

Annual Security and Fire Report



Dear Missouri Western State University Campus Community:

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

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

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

Best regards,

Chief Jill Voltmer

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

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INTRODUCTION

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

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

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

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

CAMPUS LAW ENFORCEMENT AUTHORITY

The Missouri Western State University Police Department, being a partner with the entire University Community, will detect, deter, and apprehend criminal offenders. Missouri Western State University Officers are Missouri POST certified and are appointed their authority under RSMo 174.700, and the Board of Governors of Missouri Western State University. This grants Missouri Western State University Officers the same powers of arrest as a municipal police officer while on property owned, used, and occupied by Missouri Western State University. Subject to approval by the Missouri Western State University Chief of Police, and the City of Saint Joseph Chief of Police, Missouri Western State University Officers also receive an additional City of Saint Joseph Police Commission.

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

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

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

At times, due to limited manpower, campus law enforcement may be augmented by officers of the Saint Joseph City Police Department and, Deputies of the Buchanan County Sheriff’s Department, and the Missouri State Highway Patrol. Each possesses powers of arrest on the Missouri Western State University campus. All crimes occurring on the Missouri Western State

University property are investigated by officers of the Missouri Western State University Police Department, and at times, with assistance from other agencies when requested. It is the policy of the University that all persons (faculty, staff, students and visitors) be encouraged to promptly report all incidents of crime to Missouri Western State University Police Department officials.

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

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

Missouri Western State University Police Department Mission Statement

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

Working closely with local law enforcement

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

CLERY ACT REQUIREMENTS

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

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

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

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

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

Universities must publish a report by October 1 of every year. This report documents the previous three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed to victims of sexual assault. The law

requires that schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the on-line location of the report. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education and submitted online within 15 days after the Oct 1st publishing on the Department of Education reporting website.

CAMPUS GEOGRAPHY

CAMPUS

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

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

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

SAINT JOSEPH CAMPUS

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

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

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

Non-Campus Property

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

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

Public Property

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

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

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

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

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

CRIME STATISTICS POLICY

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

The University may only exclude a reported crime from the Annual Security Report, or remove a reported crime from the previously reported statistics after a full investigation. Only sworn or

commissioned law enforcement personnel can make a formal determination that the report was false or baseless when made and that the crime report was therefore “unfounded.”

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

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

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

CRIME STATISTICS AND CLASSIFICATIONS

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

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

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

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

CRIME STATISTICS

Missouri Western State University -- Main Campus

| Crimes Reported | On-Campus (includes residential) | Non-Campus Property | Public Property | Total | Residential Facilities | Unfounded Crimes |
|-----------------------------------|-------------------------------------|------------------------|--------------------|-------|---------------------------|---------------------|
| Homicide | | | | | | |
| Murder | | | | | | |
| 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manslaughter by Negligence | | | | | | |
| 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sex Offenses | | | | | | |
| Rape | | | | | | |
| 2021 | 5 | 0 | 0 | 5 | 5 | 0 |
| 2022 | 5 | 0 | 0 | 5 | 5 | 0 |
| 2023 | 2 | 0 | 0 | 2 | 2 | 0 |
| Fondling | | | | | | |
| 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2022 | 1 | 0 | 1 | 1 | 0 | 0 |
| 2023 | 4 | 0 | 0 | 4 | 3 | 0 |
| Incest | | | | | | |
| 2021 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | |
|--|------|---|---|---|---|---|---|
| | 2022 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | | | | | | | |
| | 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | | | | | | | |
| | 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | | | | | | | |
| | 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | | | | | | | |
| | 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | | | | | | | |
| | 2021 | 1 | 0 | 1 | 1 | 0 | 0 |
| | 2022 | 3 | 0 | 1 | 4 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | | | | | | | |
| | 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Violence Against Women Act (VAWA) | | | | | | | |
| Domestic Violence | | | | | | | |
| | 2021 | 1 | 0 | 0 | 1 | 1 | 0 |
| | 2022 | 2 | 0 | 1 | 3 | 1 | 0 |
| | 2023 | 2 | 0 | 0 | 2 | 2 | 0 |
| Dating Violence | | | | | | | |
| | 2021 | 2 | 0 | 0 | 2 | 2 | 0 |
| | 2022 | 4 | 0 | 0 | 4 | 4 | 0 |
| | 2023 | 3 | 0 | 0 | 3 | 3 | 0 |
| Stalking | | | | | | | |
| | 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2022 | 1 | 0 | 0 | 1 | 1 | 0 |
| | 2023 | 1 | 0 | 0 | 1 | 1 | 0 |
| Arrests and referrals for disciplinary action | | | | | | | |
| Liquor Law Violation | | | | | | | |

| | | | | | | |
|------------------------------|----|---|---|----|----|---|
| Arrest | | | | | | |
| 2021 | 1 | 0 | 0 | 1 | 1 | 0 |
| 2022 | 0 | 0 | 1 | 1 | 0 | 0 |
| 2023 | 2 | 0 | 0 | 2 | 2 | 0 |
| Referral | | | | | | |
| 2021 | 14 | 0 | 0 | 14 | 14 | 0 |
| 2022 | 3 | 0 | 0 | 3 | 3 | 0 |
| 2023 | 18 | 0 | 0 | 18 | 18 | 0 |
| Drug Law Violations | | | | | | |
| Arrest | | | | | | |
| 2021 | 4 | 0 | 0 | 4 | 4 | 0 |
| 2022 | 1 | 0 | 1 | 2 | 2 | 0 |
| 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Referral | | | | | | |
| 2021 | 52 | 0 | 0 | 52 | 52 | 0 |
| 2022 | 49 | 0 | 6 | 55 | 49 | 0 |
| 2023 | 21 | 0 | 0 | 21 | 21 | 0 |
| Weapon Law Violations | | | | | | |
| Arrest | | | | | | |
| 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2022 | 1 | 0 | 0 | 1 | 1 | 0 |
| 2023 | 0 | 0 | 0 | 0 | 0 | 0 |
| Referral | | | | | | |
| 2021 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 | 0 | 0 |

DAILY CRIME LOG

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

The daily crime log is not a general, catch-all incident log. Its purpose is for recording alleged **criminal incidents** that are reported to the Missouri Western State University Police Department. For example, if a student reports losing his or her wallet in the parking lot behind a dorm, it is not a criminal incident, and there is no requirement to record it in the log. However, if a student reports that his or her wallet was stolen from the student's dorm room, this is a criminal incident and our institution is required to record it in the log. Specific traffic violations to include, should they be reported, are driving under the influence (DUI), driving while intoxicated (DWI), hit-and-run (of a person), and vehicular manslaughter. Violations not considered to be "crimes" (i.e., citations for moving violations) are not required to be recorded.

