



**Missouri State University**<sup>TM</sup>  
W E S T P L A I N S

**Annual  
Security and Fire Safety  
Report**

**Reporting Year 2018**

**Published October 1, 2019**

# Missouri State University - West Plains

## 2019 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT

### Introduction

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

### Policy for Preparing the Annual Report

This report is prepared by the Scott Schneider in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Scott Schneider, Kellett Hall, 128 Garfield Ave. West Plains, MO 65775 417-255-7255.

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

### General Safety and Security Policies

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

The University does not have a campus security or police department.

The University has a close working relationship with local law enforcement agencies, including the West Plains Police Department (MOU for Law Enforcement on incidents for sexual assault, domestic violence, dating violence, and/or stalking) for the West Plains Campus.

There is not a Missouri State University public safety officer assigned to the West Plains campus. All crimes occurring on campus, on non-campus property owned by the University or on nearby public property should be reported immediately to the Director of Business and Support Services. The number to contact is 417-255-7258.

#### **Campus Security Authorities**

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

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

- Residence Life Manager at 417-256-1870
- Coordinator of Student Life at 417-255-7233
- Deputy Title IX Coordinator at 417-255-7964
- Chancellor at 417-255-7900
- Dean of Student Services at 417-255-7225
- Director, Business and Support Services at 417-255-7258

### **Reporting a Crime or Emergency**

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

Any individual at Missouri State University-West Plains who is a victim of or observes any criminal activity should report the incident immediately to the Office of Student Life & Development, Dean of Student Services, Director of Business and Support Services and/or contact 911. Forms are available in the Offices of Student Life & Development, Dean of Student Services, or Director of Business and Support Services and online at

[https://cm.maxient.com/reportingform.php?MissouriStateUniv&layout\\_id=15](https://cm.maxient.com/reportingform.php?MissouriStateUniv&layout_id=15) for ease in reporting incidents. A written report is required by Missouri State University-West Plains for every incident reported to the University. The Office of Student Life & Development will tabulate the reports for statistical data on the number and types of crimes occurring on campus. The statistical data on campus crime will be disseminated to faculty, staff, students, and others who may inquire.

Conduct which may include criminal activity can also be reported to the Grizzly House and Grizzly Lofts Resident Assistants, Coordinator of Student Life & Development, the Dean of Student Services, the Director of Business and Support Services, or those individuals designated as a Campus Security Authority (CSA) for the purpose of accessing services available from those or other University offices. Individuals will be encouraged to report any criminal activity to the West Plains Police Department.

Emergencies (e.g., medical, fire, crime, etc.) should be reported via 911. If needed, public telephones are available in campus facilities for this purpose. Non-emergency safety concerns should be reported to the Coordinator of Student Life & Development (417) 255-7233 or the Director of Business and Support Services (417) 255-7258.

### **Confidential Reporting**

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

Pursuant to the University's sexual misconduct policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other

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

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

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

Missouri State University-West Plains administration buildings, student service facilities, and academic buildings are open to the public during regular business hours. Physical Plant employees secure academic, administration, and service buildings when they are not in use and only unlock them during the weekend as needed. An Evening Safety employee, sometimes a student employee, monitors the campus during evening hours Sunday through Thursday during the fall and spring semesters. The employee provides a campus "presence," is available to provide some acts of assistance to campus community members, and monitors the campus for safety considerations (e.g., indoor and outdoor lighting). The employee contacts the Director of Business and Support Services or the West Plains Police Department, if necessary, and completes a daily log which is reviewed by the Director of Business and Support Services. Unless a building is specifically opened after hours for authorized use, all buildings or facilities other than the residence hall are off limits to students after closing hours.

Doors remain locked after hours to prevent unwanted visitors in campus buildings.

All classroom doors have the capability to be locked from inside the classroom without the use of a key.

### **Campus Operating Hours**

Physical Plant staff will be on site during approved events to ensure that the facility is open when needed and closed after the event. Excluding University holidays, Physical Plant staff members are available from Monday through Friday from 7 a.m. to midnight, Saturday from 8:00 am to 5:00 pm.

### **On-Campus Residence Hall**

The University's residence hall (Grizzly House and Grizzly Lofts) access system permits residents to enter the building at all times but limits the entrance of non-residents. Resident Assistants (RAs) reside in and are on duty in the Grizzly House and Grizzly Lofts. The Residence Life Manager, to whom the RAs report, resides in close proximity to campus. Guests are welcome in the residence hall; however, each guest must be accompanied at all times by the resident who serves as the guest's host. All overnight guests must be approved by all residents of the room or suite.

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

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

Doors remain locked after hours to help prevent unwanted visitors in campus buildings.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

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

During Student Advisement and Registration (STAR), parents and students are briefed on campus safety, and students are encouraged to verify the accuracy of their contact information in the Missouri State Alert system. In addition, University employees and students are expected to take an active role in their personal safety and security. Everyone is expected to function responsibly concerning his or her own personal safety as well as toward the security of their possessions. Individuals should not allow themselves to be found or placed in a situation which leaves them vulnerable to possible bodily harm. They should also secure their personal possessions and keep them safe from theft or damage by others at all times. The University encourages students and employees to contact the Director of Business and Support Services to discuss information of this nature, as well any other matters related to the University's campus security procedures and practices.

The campus safety webpage contains links to informational resources that cover personal safety in the event of a hostile intruder that is available to any student or employee. Additional group training is provided to the residence hall assistants (RAs) specific to individual safety and best practices they can implement that provide personal safety information to residents.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

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

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

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

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

### **Drug and Alcohol Policy**

The unlawful possession, use, or distribution of alcohol is prohibited on university property, in conjunction with university activities, and in conjunction with student organization events. This includes violation of the Missouri law prohibiting possession or use of alcohol by persons under 21 years of age and violation of all other state and federal laws regulating use, possession or distribution of alcohol and other drugs. "University activities" include those activities that are planned, promoted, or sponsored by a university department or other university subdivision. "University property" includes university owned

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

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

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

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

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

Code of Student Rights and Responsibilities: <https://wp.missouristate.edu/studentlife/code.htm>

Employee Handbook: <https://www.missouristate.edu/human/staffhandbook/Chapter2.htm>

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

Alcohol and Other Drug Abuse Prevention Program:

Missouri State University-West Plains is committed to providing a healthy and safe learning environment for its students. Abuse of drugs and alcohol disrupts this environment and interferes with the academic and personal development of the student, and personal and professional development of University employees. Standards regarding the use of drugs/alcohol must support local and state laws.

Furthermore, policies should reflect and encourage abstinence and low risk consumption of alcohol as acceptable choices and should actively discourage heavy and high-risk consumption of alcoholic beverages. Policies can minimize the potential risks to the health and safety of members of the University community, but every member of the University community has a responsibility to prevent the illegal use of drugs or high-risk use of alcohol.

