall be confidential. All proceedings of the UHP shall be conducted in private, and the UHP report shall be available only to the parties to the grievance, those involved in the process, and those acting on any appeal. 13.4.8. Report The UHP shall prepare a written report divided into findings of fact and recommendations with supporting reasons which shall be presented to the Provost and the faculty member within five business days of the conclusion of the hearing. A minority report also may be prepared. 13.4.9. Time Period The time between the empanelling of the UHP and the preparation of the UHP report shall be no longer than 60 calendar days unless there are exceptional circumstances. Extensions must be approved by the APRC.

### 13.5. Post-Hearing Procedure

13.5.1. Provost Review The Provost shall accept the UHP findings of fact, but is not required to accept the UHP recommendations or sanctions. If the Provost imposes different sanctions on a faculty member than recommended by the UHP, said sanctions shall be set forth in writing and presented to the faculty

member within ten business days of the date of the UHP report. If the Provost is a party to the dispute, the President will fulfill this function.

13.5.2. Appeal Rights If major sanctions are imposed by the Provost on a faculty member, the faculty member may prepare a written appeal to the President within ten business days of receiving the decision of the Provost. The President will rule on the appeal within 30 calendar days of its receipt and notify the faculty member of the results in writing.

13.5.3. Right to Appeal to the Board of Governors When the UHP, Provost, and President do not agree on the sanctions, the faculty member shall have the right to appeal to the Board of Governors. If the sanction is dismissal, the decision may always be appealed to the Board of Governors. The appeal must be filed within ten business days of the receipt of written notification regarding implementation of sanctions from the President.

13.5.4. Information Provided to the Board of Governors The Board of Governors reviews the case, including all documentation, written findings and recommendations. The following reports must be forwarded to the Board of Governors for review: 1. Comments and Recommendations of the APRC, 2. Findings of Fact and Recommendations of the UHP; and 3. Recommendations of the Provost and President (or designees).

13.5.5. Board of Governors Is Final Authority The Board of Governors has discretion regarding hearings, presentations, and review. The decision of the Board of Governors shall be final.

**If the Respondent is a staff member, the University will utilize the process outlined in the Employee Handbook.**

Employees whose work performance does not meet required standards or who violate rules, regulations or policies of the University may be disciplined according to the seriousness or repetition of the violation. While formal disciplinary steps usually are not required for dismissal of probationary or part-time employees, supervisors and department heads must contact the Office of Human Resources regarding appropriate dismissal procedures for all employees including probationary or part-time employees before taking such action. The University, at its discretion, may determine that disciplinary action less than dismissal may be appropriate in some circumstances.

Disciplinary actions must be documented in writing. With the exception of first warnings, a copy of the disciplinary action must be given to the employee involved and a copy shall also be included as a permanent part of the employee's personnel file.

Employees represented by the bargaining unit and covered under the Memorandum of Agreement between the University and The International Brotherhood of Electrical Workers (IBEW) and/or The International Brotherhood of Teamsters Local Union 245 have the right to request the presence of the union steward at a disciplinary meeting in which the employee is to be issued any written discipline.

If the disciplinary action taken is a termination of employment, an employee will be provided a written notice stating the reason for the proposed termination and afforded an opportunity to respond to the proposed action prior to the implementation of the termination.

It is the policy of the University to be fair and impartial in all its relations with employees and to recognize the dignity of the individual. Fairness and consistency require that certain general principles of administering discipline be followed by all supervisors. Representatives in the Office of Human Resources are available to discuss the appropriate course of action in a particular case. Disciplinary action involving transfer, compensation reduction, withholding salary increases, demotion, suspension

or dismissal are accomplished upon the recommendation of the department head, appropriate vice president, and with the approval of the Director of Human Resources.

By approval of this *Employee Handbook*, discretion in the administration of discipline is vested by the Board of Governors in the University Administration, and subject to review by the Board of Governors in certain circumstances, as authorized through the grievance procedure. In the event that an employee feels he/she has been dealt with inappropriately regarding disciplinary action, the employee may refer to the Grievance Procedure (see [Chapter 10](#) of this handbook).