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

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

REPORTING CRIMES

If you are the victim or witness of a crime or suspicious incident, or if you notice a security problem, notify the Missouri Western State University Police Department immediately by calling (816) 271-4438 (dial 4438 from an office phone). You can also call 911 in the event of a police, fire or medical emergency to reach the City of St. Joseph Communication Center which is available 24 hours a day, 7 days a week. For business calls, please contact the Missouri Western State University Police during the business hours of Monday-Friday 8 AM-4:30 PM.

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

University Police will contact them for assistance. If a sexual assault or rape should occur, staff on the scene, including Missouri Western State University Police, will offer the victim a wide variety of services.

Victims or witnesses may report crimes on a voluntary, confidential, or anonymous basis to a recognized Campus Security Authority (CSA). If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, Missouri Western State University can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

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

REPORTING INCIDENTS INVOLVING MINORS ON CAMPUS

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

CLERY CRIME DEFINITIONS

Criminal Offenses

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

Criminal Homicide:

A. Murder and Non-negligent Manslaughter – the willful (non-negligent) killing of one human being by another.

B. Manslaughter by Negligence – the killing of another person through gross negligence.

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

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

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

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

Arrests and Referrals for Disciplinary Action

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

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

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

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

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

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

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

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

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

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

VAWA Offenses

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

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or - any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.”

Dating Violence: “Violence committed by a person— who is or has been in a social relationship of a romantic or intimate nature with the victim; and - where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

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

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

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

HATE CRIMES

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

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

STUDENT CONDUCT REFERRAL

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

ANONYMOUS REPORTING

Those who report criminal actions to the Missouri Western State University Police Department may choose to remain anonymous. No attempt will be made to discover the identity of campus community members that report crime anonymously. Missouri Western State University

provides this voluntary, confidential reporting service in order to present the most accurate crime statistics. You may make a report online by using the following link:

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

CRIME STATISTICS DISCLOSURE

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

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

- b) 1. Larceny/Theft
 - c) 2. Simple Assault
 - d) 3. Intimidation
 - e) 4. Destruction/Damage/Vandalism of Property
- 4) Arrests & Referrals
- a) The University is also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):
 - i) Liquor Law Violations
 - ii) Drug Law Violations
 - iii) Illegal Weapons Possession

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

TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

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

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

EMERGENCY RESPONSE, NOTIFICATION AND TESTING POLICY

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

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

- Outbreak of meningitis, Norovirus or other serious illness,
- Approaching tornado, hurricane or other extreme weather conditions,
- Earthquake,
- Gas leak,
- Terrorist incident,
- Armed intruder,
- Bomb threat,
- Civil unrest or rioting,
- Explosion, and
- Nearby chemical or hazardous waste spill

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

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

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

SAFETY PROGRAMING

Missouri Western State University provides ongoing programs regarding campus safety awareness. These programs include posters, flyers, brochures, campus activities, and presentations. The Residential Life staff, Student Affairs, and the Missouri Western State University Police Department conduct programs throughout the year. Several academic classes

such as UNIVERSITY 101 and Griffon Edge provide life development programs with chapter emphasis on personal safety awareness.

Security and Lighting Survey

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

Lot Patrol and Evening Escorts

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

CAMERA POLICY STATEMENT

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

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

WEAPONS POLICY STATEMENT

Possession of dangerous weapons, firearms, including concealable firearms, fireworks, explosives, chemicals and other implements used as weapons and other types of arms classified as weapons in the Missouri Revised Statutes, with the exception of those carried by a licensed

law enforcement officer, agent, or weapons stored by and/or used under the supervision of the following: Military Science; Law Enforcement Academy; Department of Corrections; Recreation Services; Health, Physical Education, and Recreation; and the Missouri Department of Conservation, are specifically prohibited on University property, including parking lots, whether in a vehicle or carried upon a person, or at a University sponsored or supervised function. Employees and students are subject to University discipline and/or subject to arrest, if found in violation of this policy or state and local criminal statutes.

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

SECURITY OF, AND ACCESS TO, UNIVERSITY FACILITIES

Faculty and Staff

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

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

Student Access Program

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

- Must be issued for the room the student wishes to be in and must be valid for the date of occurrence. Passes which are outdated, the wrong color, or appear to be altered in any way will be confiscated by the Officer (Intern) and access to the room may be denied.

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

After Hours Passes

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

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

ACCESS TO BUILDING AND KEY CONTROL

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

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

KEY CONTROL

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

Outside Door Keys

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

Sub-Master Keys

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

Grand Master Keys

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

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

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

MAINTENANCE OF CAMPUS FACILITIES

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

REPORTING CRIMES AND EMERGENCIES POLICY

Prompt reporting of a crime or emergency

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

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

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

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

How police respond to a report

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

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

CONFIDENTIAL REPORTING

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

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

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

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

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

CAMPUS SECURITY AUTHORITIES

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

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

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

- Missouri Western State University Police Officers,

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

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

CSA CRIME REPORTING

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

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

| Campus Security Authority (CSA) List | | |
|---|--|----------------|
| Student Development Director | Blum Union, Rm 207 | (816) 271-4151 |
| Senior Associate Director of Athletics for Compliance | Griffon Indoor Sports Complex, Rm 101B | (816) 271-5926 |
| Vice President of Student Affairs & Dean of Students | Blum Student Union, Rm 228 | (816) 271-5991 |
| Counseling Services | Eder Hall, Rm 203 | (816) 271-4327 |
| Esry Student Health Center | Blum Student Union, Rm 203 | (816) 271-4495 |
| Director of Housing and Residence Life and RHDs | Commons Building, Rm 106 | (816) 383-7100 |
| Student Success & Academic Advising Center Director | Eder Hall, Rm 209 | (816) 271-5990 |
| Title IX Coordinator | Blum Student Union, Rm 231 | (816) 271-4557 |

CSA Responsibilities

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

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

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

Before receiving any information regarding an instance of sexual misconduct, the CSA should seek to confirm that the reporting party understands the employee’s reporting obligations and, if the reporting party wants to maintain confidentiality, will direct the reporting party to a confidential resource such as the Missouri Western State University Counseling Center. If a victim wants to tell a CSA about an incident but does not want the report investigated or the victim’s name disclosed, the employee will tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of an incident to CSA, the mandatory reporter should make sure the reporting person

get information and assistance needed at the time they are making their report. CSA's should never pressure a victim or other reporting party either to request confidentiality or make a full report with police, but they should inform them of all their options.