Missouri State University-West Plains recognizes that university students are adults. The University's role is to assist students with every available resource to help them develop satisfying lifestyles to equip them for a better quality of life; nonetheless, it cannot and should not stand in the place of a parent. University students, as citizens of this community, of this state, and of the nation are, like any other adults, expected to be aware of and to abide by pertinent laws and University regulations. On the presumption that these expectations will be carried out, the University will not provide staff or other resources to monitor social activities sponsored by student organizations. This will be the responsibility of officers and advisors.

Concomitant with the expectations that the students will conduct themselves at all times as responsible adults is the understanding that, as adults, students may be subject to civil liability resulting from violation of the law. Such liability may exist independently of any disciplinary action taken by the University for violation of its regulations (which includes violation of pertinent laws). The University is required by the Drug Free Schools and Communities Act Amendments of 1989 to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. This

program, described herein, is distributed annually to every student and employee of the University. Additional copies of the policy can be obtained from the Office of Student Life and Development, 128 Garfield, West Plains, MO 65775.

Information related to the biennial review of the University's drug and alcohol abuse prevention program may be obtained by contacting the Dean of Student Services of the West Plains campus at (417) 255-7255.

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

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

- Prohibition of Discrimination and Harassment Policy: [https://www.missouristate.edu/policy/Op1\\_02\\_8\\_Harassment.htm](https://www.missouristate.edu/policy/Op1_02_8_Harassment.htm)
- Non-Discrimination Policy Statement: [https://www.missouristate.edu/policy/G1\\_05\\_NonDiscriminationPolicy.htm](https://www.missouristate.edu/policy/G1_05_NonDiscriminationPolicy.htm)
- Complaint Procedures: [https://www.missouristate.edu/policy/Op1\\_02\\_2\\_ComplaintProcedures.htm](https://www.missouristate.edu/policy/Op1_02_2_ComplaintProcedures.htm)
- Code of Student Rights and Responsibilities: <https://wp.missouristate.edu/studentlife/code.htm>
- Sex Discrimination and VAWA Offenses Policy and Investigation Procedures: [https://www.missouristate.edu/policy/Op1\\_02\\_11-sex-discrimination-and-vawa-policy-and-investigation-procedures.htm](https://www.missouristate.edu/policy/Op1_02_11-sex-discrimination-and-vawa-policy-and-investigation-procedures.htm)
- Prohibition of Sex Discrimination, Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking: [https://www.missouristate.edu/policy/G1\\_31\\_TitleX.htm](https://www.missouristate.edu/policy/G1_31_TitleX.htm)

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

### **Primary Prevention and Awareness Program:**

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

Crime Definitions

<b>Crime Type (Missouri Revised Statutes)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.
Domestic Violence	<p>Missouri’s protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> <li>• “Domestic violence” is abuse or stalking committed by a family or household member.</li> <li>• "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.</li> </ul> <p>In addition, Missouri criminal statutes include various degrees of the crime “Domestic Assault,” as follows:</p> <ul style="list-style-type: none"> <li>• Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002.                         <ul style="list-style-type: none"> <li>▪ Mo Rev. Stat. § 565.002(6) indicates that a “domestic victim” is a household or family member as the term “family” or “household member” is defined in 455.010, including any child who is a member of the household or family.</li> </ul> </li> <li>• Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</li> <li>• Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002.</li> <li>• Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a</li> </ul>



<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<p>domestic victim, as the term "domestic victim" is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</p>
<p>Stalking</p>	<ul style="list-style-type: none"> <li>• Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</li> <li>• Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> <li>• As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no</li> </ul>

Crime Type (Missouri Revised Statues)	Definitions
	legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.
Sexual Assault	<p>The institution has determined, based on good-faith research, that Missouri’s criminal statutes do not define the term sexual assault.</p> <p>However, Missouri’s protective order statutes indicate that “sexual assault” means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person’s consent. (Mo. Rev. Stat. § 455.010(1)(e)).</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape in the First Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>• Rape in the Second Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling.</li> <li>• Incest (Mo. Rev. Stat. § 568.020.1): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood.</li> <li>• Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032.1): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034.1): A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</li> </ul>

<b>Crime Type</b> <b>(Missouri Revised Statues)</b>	<b>Definitions</b>
Other “sexual assault” crimes	<p>Other crimes under Missouri law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>• Sodomy in the First Degree (Mo. Rev. Stat. § 566.060.1): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>• Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061.1): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062.1): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064.1): A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.</li> <li>• Child Molestation, First Degree (Mo. Rev. Stat. § 566.067.1): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068.1): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069.1): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.</li> <li>• Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071.1): A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.</li> <li>• Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083.1): A person</li> </ul>

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<p>commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</p> <ul style="list-style-type: none"> <li>• Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093.1): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.</li> <li>• Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095.1): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.</li> <li>• Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100.1): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.</li> <li>• Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101.1): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.</li> </ul>
<p>Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))</p>	<p>Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.</p>

### University Definition of Consent

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

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

### Risk Reduction

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

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

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

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

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

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

- Slapping, shoving, hitting, kicking, strangling

### Bystander Intervention

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

- Green Dot: <https://www.missouristate.edu/greendot/>
- Be a GOOD friend and a savvy bystander
- Don't leave your friend
- Don't ignore signs of trouble
- Be protective
- BELIEVE
- Get help
- Be SUPPORTIVE in the short and long term
- Don't hesitate to contact the police or other authorities.
- Counterintuitive behavior of victims is normal

### Other Information Covered by the PPAP

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

### **Ongoing Prevention and Awareness Campaign:**

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

### **PPAP and OPAC Programming Methods:**

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

Title IX presentation for students.

Green Dot Instructor Training.

Green Dot student presentations.

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

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call 911. At the earliest opportunity, you should also contact the University's Title IX Coordinator, Jill Patterson, at (417) 836-8506.

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

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

### *Preservation of Evidence & Forensic Examinations*

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Ozarks Medical Center 1100 Kentucky Avenue (417) 255-9111.

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

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

### *Security/Law Enforcement & How to Make a Police Report*

- Director of Business and Support Services (417) 255-7258
- West Plains Police Department (417) 256-2244 Howell County Sheriff's Office (417) 256-2544
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### *Information about Legal Protection Orders*

In Missouri, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at: <http://www.courts.mo.gov/page.jsp?id=533>.

A protection order may be obtained by filing a petition with the court. Courts can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 15

days, until a court hearing, and (2) Full Orders of Protection, which may be issued for up to one year. Additional information about the orders may be found at:

<http://www.courts.mo.gov/file.jsp?id=69655>.