This grievance procedure is designed to address complaints and disputes between the employee and the University over working relationships, working conditions, employment practices or differences in interpretation of policies. This grievance procedure applies only to non-probationary, full-time employees. Union employees are covered by the grievance procedure established in the Memorandum of Agreement between the University and The International Brotherhood of Electrical Workers (IBEW), AFL-CIO, Local No. 453 and The International Brotherhood of Teamsters Local Union 245.

Employees who believe they have a legitimate grievance may undertake the following procedure in order to resolve the matter. In certain circumstances, employees may be suspended either with or without pay, as determined appropriate by the University, pending the outcome of the grievance procedure. In cases of employment termination, the grievance procedure may be utilized after the termination effective date.

As outlined in the *Missouri State University Nondiscrimination Policy* (see [Chapter 2](#)), the University maintains a grievance procedure incorporating due process available to any employee who believes he or she has been discriminated against. Missouri State University is an Equal Opportunity/Affirmative Action/Minority/Female/Veterans/Disability employer. Inquiries concerning the complaint/grievance procedure related to sex discrimination, including sexual harassment and sexual assault, should be addressed to the [Title IX Coordinator](#), Carrington Hall 314, 901 S. National Ave., Springfield, Missouri 65897, [TitleIXoffice@missouristate.edu](mailto:TitleIXoffice@missouristate.edu), 417-836-6810, or to the Office for Civil Rights. All other inquiries concerning the grievance procedure, Affirmative Action Plan, or compliance with federal and state laws and guidelines should be addressed to the Equal Opportunity Officer, [Office for Institutional Equity and Compliance](#), Park Central Office Building, Suite 111, Springfield, Missouri 65897, [equity@missouristate.edu](mailto:equity@missouristate.edu), 417-836-4252, or to the Office for Civil Rights. (Res. Board Policies No. 70-11; Bd. Min. 10-28-11.).

### **10.1 Step 1 - Immediate Supervisor**

Discussion of the problem with the immediate supervisor is encouraged as a first step with the objective of resolving the matter informally. The majority of disputes, complaints, or misunderstandings can be resolved at this level. Employees should bring their grievances to the attention of their supervisor in a timely manner in order to resolve it as quickly as possible. Generally, in order for a grievance to be timely, it must be presented within 10 work days of occurrence. The supervisor will have 10 work days to inform the employee in writing of the decision regarding the grievance. There may be situations that employees feel cannot be discussed with their immediate supervisor. In these instances, employees are encouraged to request a meeting with their department head or administrator. The Office of Human Resources is available to assist or advise employees regarding grievance procedures.

## **10.2 Step 2 - Appeal to the Department Head Level**

If the problem is not resolved as provided in Step 1, then the employee may formalize the grievance by submitting it in writing to the department head level. The written grievance will identify the policy or regulation which is alleged to have been violated, will contain the remedy sought, and will be signed and dated by the employee. A written grievance should be filed by the employee within 10 work days after the supervisor has rendered a decision to the employee. In an effort to resolve the problem, the department head level will consider the facts, conduct an investigation, may give the employee the opportunity to present the case orally, and also may review the matter with a member of the Office of Human Resources. The department head level may affirm, reverse or modify the supervisor's decision, and will notify the employee of the decision in writing within 10 work days after receiving the appeal.

## **10.3 Step 3 - Appeal to the Vice Presidential Level**

If an employee is not satisfied with the decision of the department head level, he/she may appeal to the appropriate vice presidential level or designee within five (5) work days after receiving that decision. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated. The vice presidential level will investigate the grievance and will allow the employee to present the case orally. The vice presidential level has the option of appointing a three-member panel from the University community to also hear the case and review the actions to ensure that University procedures have been followed and due process has been afforded to the employee. The vice presidential level may affirm, reverse, or modify the previous decision in writing within 10 work days after receiving the appeal. On the West Plains campus, this appeal step is made to the Chancellor.

## **10.4 Step 4 - Appeal to the President**

If an employee is not satisfied with the decision rendered at Step 3 of the grievance procedure, he/she may appeal to the President within five (5) work days after receiving that decision. The appeal will be in writing, and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated.