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

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

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

What Should CSAs Tell A Reporting Party?

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

confidential advisor or advocate, I can connect you with the Campus Counseling Center. Do you have any questions? Would you like to help me fill out the reporting form?"

Other CSA Reporting Responsibilities

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

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

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

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

TIMELY WARNING POLICY

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

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

- 1) The Chief of Police or his/her designee will review all crime reports on a daily basis. If the Chief believes that circumstances exist that may require the issuance of a Clery Act “Timely Warning” based upon the review of a specific reported crime or pattern of crimes, the Chief shall immediately, and in any event, no later than 12 hours after the determination, convene a committee (as specified below) to:
 - a) Review the circumstance of the reported crime or pattern of reported crimes and;
 - b) Determine whether there is a threat to the campus community based on the information presented and;
 - c) Determine whether the threat is such that a “Timely Warning” is required under the provision of the Clery Act and;
 - d) Determine the wording for any “Timely Warning” notice that is to be issued and;
 - e) Determine the manner and means by which the “Timely Warning” shall be issued to the campus community.
- 2) The committee shall consist of:
 - a) The Chief of Police (or appropriate designee)
 - b) The Vice President for Academic and Student Affairs (or appropriate designee)
 - c) The Vice President for Financial Planning and Administration (or appropriate designee)
 - d) Any other members of the campus community, the Chief of Police believes necessary to aid in the determination.
- 3) The criteria for determining whether a “Timely Warning” shall be issued will be in accordance with the requirements of the Clery Act as stated in the Clery Act (20 USC § 1092) and 34CFR668.46.
- 4) Notwithstanding the above, at any time the Chief of Police or his/her designee believes it necessary to issue a “Timely Warning” to protect the campus community, he or she has the authority to do so without the consent of the above committee and may do so immediately upon his or her determination that a threat may exist to the campus community.

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

EMERGENCY RESPONSE AND EVACUATIONS PROCEDURE

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

EMERGENCY NOTIFICATION

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

Missouri Western State University will act without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The Missouri Western State University Police Department will evaluate and determine that there is a significant emergency, determine the location(s) to notify, determine the content of the notification, and initiate the notification process. The Griffon Alert system is tested at least once a year. All portions of the system are tested and evaluated. During the testing process, all portions of the system will display or enunciate “this is a test” in a form set by the Notification System committee.

| Emergency Test Drills | | |
|-----------------------|--------------------|-------------|
| Date | Type of Drill/Test | Campus Area |
| 7/07/2023 | Griffon Alert | Campus Wide |

EVACUATION PROCEDURE

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

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

- Take keys, personal items
- Turn off all electronics
- Evacuate in groups to ensure all get out
- Do not use elevators
- Provide assistance to disabled persons

- Evacuate in a safe, orderly manner
- Close doors behind you

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

FIRE

If you discover a fire:

1. Call Missouri Western State University Police 816-271-4438
2. If the fire is small and you have the training use a proper fire extinguisher to combat the fire. DO NOT ENDANGER YOURSELF OR OTHERS by trying to extinguish a large, well developed fire.
3. If the fire is beyond your control:
 - Pull the fire alarm
 - Help rescue anyone who might need assistance
 - Contain the fire by closing the doors behind you
 - Evacuate the area

If you are notified of a fire in your building:

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

Tornado

If you are notified a tornado is approaching:

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

After a tornado:

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

Police Emergencies

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

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

Bomb Threat

If you receive a bomb threat:

1. Keep the person talking as long as possible (pretend to have difficulty hearing)
2. Secure as much information as possible:
 - Where is the bomb?
 - When is it set to go off?
 - What type of bomb is it?
 - What does it look like?
 - Why was it planted?
 - Who planted it?
 - What will make it explode?

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

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

Medical Emergency

If you discover a medical emergency:

1. Avoid leaving the injured ill person except to summon help
2. If life threatening injury/illness, dial 911 first, then Missouri Western State University Police at 816-271-4438
3. Do not move the person unless he/she is in danger
4. Render first aid, CPR and AED if trained to do so and equipment is available
5. Be mindful of potentially infectious body fluids
6. If you are exposed to another's body fluids, inform Missouri Western State University Police

Hostile Intruder

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

CAMPUS SECURITY PROCEDURES AND CRIME PREVENTION

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

Furthermore, in an effort to provide proactive police and security services to the community, officers of the Missouri Western State University Police Department conduct a variety of security-related training and assistance upon individual or group request.

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

BYSTANDER INTERVENTION INFORMATION

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

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

MISSING STUDENT NOTIFICATION

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

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

ALCOHOL AND OTHER DRUG POLICY STATEMENT

The Missouri Western State University Alcohol and Other Drug Policy can be accessed at <http://griff.vn/handbook>. The Annual Security and Fire Report (<https://www.missouriwestern.edu/policedepartment/wp-content/uploads/sites/112/2018/11/Annual-Security-and-Fire-Report.pdf>) provides information about alcohol and other drug health risks, drug alcohol laws and penalties, and campus alcohol and other drug education and counseling resources. Additional information specifically addressing student conduct related to alcohol and other drugs can be found in the Missouri Western State University Student Handbook (<http://griff.vn/handbook>).

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

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

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

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

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

GOOD SAMARITAN POLICY

The Missouri Western State University community recognizes that the health and wellness of students is of the utmost priority. When alcohol and/or drug use creates medical or safety emergencies, potential for University disciplinary action may deter students from seeking assistance for themselves or others. Students and staff should always request medical assistance when needed for themselves and others. This policy supports those who may also be violating campus alcohol and/or drug policies by granting them immunity from disciplinary action. The Good Samaritan Policy, in its entirety, is available in the Missouri Western State University Student Handbook.