#### Howell County

- A Petition for Order of Protection should be filed for in the 37th Circuit of Howell County's West Plains Courthouse. The address is: 222 Courthouse, West Plains, Missouri 65775. The phone number is 417-256-3741. More information is available here: <https://www.courts.mo.gov/page.jsp?id=1653>.
- Information about obtaining an Order of Protection in Howell County can be found here: <https://www.courts.mo.gov/page.jsp?id=533>.
- The circuit court clerk's office can provide the necessary forms and may assist in completing the forms. Forms may also be found online at: <http://www.courts.mo.gov/file.jsp?id=537>. A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

#### Wright County

- The Associate Circuit Judge of Wright county in the 44th Judicial Circuit is the Judge primarily responsible for the handling of Petitions for orders of protection for adults and children filed in the county. If that Judge is unavailable to consider the petition according to the procedure set out in the "Guidelines for Judicial Availability for Orders of Protection" published by the Supreme Court and pursuant to Section 455.030.4 R.S.Mo. The Circuit Judge and the Associate Circuit Judges in the circuit shall all have concurrent jurisdiction over all Petitions for orders of protection for adults and children filed in the circuit.
- Information about obtaining an Order of Protection in Wright County can be found here: <http://www.courts.mo.gov/file.jsp?id=69655>
- The circuit court clerk's office can provide the necessary forms and may assist in completing the forms. Forms may also be found online at: <http://www.courts.mo.gov/file.jsp?id=537>. A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

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

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

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

- The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a "no trespass warning" if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the



campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

**Available Victim Services:**

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

Missouri State University - West Plains provides information to students and employees concerning existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims as outlined in the Title IX policy. The contacts below can provide additional information concerning these matters.

**Important Missouri State University-West Plains contact information**

<b>Office</b>	<b>Phone Number</b>
Office of the Dean of Student Services	(417) 255-7255
Human Resources	(417) 255-7265
Deputy Title IX Coordinator	(417) 255-7966
Missouri State University-West Plains Safety Coordinator	(417) 255-7258
Missouri State University Title IX Coordinator	(417) 836-8506

**Other Sources of Counseling, advocacy and support off campus**

<b>Off-Campus Organization</b>	<b>Phone Number</b>
West Plains Police Department 911 or	(417) 256-2244
Mt. Grove Police Department	(417) 926-5181
Ozarks Medical Center	(417) 256-9111
OMC Behavioral Health Care	(800) 356-5395
Comprehensive Consulting & Counseling, LLC.	(417) 293-3907

**Accommodations and Protective Measures:**

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University

is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

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

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

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

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

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

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Title IX Policy on Sexual Assault, Stalking and Other Forms of Sexual Misconduct. Information about the Title IX Coordinator and Title IX Investigator are found below. Reports should be filed with the Title IX Coordinator.

#### **Title IX Coordinator**

Jill Patterson  
(417)836-8506

Email: [JillPatterson@MissouriState.edu](mailto:JillPatterson@MissouriState.edu)

#### **Title IX Investigator**

Ashley Reece  
(417)836-8510

Email: [AshleyReece@MissouriState.edu](mailto:AshleyReece@MissouriState.edu)

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

Upon receipt of a report of a potential Title IX violation, the Title IX Coordinator may open a formal case file and assign the investigation to either the Title IX Coordinator or a Title IX Investigator to lead the investigation. The Title IX Coordinator and/or Title IX Investigator designee will analyze the complaint and notify the respondent that a complaint has been filed. The procedures that will be utilized are based on the status of the respondent, with each type being outlined below.

## **Student**

If the Respondent is a student, the University will follow the adjudication process outlined in the Article VI of the Student Code of Rights and Responsibilities.

### **Article VI: Conduct Adjudication Process**

The development of self-discipline is a goal of education, and the conduct process is intended to be educational in nature. The conduct adjudication process described herein is designed to further the educational process; therefore, it is not comparable to, or a substitute for, jurisprudence under a criminal code. Therefore, formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in the student conduct adjudication process. The conduct adjudication process outlined below is designed to balance the rights and responsibilities of the student accused of wrongdoing with the rights of the University community, including but not limited to, the complaining student, other students, faculty, staff and the public.

- 6.1 Any member of the University community may file a complaint against any student or student organization for alleged violations of this Code. The complaint may be prepared in writing or notice may be given in another manner and directed to the Dean of Student Services, who has been given responsibility for the administration of the University conduct system. Any complaint should be submitted as soon as is reasonably possible after the event takes place, but in any case, no longer than twelve (12) months from the date the person knew or should have known of the alleged violation. In most cases, students will not undergo more than one conduct process within the University for the same incident.
- 6.2 Violations of Code Policies (other than violations of G1.31): After receiving an incident report or other indication of Code violations, the dean of student services, or their designee, may proceed as follows:
  - a. Conducts an investigation of the allegations, or other validation of the allegations received.
  - b. If appropriate, sends a charge letter indicating:
    - The sections of the Code or other University policies allegedly violated
    - Date, time, and place the alleged violation occurred (if available)
    - A concise summary of the alleged violation
    - A list of witnesses (to be supplemented later if necessary)

A date, time and location for the respondent to meet with the dean of student services. The respondent's class schedule shall be consulted; the respondent may request an alternative date and time to meet within the deadline listed in the charge letter. The decision to alter the meeting time and date is at the discretion of the dean of student services.

- 6.3 Alleged Violations of G1.31 Title IX Policy/Code Article IV Section 20: If the complaint is an alleged violation of the Title IX Policy, the dean of student services will forward the complaint to the Title IX office for review and investigation subject to the Title IX policy. After completing an

investigation, the Title IX office will prepare an investigative report summarizing the investigation and the finding from the investigative report. After receiving the investigative report from the Title IX office, the dean of student services will proceed as follows:

- a. Prepare and send correspondence to the individual identified as the respondent in the Title IX Investigative Report scheduling a Conduct Meeting where the Dean of Student Services will discuss the situation described in the investigative report, the proposed charges against the respondent, the consequences proposed by the dean of student services and the respondent's position on responsibility.
- b. The respondent will be given the opportunity to review the investigative report, the charges of Code violation and given a summary of information to be presented as to allow preparation of refutation. The respondent will be given the opportunity to review any materials from the investigation report including but not limited to: audio recordings, investigative report and exhibits;
- c. Answer questions and provide any necessary clarification of the Code and/or its procedures;
- d. Discuss the respondent's level of responsibility in the conduct situation. The respondent may give additional information, present additional pertinent documents or records pertaining to the incident and present additional witnesses which were not provided during the investigative phase.

6.4 Following receipt of the complaint, and in the discretion of the dean of student services, the respondent will have a Conduct Meeting with the dean of student services by the deadline assigned in the correspondence from the dean of student services. At this Conduct Meeting, the following matters may be discussed:

- a. The dean of student services will review the charges and give a summary of the information to be presented;
- b. The dean of student services will answer any questions and provide any requested clarification of the Code and/or its procedures;
- c. The respondent may respond to the charges and provide any information the respondent believes to be relevant in determining responsibility. The respondent shall have an opportunity to present information, ask questions, present records or documentation pertaining to the incident, present witnesses and provide explanations to the dean of student services.
- d. The dean of student services and the respondent will discuss the respondent's level of responsibility relating to the allegations and attempt to reach an agreement regarding responsibility (or lack of responsibility) and consequences as necessary. If an agreement is reached, a Case Resolution Form (CRF) will be completed by the dean of student services.
- e. If a respondent fails to attend their scheduled conduct meeting, the dean of student services may, at their discretion, conduct the meeting in the respondent's absence and render a finding of responsibility or no responsibility. In these cases the dean of student services will complete a CRF and send a findings letter to the respondent; the respondent is responsible for fulfilling or upholding the consequences listed within the

letter. The respondent may appeal the conduct decision but must follow the appeals processes outlined in Article VIII of this document.