The President will initiate an investigation into the matter and may give the employee the right to present his/her case orally. The President may affirm, reverse, or modify the previous decision and, within a reasonable time frame, will notify the employee of the decision in writing. The appeal, together with the President's findings, may be reported to the Board of Governors. Further appeal to the Board of Governors is not available unless the Board, as a matter within its discretion, takes action to hear the appeal.

## **10.5 Step 5 - Appeal to the Board of Governors**

An appeal to the Board of Governors must be made in writing by the employee, and must be filed with the University President within ten (10) work days following the issuance of the findings by the University President; otherwise the findings become final. Upon receipt of the written appeal, the University President will notify the President of the Board of Governors. The President of the Board will schedule the grievance appeal for hearing at the next regular Board meeting, or as otherwise determined appropriate by the President of the Board. The Board may refuse the appeal, thereby affirming the findings of the University President; or it may hear the appeal. The appeal may be formal or informal, and the time and place of such appeal will be communicated within a reasonable time to all



parties involved. The Board, or its designated committee, shall have access to all facts and information it may feel are relevant and material to the issue. Parties involved in the appeal may be represented by counsel. The presiding officer selected by the Board of Governors will rule on all questions of evidence and procedure. Upon conclusion of such appeal, the Board or its designated committee will render a finding in writing which will be final.

### **10.6 General Grievance Provisions**

The decisions received during the Grievance Procedure will be considered final unless the employee asks for further review as previously described. If the employee does not ask for further review of the grievance, within the specified time limit, the grievance will not be considered further. The time limits established for each step in the process allow expeditious resolution of grievances. These time limits are firm unless the parties involved in the grievance mutually agree in writing to extend the time limit. Such extensions of the time limits may be justified by the complexity of the case or by the availability of individuals involved. The University will not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the University from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the University deems disciplinary action appropriate.

#### **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 matter 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 domestic violence, dating violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.

Faculty and Staff members who serve on a Title IX hearing panel are required to attend an introductory training session upon their appointment. Additionally, they are required to attend a training session each semester in order to serve. The Office of Student Conduct will also provide monthly optionally trainings which panel members are encouraged to attend.

Title IX Investigators attended training from outside organizations about best practices for Title IX investigations.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using a preponderance-of-the-evidence standard based on the totality of the evidence presented.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

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

#### **Student:**

If the Respondent is a student, the University will follow the adjudication process outlined in the Code. As found in the Code, possible sanctions for Students found to have violated this policy may include:

- Warnings
- Probation (from University or Residence Halls)
- Suspension (from University or Residence Halls)
- Residence Hall Expulsion
- Denial of Privilege to Re-enroll
- Dismissal
- Revocation of Admission
- Revocation of Degree
- Withholding of Degree

- Other discretionary consequences based on the specific circumstances involved (such as evaluation for alcohol/drug abuse or mandatory counseling)
- If a probation, suspension, expulsion, or denial of privilege to re-enroll is imposed on a student, it maybe for part of semester, a full semester, an entire academic year, or permanently.

**Faculty:**

If the Respondent is a faculty member, the University will follow the adjudication process outlined in the Faculty Handbook and the Professional Practice Review Process (PPRP). Possible sanctions for allegations regarding Title IX policy violations include but are not limited to:

- Warnings
- Letters of reprimand
- Suspension of employment without pay
- Involuntary reassignment of duties
- Revocation of tenure
- Demotion of rank
- Dismissal
- Any faculty member may be suspended for any length of time determined appropriate by appropriate University Administration.

**Staff:**

If the Respondent is a staff member, the University will utilize the process outlined in the Employee Handbook. Possible sanctions for allegations regarding Title IX policy violations include:

- Warnings
- Reprimand
- Transfer
- Suspension without pay
- Compensation reduction
- Withholding of salary increases
- Demotion
- Dismissal
- Any staff member may be suspended for any length of time determined appropriate by appropriate University Administration.

During a sexual violence or other Title IX investigation, Conduct Officers and/or Hearing Authorities may issue such interim measures as are appropriate to protect a complainant such as class or residence hall reassignment, no-contact directives or temporary bans from campus property when approved by the Dean of Students. A student shall receive a written copy of the order, which specifies the conditions of the order, the duration of the order, the consequence for violation of the order, and how the record of the order will be maintained.