ALCOHOL AND DRUG USE HEALTH RISKS

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

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

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Alcohol can increase the incidence of a

variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death.

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

Drugs

Like many prescription drugs, "recreational" drugs come with potentially harmful side effects that can have serious and long-term effects on your health. High doses of many of the drugs, or impure or more dangerous substitutes for these drugs, can cause immediate life-threatening health problems such as heart attack, respiratory failure, and coma. Combining drugs with each other or with alcohol is especially dangerous.

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

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

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

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

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

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

Tobacco, with its active ingredient nicotine, increases your heart rate and raises your blood pressure. The tar in cigarette smoke is a major cause of cancer and other respiratory problems. Carbon monoxide in cigarette smoke can promote arteriosclerosis, and long-term effects of smoking include emphysema, chronic bronchitis, heart disease, and lung cancer.

BIENNIAL REVIEW

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

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

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

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

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA) OF 2013

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

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

VICTIM'S RIGHTS

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

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

If the assailant is a student, regardless of criminal or civil action, campus administrative action may be initiated through the Title IX Coordinator or Student Conduct system. Specific violations related to domestic violence, dating violence, sexual assault, stalking, and retaliation in the Missouri Western State University Sexual Harassment Policy are: domestic violence, dating violence, sexual assault (including forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape), and stalking. Specific violations related to domestic violence, dating violence, sexual assault, stalking, and retaliation in the Missouri Western State University Student Code of Conduct are: assault, threatening actions, gender-

based violence, indecent behavior, retribution, harassment, and intimidation. In these instances Missouri Western State University Dean of Students or Title IX Coordinator will provide the result of disciplinary proceeding to the accuser and the accused simultaneously.

Sanctions for students may include Residence Hall warning, probation, suspension or permanent expulsion; University warning probation, suspension or permanent expulsion, withholding of diploma, revocation of degree, organizational sanctions, and/or other actions the University deems appropriate (see the [Missouri Western State University Sexual Harassment Policy](#) for more information). Any disciplinary sanction may include the completion of an appropriate of an appropriate counseling or other rehabilitation program.

ORDERS OF PROTECTION

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

SEXUAL MISCONDUCT AND MANDATED REPORTERS

Missouri Western State University ("MWSU") is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment and retaliation. Sexual harassment, in all its forms, is prohibited. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, MWSU has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. MWSU values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

Sexual harassment whether verbal, physical, or visual that is based on sex is a form of prohibited sex discrimination. Sexual harassment also includes sexual violence. Any employee of the University who becomes aware of sex discrimination including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation is a Mandated Reporter, regardless of whether the recipient of the behavior is a student, employee, volunteer or visitor of the University. Exception: Employees with a legal obligation or

privilege of confidentiality (including health care providers, counselors, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication.

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

VIOLENCE AGAINST WOMENS ACT (VAWA) CRIME CATEGORIES

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

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

Domestic Violence:

1. A felony or misdemeanor crime of violence committed--

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

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

(iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

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

2. For the purpose of this definition-

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

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

Stalking:

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

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

(ii) Suffer substantial emotional distress.

2. For the purpose of this definition –

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

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

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

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

DEFINITIONS APPLICABLE IN STATUTES CONCERNING ORDERS OF PROTECTION RSMo. 455

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

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

"spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;"

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

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

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

- a. "Alarm" means to cause fear of danger of physical harm; **and**
- b. "Course of conduct" means a pattern of conduct composed of **two or more** acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include,

but is not limited to, following the other person or unwanted communication or unwanted contact.

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

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

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

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

| TITLE IX PROGRAMMING | | | |
|----------------------|--------------|---|-------------------|
| DATE | PROGRAM NAME | PROGRAM SPONSOR(S) | AUDIENCE |
| 1/10/2023 | RA Training | Title IX Office, Housing and Residential Life | Student Employees |

| | | | |
|---------------------|--|--|--|
| 2/8/2023 | Griffon Love Line: Expert Q&A on Consent, Sexual Health, and Healthy Relationships | Title IX Office | Faculty, Staff, and Students |
| 3/1/2023 | Sexual Assault Prevention for Athletes | Title IX Office, Athletics | New Student-Athletes |
| 3/13/2023 | Spring Break Safety Week: Self-Defense Workshop | Title IX Office, Dean of Students Office | Students |
| 3/13/2023 | Sexual Assault Prevention Ongoing: Healthy Relationships | Title IX Office | Returning Students |
| 3/13/2022 | Sexual Assault Prevention for Undergraduates | Title IX Office | New Students |
| 4/3/2023 | Bridges: Building a Supportive Community (Sexual Violence Prevention Course) | Title IX Office, Human Resources | All Employees |
| 4/4/2023 | Chalk the Walk | Title IX Office, Counseling Center | Students, Employees, Community Members |
| 4/24/2023-4/27/2023 | What Were You Wearing? A Survivor Art Exhibition | Title IX Office | Students, Employees, Community Members |
| 4/28/2023 | Teal Games | Title IX Office, Athletics | Students, Employees, Community Members |
| 8/16/2023 | RA Training | Title IX Office, Housing and Residential Life | Student Employees |
| 8/22/2023 | E-Sports and Title IX | Title IX Office, E-Sports | Students |
| 8/22/2023 | Make the Read: Consent Scenarios | Title IX Office, Athletics, University Police Department | Student Athletes |
| 8/24/2023 | Sexual Assault Prevention for Undergraduates (Online Training) | Title IX Office | New Students |
| 8/25/2023 | College Relationships 101, Griffon Edge, New Student Orientation | Title IX Office | New Students |
| 9/14/2023 | Sexual Assault Prevention: Athletes (Online Training) | Title IX Office, Athletics | Returning Student Athletes |
| 9/14/2023 | Sexual Assault Prevention for Athletic Staff | Title IX Office, Athletics | Athletics Staff |
| 10/11/2023 | Sexual Assault Prevention for Adult Learners (Online Training) | Title IX Office | New Non-Traditional Students |
| 10/11/2023 | Sexual Assault Prevention for Undergraduates (Online Training) | Title IX Office | New Students |
| 10/11/2023 | Sexual Assault Prevention for Graduate Students | Title IX Office | Graduate Students |
| 11/29/2023 | Bystander Intervention-University 105 ENGAGE Session | Title IX Office, Athletics, Academic Affairs | New Student Athletes |

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

If you are the victim of sexual violence (including sexual assault), domestic violence, or dating violence, do not blame yourself. These crimes are never the victim's fault. When physical violence of a sexual nature has been perpetrated against you, the University recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement (9 1 1 if an emergency), in addition to making a prompt complaint to the Title IX Coordinator or Deputy Title IX Coordinator. They are located in Blum Student Union 231 and may be reached at 816-271-4557. You may also wish to call the National Sexual Assault Hotline at 800-656-HOPE.