- f. In matters concerning hearings, the dean of student services will assist both the respondent accused of violating policies and the member of the University community who is filing charges for the purposes of facilitating and understanding the hearing process.
- g. The dean of student services' determination will be made by a preponderance of evidence, on the basis of whether it is more likely than not that the respondent violated the Code of Student Rights and Responsibilities.
- h. In consideration of the limited role of advisors and of the compelling interest of the University to expeditiously resolve allegations of violations of the Code, the work of the dean of student services will not, as a general practice, be delayed due to the unavailability of an advisor. The responding student is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any hearing.

6.5 Where appropriate, following a Conduct Meeting, the parties may have a right to a hearing as set forth below:

- a. In cases where the dean of student services and the respondent are unable to come to an agreement on responsibility and/or consequence, or the respondent fails to appear for the Conduct Meeting, and the dean of student services' chosen consequence does not include any separation between the student and the University (e.g. [Article VII Section 1.h](#), [Article VII Section 1.k](#), [Article VII Section 1.l](#), [Article VII Section 1.m](#), [Article VII Section 1.n](#), [Article VII Section 1.o](#) or [Article VII Section 1.p](#)) then the finding of the dean of student services will be applicable, unless the respondent submits an appeal pursuant to [Article VIII](#) below.
- b. In cases where the dean of student services and the respondent are unable to come to an agreement on responsibility and/or consequences, and the dean of student services' chosen consequence includes a sanction separating the student from the University (e.g. [Article VII Section 1.h](#), [Article VII Section 1.k](#), [Article VII Section 1.l](#), [Article VII Section 1.m](#), [Article VII Section 1.n](#), [Article VII Section 1.o](#) or [Article VII Section 1.p](#)), the respondent shall have the right to request a hearing in front of a Hearing authority.
- c. In cases where the respondent fails to appear for the conduct meeting and the recommended consequences includes separation between the student and the University (e.g. [Article VII Section 1.h](#), [Article VII Section 1.k](#), [Article VII Section 1.l](#), [Article VII Section 1.m](#), [Article VII Section 1.n](#), [Article VII Section 1.o](#) or [Article VII Section 1.p](#)), the dean of student services will designate an entry of "not responsible" and set up a hearing with a Hearing Panel as the Hearing Authority.

6.6 Any hearing conducted pursuant to the Code shall be conducted in order to provide a fair opportunity for hearing of every participant's position, explanations and information according to the following guidelines:

- a. Hearings will be conducted in private. Only individuals serving a defined purpose will be allowed to participate (e.g. complaining and responding students, identified witnesses, advisors to participants, emotional support individuals), and only to the extent necessary for that defined role (i.e. emotional support individuals may sit in close

proximity to a witness while being questioned, but then must leave for all other aspects of the Hearing.

- b. The parties to a hearing must each inform the dean of student services of witnesses who they intend to have provide information at the hearing at least five (5) business days in advance of the hearing. The Hearing Authority may determine that there are other relevant persons who know information about the situation and invite them to participate in the hearing to share their information.
- c. The Hearing Authority may cause to be removed from the hearing any person who disrupts or impedes the hearing or who fails to adhere to the rulings of the Hearing Authority.
- d. Unless prior arrangements have been approved by the Hearing Authority, the complaining party should appear as part of the dean of student services presentation of charge(s) before the Hearing Authority. If the complainant alleges violation under the [Title IX policy](#), a complainant's presence at a hearing is not a prerequisite to proceeding with the hearing.
- e. If the respondent has been properly notified of the hearing, but fails to appear, the hearing may take place in the respondent's absence and the findings and consequences will be binding on the respondent, subject to the respondent's right to appeal pursuant to [Article VIII](#).
- f. In hearings involving more than one accused student, the dean of student services, at their discretion, may decide to separately conduct the hearings concerning each student.
- g. Both parties to a hearing have the right to be assisted by an advisor of their choosing at their own expense. A party is only allowed one (1) advisor, unless otherwise approved by the Hearing Authority. The party's advisor may be an attorney. Participants are each responsible for presenting their own information and, therefore, advisors are not permitted to speak or to participate directly in any hearing. It is the responsibility of the participants to notify the dean of student services of the identity of their advisor no later than five (5) business days in advance of the hearing date.
- h. In consideration of the limited role of advisors and of the compelling interest of the University to efficiently resolve allegations of violations of the Code, the work of a Hearing Authority will not, as a general practice, be delayed due to the unavailability of an individual's advisor.
- i. Presenting information and rebutting information presented at a hearing are rights available to both parties. However, certain circumstances may make it prudent to limit either party from submitting direct questions to a witness or participant. Therefore, at the discretion of the dean of student services or Hearing Authority, all questions may be submitted in writing to the Hearing Authority to ask the questions on the party's behalf. Only those questions appropriate and relevant will be allowed by the Hearing Authority. All parties will be allowed similar and timely access to materials introduced during a Hearing.
- j. It is the responsibility of the person desiring the presence of a witness before a hearing to ensure that the witness appears. Because experience has demonstrated that the actual appearance of an individual is of greater value than a written statement, the

latter is discouraged and should not be used unless the individual cannot reasonably be expected to appear. Any written statement must be dated, signed, and notarized unless otherwise allowed by the Hearing Authority. The work of a Hearing Authority will not, as a general practice, be delayed due to the unavailability of a witness.