### **Publicly Available Recordkeeping:**

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

### **Victims to Receive Written Notification of Rights:**

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

### **Sex Offender Registration Program:**

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

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

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The Nevada campus is located on the campus of Crowder College and uses Crowder College's emergency procedures. The University has communicated with Crowder College 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 Manager of Emergency Preparedness at (417) 836-8444 of any situation that poses such a threat.

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

College security supervisor will notify Missouri State University department of Safety & Transportation when an Emergency notification has been issued for the Nevada Campus.

Once the emergency is confirmed and based on its nature, the Crowder College Nevada campus director may consult with other appropriate Crowder College officials to determine the appropriate segment or segments of the campus community to be notified.

The Crowder College Nevada campus director 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 Crowder College Nevada campus director will direct the issuance of emergency notifications, which will be accomplished using one or more of the following means, depending on the nature of the threat and the segment of the campus community being threatened:

| <b>Method</b>         | <b>Sign-Up Instructions</b>   |
|-----------------------|---|
| Campus speaker system | N/A   |
| MySchoolWay           | To sign up, all you need is an e-mail account and Internet access. Go to: MySchoolWay.com to sign up today. This service is provided free of charge by Crowder College. |

At the direction of Crowder College Nevada campus director, the Crowder College security supervisor will notify local law enforcement of the emergency if they are not already aware of it. At the direction of the Missouri State University director of safety and transportation, the Missouri State University vice president for marketing and communications will notify local media outlets in order that the larger community outside the campus will be aware of the emergency.

Crowder College, on behalf of Missouri State University, will test its Emergency Notification procedure through drills, exercises, and appropriate activities designed to assess and evaluate the emergency plans and capabilities. Tests may be announced or unannounced. The date, time, and whether or not the test was announced/unannounced will be documented. Also, at various times the Missouri State University Emergency Coordination Team will meet to train and test and evaluate the University's emergency operations plan.

The Manager of Emergency Preparedness 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:

**(NOTE: Statistics for the calendar years 2014 & 2015 were included in Springfield Campus report)**

| Crime  | On Campus |      |      | On Campus Housing |      |      | Non Campus |      |      | Public Property |      |      |
|--|-----------|------|------|-------------------|------|------|------------|------|------|-----------------|------|------|
|  | 2016      | 2015 | 2014 | 2016              | 2015 | 2014 | 2016       | 2015 | 2014 | 2016            | 2015 | 2014 |
| Murder/Non-Negligent Manslaughter            | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Manslaughter by Negligence                   | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Rape   | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Fondling                                     | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Statutory Rape                               | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Incest                                       | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Aggravated Assault                           | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Burglary                                     | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Robbery                                      | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Motor Vehicle Theft                          | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Arson  | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Arrest - Liquor Law Violation                | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Arrest - Drug Abuse Violation                | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Arrest - Weapon Violation                    | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Disciplinary Referral - Liquor Law Violation | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Disciplinary Referral - Drug Abuse Violation | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Disciplinary Referral - Weapon Violation     | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Domestic Violence                            | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Dating Violence                              | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |
| Stalking                                     | 0         | N/A  | N/A  | N/A               | N/A  | N/A  | 0          | N/A  | N/A  | 0               | N/A  | N/A  |

**(Note: the Nevada Campus does not have On-Campus student housing)**

**Hate crimes:**

**2016:** No hate crimes reported.

**2015:** No hate crimes reported.

**2014:** No hate crimes reported.

**Unfounded crimes:**

**2016:** There were no crimes determined to be unfounded by a commissioned law enforcement officer after a full investigation and subsequently withheld from the crime statistics disclosure.

**2015:** There were no crimes determined to be unfounded by a commissioned law enforcement officer after a full investigation and subsequently withheld from the crime statistics disclosure.

**2014:** There were no crimes determined to be unfounded by a commissioned law enforcement officer after a full investigation and subsequently withheld from the crime statistics disclosure.

**Data from Local Law Enforcement:**

- The data above reflects statistics provided from local law enforcement on crimes that occurred in the University's Clery Geography where the University was able to determine the exact Clery Geography category the crime occurred on.