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

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

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

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

- Requesting that no further action be taken (you may also choose to proceed at a later time).

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

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

SEXUAL MISCONDUCT INVESTIGATION AND CONFIDENTIALITY

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

<https://www.missouriwestern.edu/policy-guide/wp-content/uploads/sites/173/2020/08/Sexual-Harassment-Policy-and-Grievance-Procedures-FINAL-for-Posting-10.25.2022.pdf>

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

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

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

If you wish to discuss the incident with complete confidentiality, you can contact a Confidential Reporter who will maintain confidentiality and not forward the information regarding your

situation to the University for investigation without your consent (unless required to do so by law). Contact information for the Confidential Reporters is as follows:

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

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

EXPLANATION OF RIGHTS AND OPTIONS

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

This document also includes information on counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, academic support and other services available for the victims, both within the institution and in the community. Pending final outcome of an investigation in accordance with Missouri Western State University Sexual Harassment Policies & Procedures, the University will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

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

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON SEXUAL HARASSMENT

1. Overview

MWSU will act on any formal or informal notice/complaint of violation of the Policy that is received by the Title IX Coordinator¹ or any other Official with Authority by applying these procedures.

The procedures below apply to all allegations of sexual harassment or retaliation involving students, staff, administrators, or faculty members. A set of technical dismissal requirements within the Title IX regulations may apply as described below, but when a technical dismissal under the Title IX allegations is required, any remaining allegations will proceed using these same grievance procedures, clarifying which policies above are applicable. Although the effect of the Title IX regulations can be confusing, these grievance procedures apply to all policies above.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the Student Handbook and Code of Conduct and the University Policy Guide.

2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps MWSU needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- a. Offering supportive measures because the complainant does not want to file a formal complaint; and/or
- b. An informal resolution (upon submission of a formal complaint); and/or
- c. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

MWSU uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, MWSU will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or

¹ Anywhere this procedure indicates “Title IX Coordinator,” MWSU may substitute a trained designee

their effects.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator (or designee) engages in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the complainant to offer supportive measures.
- The Title IX Coordinator works with the complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the complainant to determine whether the complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines whether the misconduct alleged falls within the scope of Title IX:
 - ❖ If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate concern, based on the nature of the complaint.

If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly.

a. Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other CARE team members.

A VRA authorized by the Title IX Coordinator should occur in collaboration with the CARE team. Where a VRA is required by the Title IX Coordinator, a respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., an involuntary civil commitment), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about MWSU's process for VRA can be found at <https://www.missouriwestern.edu/policy-guide/wp-content/uploads/sites/173/2020/08/Sexual-Harassment-Policy-and-Grievance-Procedures-FINAL-for-Posting-10.25.2022.pdf>

b. Dismissal (Mandatory and Discretionary)²

The Title IX Coordinator **must** dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the MWSU (including buildings or property controlled by recognized student organizations), and/or the MWSU does not have control of the respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient. (Such a complainant is still entitled to supportive measures, but the formal grievance process is not applicable.)

The Title IX Coordinator **may** dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The respondent is no longer enrolled in or employed by the University; or
- 3) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for the dismissal simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

4. Counterclaims

² These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

MWSU is obligated to ensure that the grievance process is not abused for retaliatory purposes. MWSU permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. This could include an attorney, advocate, or support person. The procedure permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally). The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.³

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the MWSU community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so

³ “Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions

chooses. If the parties choose an Advisor from the Pool available from MWSU the Advisor will be trained by MWSU and be familiar with MWSU's resolution process. (To the extent that the Advisor is appointed from the MWSU Pool, it must be noted that these Advisors do not hold the status of Confidential Resources. However, once appointed as an Advisor the employee no longer has a responsibility as a Mandatory Reporter for purposes of this matter).

If the parties choose an Advisor from outside the Pool of those identified by MWSU, the Advisor may not have been trained by MWSU and may not be familiar with MWSU policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

MWSU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, MWSU is not obligated to provide an attorney.

c. Advisors in Hearings/MWSU-Appointed Advisor

U.S. Department of Education regulations under Title IX require a form of indirect questioning during the hearing, but also require that it be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the Title IX Coordinator will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the Title IX Coordinator will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

d. Pre-Interview Meetings

Advisors may request to meet with the Title IX Coordinator (who may include any other assigned members of the Pool, as appropriate) in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and MWSU's policies and procedures.

e. Advisor Violations of MWSU Policy

All Advisors are subject to the same MWSU policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address MWSU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee other than as stated in this policy during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

f. Sharing Information with the Advisor

MWSU expects that the parties may wish to have MWSU share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

MWSU also provides a consent form that authorizes MWSU to share such information directly with the party's Advisor. The parties must complete and submit this form to the Title IX Coordinator before MWSU is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the University will comply with that request to the extent feasible, at the discretion of the Title IX Coordinator.

g. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by MWSU. MWSU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by MWSU's privacy expectations.

h. Expectations of an Advisor

MWSU generally expects an Advisor to adjust their schedule to allow them to attend Grievance Process meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The Title IX Coordinator may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

j. Assistance in Securing an Advisor

MWSU does not provide attorneys, law faculty, or law students as Advisors in the resolution

process. For a listing for resources parties might contact (e.g. local bar association, national centers, etc.) with inquiries regarding representation, please contact the Title IX office. MWSU makes no endorsement or representation regarding availability or quality of representation with respect to any such resources.

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with MWSU policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. MWSU encourages parties to discuss any sharing of information with their Advisors before proceeding.

a. Informal Resolution

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place; see discussion in Section 6b., below.
- When the respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in Section 6c., below.