- k. The Hearing Authority may accept for consideration all information which reasonable persons would accept as having relevance to the allegations. Unduly repetitious, personally abusive information, or evidence overly extraneous to the charges under consideration should be excluded. In cases of alleging a violation of the [Title IX policy](#), questioning about the complaining party's sexual history with anyone other than the respondent will not be permitted.
- l. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration at the discretion of the Hearing Authority. The dean of student services must receive such pertinent records, exhibits and written statements at least five (5) business days prior to a hearing for a party to include such evidence in the hearing, unless as otherwise allowed by the Hearing Authority.
- m. All procedural questions during the hearing are subject to the final decision of the Hearing Authority.
- n. The members of the Hearing Authority will conduct deliberations in private as to a respondent's responsibility and, if necessary, appropriate consequences. The Hearing Authority shall determine (by majority vote if the hearing body consists of more than one person) whether the respondent has violated each of the charged sections of the Code.
- o. The Hearing Authority's determination shall be made on the preponderance of evidence, on the basis of whether it is more likely than not that the respondent violated the Code.
- p. Any participant in a hearing who has a disability and requires accommodation in order to fully participate in the hearing should arrange accommodations with the dean of student services or disability services coordinator sufficiently in advance of the hearing.
- q. There may be circumstances, particularly in cases of sexual assault, domestic or dating violence or stalking in which participants to a Hearing may request that individuals are visually blocked from view during the hearing. Such a request will be evaluated on a case-by-case basis by the Hearing Authority. If such a request is granted, every effort will be made to ensure that all parties have the ability to present questions to any individual, regardless of that individual being physically present or visible.
- r. The members of the Hearing Authority will conduct separate deliberations in private as to the appropriate consequences for those violations it has determined the respondent has violated. The Hearing Authority will entertain recommendations from both parties as to appropriate consequence. A respondent's past violations and consequences (including past violations and consequences that occurred at any of the University's campuses or at another institution of higher education) may be relevant and considered when determining action or appropriate consequences.

6.7 A digital recording of all hearings will be recorded by the dean of student services and/or the Hearing Authority. The record shall be the property of the University. No other party will be allowed to make a separate recording of any type. Both parties to the proceeding will have

access to inspect the digital recording, at the office and the discretion of the dean of student services.

- 6.8 The Hearing Authority will provide the dean of student services with the parties CRF which will outline the Hearing Authority's finding on responsibility and consequences. The CRF will also include a written summary of the Hearing Authority's rationale for its finding of responsibility and consequences. Following completion of a CRF, the respondent will receive an outcome letter from the dean of student services, summarizing any charges and consequences resulting from the conduct adjudication process.
- 6.9 Except in the case of a student charged with failing to obey the summons of a Hearing Authority or University official, no student may be found to have violated the Code solely because the student failed to appear for a hearing. In all cases, the information in support of the charges shall be presented and considered.
- 6.10 The University records of a student may be placed on a hold under this Code when a student:
- a. Is given sufficient notice to respond to a letter of conduct charges and fails to respond;
  - b. Does not fulfill a conduct consequence within the deadline established by a Hearing Authority or by agreement with the dean of student services;
  - c. Has received a consequence that prohibits future enrollment;
  - d. Has indicated a criminal charge or conviction on the application for admission and must provide requested information to the dean of student services that is relevant to reaching an admissions decision;
  - e. Has been summoned by the dean of student services or a designee for a meeting concerning the student's alleged misconduct and will not comply with the request.
  - f. Is a respondent in a Title IX investigation in which the Title IX investigator has found a violation of the policy by a preponderance of the evidence and has submitted the investigative report to the dean of student services pursuant to this Code.

The purpose of a hold is to compel a student to fulfill an obligation to the dean of student services (including the office of residence life). A Student Life Hold (J Hold) on records denies the student the right to register for future classes or change class registration until the hold on records is removed by the dean of student services when the student fulfills the required conditions. A student receiving a hold may seek relief from the chancellor. The student shall request relief in writing. Upon review, the chancellor can amend the conditions of the hold or remove the hold.

- 6.11 Through the course of the conduct process, the University will maintain records relating to an individual's participation in the conduct process. This conduct file, including the outcome of a conduct meeting or a hearing, and the consequences imposed, are educational records and are protected from release under the Federal Education Rights and Privacy Act (FERPA), except as otherwise required or permitted by law.
- a. The dean of student services will facilitate the disclosure of the student's conduct file upon written request. In order to request a copy of the conduct file an individual (or their next of kin) should submit a request to the dean of student services.
  - b. Following release of an acceptable written request, the dean of student services will release a redacted version of the student's conduct file. Such redaction will still include



the name of the respondent party, the charges pursued in the conduct process, and any consequence imposed against the respondent.

- c. Conduct records of student organizations may be requested through the University's custodian of records office.

## **Faculty**

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

### **14. Academic Personnel Grievance Policies**

#### **14.1 Administrative Actions**

Prior to invoking the Professional Practices Review Procedure (PPRP), the administrator(s) should demonstrate reasonable attempts to resolve the complaint about the faculty member through informal negotiation. This could include counseling, career development activities, self-improvement workshops or conferences or mutually agreed upon periodic review and assessment periods. The use of mediators or alternative dispute resolution could also be considered and the University will pay for the cost of the mediator. The dean of academic affairs should be involved in the resolution attempts.

A major sanction on a faculty member may be imposed only after the formal review process set forth in the Professional Practices Review Process (PPRP) has occurred or after consent of the faculty member is obtained. The PPRP process must be used regardless of whether sanctions are being considered for a single faculty member or a group of faculty members. If multiple faculty members are involved, a separate PPRP must be used for each individual faculty member unless all parties agree that one PPRP be conducted.

The imposition of minor sanctions may occur without use of the PPRP; however, a faculty member may utilize the Academic Personnel Grievance Process (section 13.0) to grieve the imposition of a minor sanction.

##### **14.1.1 Major Sanctions**

Major sanctions are adverse employment actions and include such things as dismissal, revocation of tenure, demotion of rank, involuntary reassignment to duties which substantially change the nature of the faculty member's responsibilities and suspension of employment without pay. Dismissal of a faculty member may only occur if the statutory reasons set forth in RSMo Section 174.150 are established (incompetence, neglect or refusal to perform duties, dishonesty, drunkenness or immoral conduct). Reassignment which occurs pursuant to Section 14.1.3 is not a University sanction.

##### **14.1.2 Minor Sanctions**

Minor sanctions are less serious actions and include such things as formal warnings, letters of reprimand and requests for formal written apologies. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed minor sanction should not be imposed. A faculty member who believes that a major sanction has been imposed under this

section or that a minor sanction has been unjustly imposed, may file a grievance with the APRC (section 13.0).

#### 14.1.3 Reassignments

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

A faculty member may be temporarily reassigned by the chancellor without his/her consent in exceptional circumstances for the good of the University for up to one academic year. The existence of the exceptional circumstances must be verified by the department head, division chair and dean of academic affairs.

A faculty member who believes he/she has been removed from the classroom teaching or reassigned improperly and who is not involved in the PPRP, may file a grievance with the APRC (section 13.0).

#### 14.1.4 Imminent Threat

If a faculty member poses an imminent threat, major sanctions can be imposed before the internal University Informal and Formal Review processes have been initiated.

If there is probable cause to believe that the actions of a faculty member pose an imminent threat to the safety of a member of the University community or if the faculty member has threatened destruction of University property and there is probable cause to believe the threat will be carried out, the dean of academic affairs or chancellor has the authority to suspend the faculty member from his/her teaching or other assignments and/or ban the faculty member from using University property or services.

If a major sanction is imposed based on an imminent threat, the faculty member may initiate the Academic Personnel Grievance Process (section 13.0).