To initiate Informal Resolution, a complainant needs to submit a formal complaint, as defined above. A respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. Informal Resolutions will not be used to resolve allegations that an employee sexually harassed a student.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the Title IX Coordinator will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from

participating in such a process, including information regarding any records that will be maintained or shared by MWSU.

The Title IX Coordinator will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b. Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, often including mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, considering any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties; and/or,
- Adequate resources to invest in Alternate Resolution (time, staff, etc.).

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable

c. Respondent Accepts Responsibility for Alleged Violations

The respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and MWSU are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the respondent is in violation of MWSU policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the complainant and the community

d. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and MWSU. Negotiated Resolutions are not appealable.

7. Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. They are also listed in the Annual Title IX Report published by the Title IX Office.

The list of Pool members and a description of the Pool can be found at the <https://www.missouriwestern.edu/student-services/titleix>.

a. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- To assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

b. Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the Title IX Coordinator can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training

The Pool members receive annual training based on their respective roles. Individual Pool members may be trained in multiple roles. This training includes, but is not limited to:

- The scope of the University's Sexual Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of complainants and respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence

- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to investigate ad process grievances, including conducting hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are MWSU employees), and Chairs of decision-making panels. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here: <https://www.missouriwestern.edu/student-services/titileix>.

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the “NOIA”) to the respondent upon commencement of the Formal Grievance Process. This facilitates the respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the complainant, who is to be given advance notice of when the NOIA will be delivered to the respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that MWSU presumes the respondent is not responsible for the reported

- misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
 - A statement about MWSU's policy on retaliation,
 - Information about the privacy of the process,
 - Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
 - A statement informing the parties that MWSU's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
 - Detail on how the party may request disability accommodations during the interview process,
 - A link to MWSU's VAWA Brochure,
 - The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
 - An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, or emailed to the parties' MWSU-issued email or designated accounts. Once emailed and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

MWSU will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should

proceed.

11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Office of the President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the respondent engaged in a policy violation and evidence that supports that the respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness.

MWSU operates with the presumption that the respondent is not responsible for the reported misconduct unless and until the respondent is determined to be responsible for a policy violation by the applicable standard of proof.

12. Investigation Timeline

Investigations are to be completed expeditiously, normally within thirty-sixty (30-60) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, number and cooperation of parties involved, availability of witnesses, police involvement, or other potential sources of delay such as sustained inclement weather, public health concerns, etc.

13. Delays in the Investigation Process and Interactions with Law Enforcement

MWSU may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the

absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The Title IX Coordinator will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. MWSU will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the Title IX Coordinator will implement supportive measures as deemed appropriate.

MWSU's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the complainant and respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor, who

could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party

- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., complainant, respondent, complainant's advisor, respondent's advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel

- for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of MWSU are expected to cooperate with and participate in MWSU's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break, or other needs to be away from campus) may require individuals to be interviewed remotely. Easily accessible videoconferencing technology (such as Skype, Zoom, FaceTime, WebEx, or similar platforms) may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. MWSU will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

In certain rare situations witnesses may also provide written statements or choose to respond to written questions in lieu of interviews, if deemed appropriate by the Investigator(s), though this is not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

16. Recording of Interviews

All interviews will be recorded either via audio recording or by audio or video recording of any phone or video conference meeting. These recordings preserve evidence of what was said in these meetings so that there is no confusion or debate afterwards. All involved parties will be made aware of the recording in advance so that they may consent to the recording before moving forward with the interview. The recording will be kept secure by the Title IX Coordinator and available to review by the parties upon request during the pendency of the proceedings. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

17. Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;
- unless the University has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

18. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; 3) treatment records or other privileged information absent the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process; or 4) questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

19. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker(s) – unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-maker(s) from the Pool.

20. Hearing Decision-maker Composition

The Title IX Coordinator will designate either a single Decision-maker or a three-member panel of Decision-makers from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

21. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; 3) treatment records or other privileged information absent the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process; or 4) questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies).

After post-hearing deliberation, the Decision-maker(s) must render a determination based on a preponderance of the evidence; whether it is more likely than not that the respondent violated the Policy as alleged.

22. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties. Once emailed and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor at least three (3) days prior to the hearing, so that the Title IX Coordinator may appoint one. Each party must have an Advisor present. There are no exceptions.

- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.⁴
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Notification as to whether parties will be allowed to bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by MWSU and remain within the 60-90 business day goal for resolution.

In these cases, if the respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

23. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

24. Pre-Hearing Preparation

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the

⁴ The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or in rare situations have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no less than two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

25. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties and their Advisors) wish to ask about or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-

hearing meeting. The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant.

Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.

The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

At the pre-hearing meeting(s) the Chair may choose to establish time guidelines for various components of the hearing.

The pre-hearing meeting(s) will be recorded.

26. Hearing Procedures

At the hearing, authority is vested in the Decision-maker(s) to hear and make determinations on all allegations of sexual harassment and/or retaliation, and also to hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional Decision-makers, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or the President and any executive officers when a student organization is the respondent), Advisors to the parties, any called witnesses, the Title IX Coordinator (if they are not already acting as the hearing facilitator) and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the

hearing in order to respond to specific questions from the Hearing Panel and the parties and will then be excused.

27. Joint Hearings

In hearings involving more than one respondent or in which two (2) or more complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each respondent with respect to each alleged policy violation.

28. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The Title IX Coordinator may serve in this role if they have no conflicts in the matter. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

29. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on

credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

30. Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator and/or legal counsel on any questions of admissibility. The Chair may ask Advisors to explain why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

31. Refusal to Submit to Cross-Examination and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing,

either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant evidence available through the investigation and hearing in making a determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

If a party's Advisor of choice refuses to comply with MWSU's established rules of decorum for the hearing, MWSU may require the party to use a different Advisor. If an MWSU-provided Advisor refuses to comply with the rules of decorum, MWSU may provide that party with a different Advisor to conduct cross-examination on behalf of that party. The hearing may be stopped and rescheduled to find the new Advisor and allow them to prepare for the hearing with the party they are advising.

32. Recording Hearings

Hearings (but not deliberations) are recorded by MWSU for purposes of review in the event of an appeal. No unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the MWSU will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

33. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in preparing a recommendation of appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Dean of Students or Director of Human Resources (as appropriate), and will prepare a recommendation of appropriate sanction(s). The sanctions will be finally determined by the Official with Authority in an appropriate area with respect to the respondent.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and include any sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

34. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by legal counsel as needed. The Title IX Coordinator will then share the Notice, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within five (5) business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, or emailed to the parties' MWSU-issued email or otherwise approved account. Once emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by MWSU from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent that MWSU is permitted to share such information under state or federal law; any sanctions issued which MWSU is permitted to share according to state or federal law; and any remedies provided to the complainant designed to ensure access to MWSU's educational or employment program or activity, to the extent MWSU is permitted to share such information under state or federal law (this detail is not typically shared with the respondent unless the remedy directly relates to the respondent).

The Notice of Outcome will also include information on when the results are considered by MWSU to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

35. Statement of the Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or retaliation made in good faith to MWSU officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.

- The right to be treated with respect by MWSU officials.
- The right to have MWSU policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by MWSU officials from reporting sexual harassment or retaliation to both on-campus and off-campus authorities.
- The right to be informed by MWSU officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by MWSU authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by the University Police Department and/or other MWSU officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to an MWSU-implemented no-contact order (or a trespass order against a non-affiliated third party) when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of sexual harassment and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from MWSU staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund

- o Exam, paper, and/or assignment rescheduling or adjustment
 - o Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - o Transferring class sections
 - o Temporary withdrawal/leave of absence (may be retroactive)
 - o Campus safety escorts
 - o Alternative course completion options.
- The right to have MWSU maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair MWSU's ability to provide the supportive measures.
 - The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
 - The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
 - The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
 - The right not to have irrelevant prior sexual history or character admitted as evidence.
 - The right to know the relevant and directly related evidence obtained and to respond to that evidence.
 - The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
 - The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
 - The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any MWSU representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have MWSU facilitate the participation of faculty and staff witnesses.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence; clear to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue

delay) to the parties.

- The right to be informed in writing of when a decision by MWSU is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by MWSU.
- The right to a fundamentally fair resolution as defined in these procedures.

36. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be finally determined by the Official with Authority in an appropriate area with respect to the respondent, and will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Student Sanctions

The following are sanctions that may be imposed upon students or organizations singly or in

combination:⁵

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any MWSU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: MWSU may mandate that a student or employee meet with and engage in either MWSU-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Separation of the student from the University for a definite period of time, after which the student is eligible to return upon approval by the Dean of Students. Conditions for readmission may be specified.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend MWSU-sponsored events.
- *Withholding Diploma*: MWSU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: MWSU reserves the right to revoke a degree previously awarded from MWSU for fraud, misrepresentation, and/or other violation of MWSU policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including MWSU registration) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, MWSU may assign any other sanctions as deemed appropriate.

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*

⁵ Subject to MWSU's Student Handbook and Code of Conduct.

- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, MWSU may assign any other responsive actions as deemed appropriate.

37. Withdrawal or Resignation While Charges Pending

a. Students:

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student respondent permanently withdraw from MWSU, the resolution process ends, as MWSU no longer has disciplinary jurisdiction over the withdrawn student.

However, MWSU will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to MWSU. Such exclusion applies to all campuses of MWSU. Admissions will be notified that they cannot be readmitted. They may also be barred from MWSU property and/or events.

If the student respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to MWSU unless and until all sanctions have been satisfied.

b. Employees:

Should an employee respondent resign with unresolved allegations pending, the resolution process ends, as the MWSU no longer has disciplinary jurisdiction over the resigned employee.

However, MWSU will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with MWSU, and the records retained by the Title IX Coordinator will reflect that status.

All MWSU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

38. Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome.

Appeals will be submitted to a single Appeal Decision-maker who will consider the appeal. No Appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. In cases where there is a student or faculty respondent, appeals will be heard by the Vice President for Student Affairs and Enrollment Management. In cases where there is a non-faculty employee or third-party respondent, the appeal will be heard by the Vice President for Finance and Administration. These two Appeal Decision-makers may serve as reserves for each other in cases in which either has a direct conflict of interest in hearing the appeal.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- (i) Procedural irregularity that affected the outcome of the matter;
- (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and/or
- (iii) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

No other grounds for appeal are permitted.

The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the Appeal Decision-maker will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the Appeal Decision-maker determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the Appeal Decision-maker confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within five (5) days. The Appeal Decision-maker shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the Appeal Decision-maker will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision. All appeal decisions will be made using the preponderance of the evidence standard.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within (20) days of an appeal being filed.

A Notice of Appeal Outcome will be sent to all parties simultaneously, including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which MWSU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent MWSU is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' MWSU-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

MWSU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to MWSU or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior

status, recognizing that some opportunities lost may be irreparable in the short term.

39. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services (for students)
- Referral to the Employee Assistance Program (for employees)
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by MWSU to the respondent to ensure no effective denial of educational access.

MWSU will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair MWSU's ability to provide these services.

40. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Decision-maker).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from MWSU.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

41. Recordkeeping

MWSU will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the respondent;
3. Any remedies provided to the complainant designed to restore or preserve equal access to MWSU's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. MWSU will make these training materials publicly available on MWSU's Title IX website. And
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to MWSU's education program or activity; and
 - c. If no supportive measures were provided to the complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

MWSU will also maintain any and all records in accordance with state and federal laws.

SEX OFFENDER REGISTRY

The "Campus Sex Crimes Prevention Act" (section 1601 of Public Law 106-386) is a federal law enacted on October 28, 2000; that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering

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

To locate or search Missouri registered sex offenders:

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

FIRE SAFETY REPORT

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

Fire Drills were not conducted this year due to Residential Life Administration and staff changes along with Emergency Management Director change. Fire Drills will always be announced by email at least one day prior to the drill. If a fire alarm sounds all occupants are required to exit the building; regardless of whether it is a fire drill, false activation, or actual fire.