### 14.2 Origin of Allegations

#### 14.2.1 Allegations of Unprofessional Conduct

The PPRP is initiated by a department head, division chair, dean, chancellor or president if the conduct of a faculty member is considered sufficiently grave to justify imposition of major sanctions. After discussing the situation with the faculty member, the administrator institutes the PPRP by preparing a written complaint and providing it to the faculty member. Only the chancellor may institute the PPRP if a dismissal is a recommended sanction.

Exercising academic freedom of speech or political speech/ affiliation shall not be grounds for dismissal or imposition of major sanctions.

Although the PPRP may be initiated only by administrators, faculty or staff may present allegations of unprofessional conduct against another faculty member to the faculty member's department head who should investigate and proceed appropriately. If the department head is unable to resolve the complaint, the person alleging the impropriety may take the matter to the division chair or the dean of academic affairs. If none of the three administrators chooses to initiate the PPRP, the matter is considered resolved.

### 14.3 The Professional Practices Review Process

#### 14.3.1 Informal Review

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

#### 14.3.2 Formal Review

If a mutually agreeable resolution of the dispute has not been reached through informal review, the formal review process may be instituted by the dean of academic affairs or chancellor through written notification of the faculty member and the Academic Personnel Review Commission (APRC). Within 21 days, the APRC shall empanel a Faculty Hearing Panel (FHP) as set forth in Section 13.3.1.2. The APRC shall be available to advise the FHP on procedural issues, to ensure that the PPRP process is followed and to ensure that the faculty member receives due process before sanctions are imposed. The FHP may receive legal advice from the office of general counsel. A faculty member can be removed from classroom teaching and/or reassigned to other campus duties while the PPRP process is proceeding if at least two of the following three administrators agree (department head/designee, division chair and dean of academic affairs). The faculty member shall continue to receive his/her salary throughout the process and it shall not be reduced because of the reassignment.

#### 14.3.3 Documentary Evidence

The formal charges and all evidence utilized during the informal review shall be forwarded to the FHP for review.

The administration and faculty member may present any other written evidence to the FHP, which shall also be presented to the other party.

#### 14.3.4 Prehearing Meetings

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

#### 14.3.5 Hearing

The formal hearing may involve one or more meetings at which witnesses may be examined. Each party shall provide the names of its witnesses to the other party and the FHP in advance of

the hearing. The administrator initiating the PPRP and the faculty member will each be allowed to present an opening statement without interruption and orally question the witnesses and parties. The FHP may also orally question the witnesses and parties. The administrator and the faculty member may be represented by counsel, but counsel shall not be permitted to question the witnesses or parties. The Missouri Rules of Evidence need not be followed, but the FHP will base its finding on only reliable evidence. A verbatim record of the hearing will be taken and made available to the parties at the University's cost.

#### 14.3.6 Burden of Proof

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

#### 14.3.7 Confidentiality

To the extent practical, the informal and formal PPRP shall be confidential. All proceedings of the FHP shall be conducted in private and the FHP report shall be available only to the parties to the grievance, those involved in the process and those acting on any appeal.

#### 14.3.8 Report

The FHP shall prepare a written report divided into findings of fact and recommendations with supporting reasons which shall be presented to the dean of academic affairs and the faculty member within 7 days of the conclusion of the hearing. A minority report also may be prepared.

#### 14.3.9 Time Period

The time between the empaneling of the FHP and the preparation of the FHP report shall be no longer than 60 days unless there are exceptional circumstances. Extensions must be approved by the APRC.

### 14.4 Post-Hearing Procedure

#### 14.4.1 Dean of Academic Affairs Review

The dean of academic affairs shall accept the FHP findings of fact but is not required to accept the FHP recommendations or sanctions. If the dean of academic affairs imposes different sanctions on a faculty member than recommended by the FHP, said sanctions shall be set forth in writing and presented to the faculty member within 14 days of the date of the FHP report. If the dean of academic affairs is a party to the dispute, the chancellor will fulfill this function.

#### 14.4.2 Appeal Rights

If major sanctions are imposed by the dean of academic affairs on a faculty member, the faculty member may prepare a written appeal to the chancellor within 14 days of receiving the decision of the dean of academic affairs. The chancellor will rule on the appeal within 30 days of its receipt and notify the faculty member of the results in writing.

#### 14.4.3 Right to Appeal to the Board of Governors

When the FHP, dean of academic affairs and chancellor do not agree on the sanctions, the faculty member shall have the right to appeal to the Board of Governors. If the sanction is dismissal, the decision may always be appealed to the Board of Governors. The appeal must be filed within 14 days of the receipt of written notification regarding implementation of sanctions from the chancellor.

#### 14.4.4 Information Provided to the Board of Governors

The Board of Governors reviews the case, including all documentation, written findings and recommendations. The following reports must be forwarded to the Board of Governors for review:

1. Comments and Recommendations of the APRC
2. Findings of Fact and Recommendations of the FHP and
3. Recommendations of the dean of academic affairs and chancellor.

#### 14.4.5 Board of Governors is Final Authority.

### **Staff**

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

#### **9.4 Disciplinary guidelines**

Employees whose work performance does not meet required standards or who violate rules, regulations or policies of the university may be disciplined according to the seriousness or repetition of the violation. While formal disciplinary steps usually are not required for dismissal of probationary or part-time employees, supervisors and department heads must contact the office of human resources regarding appropriate dismissal procedures for all employees including probationary or part-time employees before taking such action.

Certain actions can cause employees to be disciplined, including but not limited to the following:

- Insubordination
- Refusal to obey directions or accept assignments; refusal to work required overtime
- Inefficiency, incompetency or inability in the performance of duties
- Careless workmanship or negligence in the performance of duties
- Disregarding safety and/or security regulations
- "Horseplay" which endangers self or other employees
- Sleeping, loitering or loafing during working hours
- Reporting to work under the influence of drugs or alcohol; refusal to consent to drug or alcohol testing
- Unlawful manufacture, distribution, dispensing, possession or use of controlled substances on university property or as part of university activities
- Possession, use or distribution of alcohol on university property. The possession, use or distribution of alcohol in conjunction with university activities not on university property shall be in compliance with applicable federal laws, state laws and local ordinances
- Excessive, unnecessary or unauthorized use of university supplies, materials, equipment or vehicles particularly for personal purposes
- Unauthorized use or misuse of all computer systems, equipment and software
- Careless, negligent or improper use of university property including official vehicles

- Conducting personal business on the job
- Excessive or unauthorized use of telephones
- Habitual or flagrant improper use of leave privileges; failure to return from approved leave of absence
- Continual tardiness or chronic absenteeism; failure to notify supervisor of absence
- Leaving the job during working hours without permission
- Fraudulent acts, dishonesty or misrepresentation including falsifying employment application or work records or other university work records: including their own or another employee's work record such as falsifying time records
- Conviction of a criminal act or illegal activity reasonably related to conduct relevant to the workplace
- Fighting or using obscene, abusive or threatening language or gestures
- Theft or not reporting one's knowledge of theft of university property
- Gambling during working hours
- Unauthorized possession of ammunition, firearms, explosive weapons or other weapons as defined in Missouri Revised Statutes Section 571.010(2),(6),(10),(11),(13),(17) and (18), on university premises or while on university business. Authorization to possess such items on university property may be granted by the director of safety and transportation or his/her designee
- Viewing, creating and/or distributing pornographic materials while at work or utilizing university resources
- Violating the university's nondiscrimination and/or sexual harassment policy
- Violating university rules, policies or regulations or departmental work rules
- Unauthorized release of confidential information from official records
- Disorderly or immoral conduct on the university premises
- Smoking where prohibited
- Misconduct off duty which reflects discredit on or causes embarrassment to the university or to the state of Missouri

### **9.7 General provisions for disciplinary actions**

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

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

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

It is the policy of the university to be fair and impartial in all its relations with employees and to recognize the dignity of the individual. Fairness and consistency require that certain general principles of administering discipline be followed by all supervisors. Representatives in the office of human resources are available to discuss the appropriate course of action in a particular case. Disciplinary action involving transfer, compensation reduction, withholding salary increases, demotion, suspension or dismissal are accomplished upon the recommendation of the department head, appropriate vice president, and with the approval of the director of human resources.

### **Rights of the Parties in an Institutional Proceeding:**

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

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Faculty and Staff members who serve on a Title IX hearing panel are required to attend an introductory training session upon their appointment. Additionally, they are required to attend a training session each semester in order to serve. The Office of Student Conduct will also provide monthly optional trainings which panel members are encouraged to attend.

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

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

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

The potential sanctions for violations of this policy by members of the university community, depends on the particular classification of the Respondent.

**Student**

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

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

**Faculty**

If the Respondent is a faculty member, the university will follow the adjudication process outlined in the Faculty Handbook and the Professional Practice Review Process (“PPRP”). Possible sanctions for violations of this policy include:

- Warnings
- Letters of reprimand
- Suspension of employment without pay
- Involuntary reassignment of duties
- Revocation of tenure
- Demotion of rank
- Dismissal

**Staff**

If the Respondent is a staff member, the university will utilize the process outlined in the Employee Handbook. Possible sanctions for violations of this policy include:

- Warnings
- Reprimand



- Transfer
- Suspension without pay
- Compensation reduction
- Withholding of salary increases
- Demotion
- Dismissal

In addition, the University can make available to the victim a range of protective measures. They include: forbidding the accused from entering the victim’s residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

**Publicly Available Recordkeeping:**

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

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

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

**Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Director of business and support services at (417) 255-7258. State registry of sex offender information may be accessed at the following link:

<http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

**Timely Warnings and Emergency Response**

*Timely Warnings*

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

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

- Chancellor, 417-255-7900
- Dean of Student Services, 417-255-7225
- Director, Business and Support Services, 417-255-7258

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

### Emergency Response

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

Students, staff and visitors are encouraged to notify the Director of Business and Support Services at 417-255-7258 of any emergency or potentially dangerous situations.

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

Once the emergency is confirmed and based on its nature, the Director of Business and Support Services will consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified.

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

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

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

If deemed necessary, the direction of the Director of Business and Support Services, the university will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

### Methods for Issuing Timely Warnings and Emergency Notifications

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

<b>Method</b>	<b>Sign-Up Instructions</b>
University webpage	N/A
MSU-Alert (voice, email, text)	opt-out system
Phone	N/A
Email	N/A

### Testing & Documentation

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

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

### Missing Student Policy

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the Residence Life Manager at (417) 256-1870, the Coordinator of Student Life & Development at (417) 255-7233, and the Director of Business and Support Services at (417) 255-7258. Anyone receiving a missing student report will immediately notify campus safety (or local law enforcement, if necessary) so that an investigation can be initiated. In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the person is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation

In accordance with the Higher Education Act of 2008, all students who reside in on-campus housing may identify an individual who will be contacted by University or law enforcement personnel after it has been determined that the student is missing. If campus officials determine that a student for whom a missing person report has been filed has been missing for more than 24 hours, then within the next 24 hours, they must: notify the individual identified by the student to be contacted in this circumstance; notify a parent or guardian if the student is under 18 years old; and notify law enforcement. If at any time foul play is suspected or suspicious circumstances are uncovered, the Director of Business and Support Services and law enforcement officials will be contacted immediately.

## **Organizations or Persons to Whom a Report should be made**

The organization or persons to which individuals should report a student as missing includes: Resident Assistants, Coordinator of Student Life & Development, Residence Life Manager, Dean of Student Services, and/or the Director of Business and Support Services.

## **Procedure for Informing Students**

During the first floor meeting of the fall semester, Resident Assistants (RAs) will cover confidential contact information with students. During the first week of the spring semester, the RAs will meet with all new students to provide missing-person policy information. Written information describing the process of submitting the confidential contact will be included along with the form for students to complete. Students can submit the form to the RAs at which time a date will be placed on the form. A file will be kept in the Coordinator of Student Life & Development's office until the beginning of the next academic year when the forms will be shredded. Students can change the information on their form at any time by asking for a new form from the RAs. The new form will be placed in the file, and the old form will be shredded.

## **Procedure for Determining if a Student is Missing**

If a student is reported missing, the person receiving the report should be sure to obtain the reporting person's name, relationship to the student and contact information where the reporting person can be reliably reached. The person receiving the report should obtain local directory information about the missing student and immediately notify the Residence Life Manager or the Coordinator of Student Life & Development.

The Residence Life Manager or the Coordinator of Student Life & Development should refer to the Reported Missing Student Checklist and contact the reporting person to obtain the additional information needed. If the Residence Life Manager or Coordinator of Student Life & Development determines at any point that there is a credible threat to the well-being of the student reported as missing, the Residence Life Manager or Coordinator of Student Life & Development should inform the Director of Business and Support Services who will, if deemed necessary, call and request West Plains Police assistance and also inform the Chancellor. The coordinator should then proceed to contact known student friends/relationships, beginning with roommates/suitemates and the missing student's resident assistant. The Residence Life Manager or Coordinator of Student Life & Development should also use direct and indirect methods of leaving messages for the student to make contact immediately. The purpose at this point is to determine if the student is truly missing or has simply failed to make the desired contact with the reporting person. If the student is located or is determined not to be missing, the student should be advised to contact the reporting person. The Residence Life Manager or Coordinator of Student Life & Development may also contact the reporting person and relay that the student is not missing and has been asked to contact the reporting person.