Residential Halls and Areas

| | Number of Fires Reported | Number of Deaths Related to Fire | Number of Injuries Related to Fire | Value of Property Damage Related to Fire |
|-------------------------|---------------------------------|---|---|---|
| Commons Building | | | | |
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 |

Beshears Hall

| | | | | |
|-------------------------|---|---|---|---------|
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 |
| Juda Hall | | | | |
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 |
| Leaverton Hall | | | | |
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 |
| Vaselakos Hall | | | | |
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 |
| Scanlon Hall | | | | |
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 1 | 0 | 0 | \$10.00 |
| 2023 | 0 | 0 | 0 | 0 |
| Vartabedian Hall | | | | |
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 |

FIRE SAFETY SYSTEM

Beshears, Juda, Leaverton, and Vaselakos Halls

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

Scanlon Hall

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

Commons Building

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

Vartabedian hall

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

POLICIES ON PORTABLE ELECTRICAL APPLIANCES, SMOKING, AND OPEN FLAMES

For a complete list of Residential Facility policies please see:

<https://www.missouriwestern.edu/saem/wp-content/uploads/sites/180/2022/02/2022-2023-MWSU-Student-Code-of-Conduct-and-Housing-and-Residential-Life-Policies.pdf>

Fire System

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

Explosives

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

Electrical Appliances

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

All electrical appliances must be UL Approved.

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

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

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

Candles/Incense

Decorations with an open flame or which present a fire hazard, such as candles, wick lamps, Incense, etc. are prohibited in Student Rooms and Common Areas. However, candles with unburned or removed wicks are allowed for decorative purposes. Electric candle warmers are also prohibited.

WHO TO CONTACT TO REPORT A FIRE

For an active Fire dial 911

Residential Life (806) 383-7100

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

RESOURCES AT A GLANCE

SAFETY AND SECURITY

Missouri Western State University Police Department

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

Missouri Western State University Blum Union Rm 201

MWSUPD@missouriwestern.edu

www.missouriwestern.edu/policedepartment

St. Joseph Police Department

Emergency.....911

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

501 Faraon Street, St. Joseph, MO 64501

www.stjoepd.info

Buchanan County Sheriff's Office

Emergency.....911

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

501 Faraon Street, St. Joseph, MO 64501

www.co.buchanan.mo.us/196/Sheriffs-Office

CAMPUS OFFICES

Student Affairs Office.....816-271-4432

Missouri Western State University Blum Union Rm 228

www.missouriwestern.edu/studentaffairs

Center for Diversity & Inclusion.....816-271-4150

Missouri Western State University Blum Union Rm 207

www.missouriwestern.edu/student-life/center-for-multicultural-education

Nontraditional & Commuter Student Center...816-271-4152

Missouri Western State University Blum Union Rm 234

www.missouriwestern.edu/student-life/nontraditional-and-commuter-student-center

Global Engagement.....816-271-5998

Missouri Western State University Eder Hall Rm 101

www.missouriwestern.edu/global

Residential Life Office.....816-383-7100

Missouri Western State University Commons Building Rm 106

www.missouriwestern.edu/reslife

Office of Financial Aid.....816-271-4361

Missouri Western State University Eder Hall Rm 103

www.missouriwestern.edu/finaid

Accessibility Resource Center.....816-271-4330

Missouri Western State University Eder Hall 201

www.missouriwestern.edu/arc

Human Resources Office.....816-271-4587

Missouri Western State University Popplewell Hall Rm 117
www.missouriwestern.edu/hr

Risk Management Office.....816-271-4232
Missouri Western State University Physical Plant
www.missouriwestern.edu/riskmanagement

TITLE IX CONTACTS

Title IX Coordinator's Office.....816-271-4557
Missouri Western State University Blum Union Rm 231
www.missouriwestern.edu/student-services/titleix

HEALTH RESOURCES

Esry Student Health Center.....816-271-4495
Missouri Western State University Blum Union Rm 203
www.missouriwestern.edu/student-services/health-center

Mosaic Life Care St. Joseph.....816-271-6000
5325 Faraon Street, St. Joseph, MO 64506
www.mymosaiclifecare.org

SEXUAL ASSUALT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING RESOURCES

Missouri Western State University Counseling Center.....816-271-4327
Missouri Western State University Eder Hall Rm 203
www.missouriwestern.edu/student-services/counseling

YWCA of St. Joseph

Main Office.....816-232-4481
24 Hour Crisis Hotline.....816-232-1225
24 Hour Crisis Toll Free Hotline.....800-653-1477
304 North 8th Street, St. Joseph, MO 64501
<http://ywcasj.org/>

St. Joseph Prosecuting Attorney's Office.....816-271-1480
411 Jules Street Rm 132, St. Joseph, MO 64501
www.co.buchanan.mo.us/162/Prosecuting-Attorney

National Domestic Violence Hotline.....800-799-7233
TTY.....800-787-3224

RAINN (Rape, Abuse & Incest National Network)
National Sexual Assault 24 Hour Hotline.....800-656-4673
www.rainn.org

MENTAL HEALTH RESOURCES

Missouri Western State University Counseling Center.....816-271-4327
Missouri Western State University Eder Hall Rm 203
www.missouriwestern.edu/student-services/counseling

St. Joseph Family Guidance Center
24 Hour Crisis Line.....888-279-8188
Main Office.....816-364-1501
724 North 22nd Street, St. Joseph, MO 64506
www.fgcnow.org

Mosaic Life Care St. Joseph
Outpatient Behavioral Health.....816-271-8133
105 North Far West Drive, Suite 202, St. Joseph, MO 64506
www.mymosaiclifecare.org/Main/Service/Mental-Health

Missouri Suicide & Crisis Lifeline.....988
Call, Text, Chat, Videophone 988
<https://missouri988.org/>

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

Veteran's Crisis Line.....800-273-8255 (Press 1)
or text 838255 for immediate help
U.S. Department of Veterans Affairs
www.veteranscrisisline.net

SUBSTANCE ABUSE RESOURCES

Missouri Western State University Counseling Center.....816-271-4327
Missouri Western State University Eder Hall Rm 203
www.missouriwestern.edu/counseling

Narcotics Anonymous.....816-233-3095
Toll Free.....888-751-6262
www.mokanna.org

Alcoholics Anonymous.....816-364-9179
24 Hour Hotline.....877-308-5004
www.aa.org

Substance Abuse and Mental Health Services Administration
National Helpline.....800-662-4357
www.samhsa.gov