If pursuing known contacts has not yielded confirmation that the student is not missing, the Residence Life Manager or Coordinator of Student Life & Development should use one or more of the following measures to determine recent activity by the student reported as missing:

- Meal plan utilization
- Mailbox activity
- Class attendance

- In-plain-sight examination of room to see signs of recent use or planned departure

If the results of these activity measures suggest that the student is indeed missing and unaccounted for, the Director of Business and Support Services will immediately notify the West Plains Police Department and request law enforcement investigation. All information obtained about the missing student through the residence hall investigation should be shared with law enforcement representatives. The Residence Life Manager or Coordinator of Student Life & Development is responsible for notification of the missing student's identified contact if the student has been missing for 24 hours. If the student is under 18 years of age and not an emancipated individual (by court order, no longer under the control or responsibility of parents), the Residence Life Manager or Coordinator of Student Life & Development shall immediately contact the custodial parent or guardian.

### **Procedure for Notification of Missing Student**

If University officials determine that a student for whom a missing-person report has been filed has been missing for 24 hours, then within the next 24 hours, they must:

- Notify the individual identified by the student to be contacted in this circumstance
- If the student is under 18 years old, notify a custodial parent/guardian and any other designated contact person
- Notify law enforcement.

The above procedures do not preclude University officials from making a determination that a student is missing before the student has been missing for a full 24 hours or initiating notification procedures as soon as it determines that the student is missing.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the University will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the University will also notify that student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

## Crime Statistics

The summary of crimes for the West Plains Campus over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	1	3	2	1	3	2	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	8	3	1	5	3	1	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	1	1	0	1	1	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	1	0	0	0	0	0	0	0	0	0	0	0

**Hate crimes:**

**2018:** No hate crimes reported.

**2017:** No hate crimes reported.

**2016:** No hate crimes reported.

**Crimes unfounded by the University:**

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

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

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

**Data from law enforcement agencies:**

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.

## Crime Statistics

The summary of crimes for the Mt. Grove Campus over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0



**Hate crimes:**

**2018:** No hate crimes reported.

**2017:** No hate crimes reported.

**2016:** No hate crimes reported.

**Crimes unfounded by the University:**

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

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

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

**Data from law enforcement agencies:**

The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.

## Crime Statistics

The summary of crimes for the Dalian Campus over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	1	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

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**Data from law enforcement agencies:**

The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.

# Annual Fire Safety Report

## Housing Facilities and Fire Safety Systems

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

**Campus:** Missouri State University - West Plains, 128 Garfield Avenue, West Plains, MO 65775

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Grizzly House, 401 West Trish Knight Street, West Plains, MO 65775	X		X	X	X	X	4
Grizzly Lofts, 665 Missouri Avenue, West Plains, MO 65775	X		X	X	X	X	4

## Policies on Portable Appliances, Smoking and Open Flames

These guidelines, located in the Guide to Residence Hall Living, detail the policies on portable electrical appliances, smoking, and open flames:

- Smoking and/or possession of a lit substance, including the possession of candles, candle warmers, incense and flame-heated potpourri pots, is prohibited in any residence hall room and/or in any public area including elevators, bathrooms, hallways, lounges, laundry rooms, lobbies, balconies, within 50 feet of all entrances and exits of all residence halls, unless otherwise specified.
- Items not allowed in the residence hall rooms and/or public areas include heaters/heating units (except UL-approved heating blankets), halogen touchier lamps, waterbeds, fog machines, personal washers/dryers or dishwashers, candles (with or without wicks), air conditioners, outside antennae, flammable liquids, incense, alcoholic beverages/containers, non-university provided refrigerators and microwaves, personal surveillance systems in public places, any open-coiled appliances, toaster ovens, pizza cookers, hot plates, sandwich makers, electric skillet, deep fat fryers/Fry Daddies, BBQ grills and George Foreman grills.

The fire alarm system, fire extinguishers, exit doors, sprinkler system, and lights are installed for the residents' protection. Tampering with fire equipment including smoke detectors, and sprinklers, can result in civil prosecution, disciplinary measures and/or possible fines.

The University regards false fire alarms and arson as serious threats to the well-being of the residence hall community. Reflecting this priority, rewards are paid to individuals assisting in the conviction of persons tampering with the fire alarm system and/or those involved in arson activities.

The fire doors at the Grizzly House and Grizzly Lofts are considered part of the fire safety equipment of the residence hall. Improper propping or rigging of the door to prevent it from closing is a direct violation of University policy.

A \$100 reward shall be paid to an individual(s) providing information that leads to the conviction in the campus judiciary system or in a court of law of a person(s) guilty of turning in a false fire alarm or activating the sprinkler system on the university campus.

A \$100 reward shall be paid to an individual(s) that leads to the conviction in the campus judiciary system or in a court of law of an individual(s) responsible for arson activities on the University campus.

The University reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

## **Fire Evacuation Procedures**

**In the event of a fire, any person should immediately call the West Plains Fire Department (417-256-2424 or 911) and, as quickly as possible, also notify their immediate supervisor and/or the Director of Business and Support Services.**

### **In the event the fire alarm sounds:**

1. Leave the residence hall at once, using the nearest stairway exit. Depart the room immediately, but dress in preparation for exiting into the outdoors (e.g., shoes, coats, etc.).
2. Ensure door is fully closed after leaving your room.
3. Never use the elevator during a drill or actual fire.
4. Evacuate to the designated emergency evacuation location, given at the required RA meeting and posted on the Emergency Procedures poster located in each residence room, community room, and at the end of each hallway. Do not return to the residence hall until given the all-clear signal by safety personnel or Residence Life staff.  
**Note:** If you are away from your room when the fire alarm sounds, do not return to your room but leave the residence hall via the nearest exit.

### **In the event of a fire:**

1. Contain the fire, if possible, by closing the door.
2. Notify your RA immediately. Fire alarms are located in each hallway.
3. Leave the residence hall by the nearest exit. Do not use an elevator. Close the room and hallway doors behind you. Remain calm at all times.
4. Evacuate to the designated emergency evacuation location, given at the required RA meeting and posted on the Emergency Procedures poster located in each residence room, community room, and at the end of each hallway.

5. Do not return to the residence hall until given the all-clear signal by a member of the Residence Life staff.

**Note:** No matter how small the fire, and even if it is already extinguished, report it to the RA immediately.

### **If There is an Actual Fire:**

1. Call 911 immediately, although the Fire Department may already have been contacted.
2. Begin the evacuation of the building and do not permit re-entry until the all clear signal has been given by authorized Residence Life staff.
3. Take building roster to evacuation location and account for residents.

### **Fire Education and Training Programs**

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire and inform them of the University's fire safety policies. Information distributed includes maps of each facility's evacuation route and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a "buddy" assigned to assist him or her.

### **Reporting Fires**

The University is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Director of Business and Support Services at (417) 255-7258. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements**

though there are currently no set plans for future improvements in fire safety, Missouri State University-West Plains plans to explore the feasibility of integrating an addressable fire alarm system with remote notification capabilities into the existing fire protection system.

## **Fire Statistics**

### **2018**

No fires were reported in 2018.

### **2017**

No fires were reported in 2017.

### **2016**

No fires were reported in 2016.