

# **2024 ANNUAL SECURITY REPORT**



**Missouri State University - Mountain Grove Campus (WP)**  
**9740 Red Spring Rd.**  
**Mountain Grove, MO 65711**

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## **Introduction**

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

## **Policy for Preparing the Annual Report**

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

There is not a Missouri State University public safety officer assigned to the Mountain Grove 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 Office of Campus Safety. The number to contact is 417-836-5509.

The University has a working relationship with Mountain Grove Police Department (MOU for Law Enforcement on incidents for sexual assault, domestic violence, dating violence, and/or stalking) for the Mountain Grove campus.

An on-site Campus Security Authority may be contacted in case of emergency, as provided below.

### **Campus Security Authorities**

The University has designated certain officials to serve as Campus Security Authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics.

The Campus Security Authorities to whom the University would prefer that crimes be reported are listed below.

- Office of University Safety at 417-836-5509
- Mountain Grove Administrative Assistant at 417-547-7502
- Title IX Coordinator at 417-836-4252

## **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 when the victim of a crime elects to, or is unable to, make such a report.

- Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 911.
- Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of University staff will assist a student in making the report to the police.
- Anonymous incident reports can also be made at [MissouriState.edu/ReportCrime](https://MissouriState.edu/ReportCrime)

## **Confidential Reporting**

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

The Title IX Coordinator may keep confidential the identity of any individual who has made a report or complaint of Sex Discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witnesses depending on the specific circumstances of the case. The Title IX Coordinator may permit disclosure of the above information as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the grievance process.

The Title IX Coordinator will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the Title IX Coordinator to provide the supportive measures.

The Title IX Coordinator must include the identity of any known complainant in its initial notice of formal complaints. As a result, anonymity cannot be provided to complainants who wish to proceed with a formal complaint.

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

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

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

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

All academic buildings are secured during the evenings and weekends and may be secured during normal business hours. Access to the buildings when secured is only allowed for faculty/staff members and students who are accompanied by faculty/staff members. The duplex used for housing is secured by the residents of the facility.

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

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

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

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

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

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

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

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

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

Crime prevention programs are available at any time online at:

[MissouriState.edu/PreparednessTraining](https://MissouriState.edu/PreparednessTraining).

- This comprehensive set of videos was developed specifically for students on a college campus and covers important topics relevant to safety on campus, including active shooter, thefts, everyday safety, travel tips, and common self-defense and are available to all members of the campus community at any time.

University employees and students must take an active role in their personal safety and security. Each individual is expected to behave in a responsible manner concerning their own personal safety, and the security of their possessions. The University encourages students and employees to contact the Office of University Safety and/or the on-site administrator to discuss information of this nature, as well any other matters related to the University's campus security procedures and practices.

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

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

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

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

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

## Crime Statistics

The statistical summary of crimes for the Mountain Grove campus over the past three calendar years follows:

<b>Criminal Offense</b>	<b>Reporting Year</b>	<b>On Campus</b>	<b>On Campus Housing</b>	<b>Non-Campus</b>	<b>Public Property</b>
Murder/Non-Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fondling	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Burglary	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

<b>VAWA</b>	<b>Reporting Year</b>	<b>On Campus</b>	<b>On Campus Housing</b>	<b>Non-Campus</b>	<b>Public Property</b>
Dating Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Domestic Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<b>Arrests &amp; Referrals</b>	<b>Reporting Year</b>	<b>On Campus</b>	<b>On Campus Housing</b>	<b>Non-Campus</b>	<b>Public Property</b>
Arrest – Drug Abuse Violation	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrest – Liquor Law Violation	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrest - Weapon Violation	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referral – Drug Abuse Violation	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referral – Liquor Law Violation	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referral - Weapon Violation	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

**Hate crimes:**

2023: No hate crimes reported.

2022: No hate crimes reported.

2021: No hate crimes reported.

**Unfounded crimes provided by law enforcement agencies:**

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 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.
- Certain law enforcement agencies did not comply with the University's request for crime statistics.

## **Drug and Alcohol Policy**

The unlawful possession, use or distribution of alcohol is prohibited on University property, in conjunction with University activities, and in conjunction with student organization events. The University recognizes the enforcement of all state underage drinking laws in cooperation with local law enforcement agencies.

“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.

“University-sponsored student organizations” are student organizations that are recognized by the University, advised by a full-time faculty or staff member, and funded in some manner through University funds.

Use of alcohol on University property, at University activities, or at the activities of University-sponsored student organizations 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 recognizes the enforcement of federal and state drug laws in cooperation with local law enforcement agencies. The possession, sale, manufacture, or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Federal Drug Laws (updated 08.05.2024)**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may

be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

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

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

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

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

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

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

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal\\_Trafficking\\_Penalties\\_Chart\\_6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

## Drug and Alcohol State Laws

Category	Summary (Missouri Revised Statues)
Possession of Marijuana	<p>Statutorily, marijuana remains a Schedule I controlled substance. Mo. Rev. Stat. § 195.017(2)(3)(ff). Possession for personal use of 10 grams or less, for a first offense, is a class D misdemeanor with a maximum fine of \$500 and no jail time. §§ 579.015(4), 558.002(1)(5). For a second offense, the charge elevates to a class A misdemeanor with a maximum fine of \$2,000 and up to one year in jail. §§ 579.015(4), 558.002(1)(2), 558.011(1)(6). It is also punishable as a class A misdemeanor to possess more than ten grams but thirty-five grams or less of marijuana or synthetic cannabinoid. § 579.015(3). Possessing more than 35 grams is a class D felony with a maximum fine of \$10,000 and up to 7 years in jail. §§ 579.015(2), 558.002(1)(2), 558.011(1)(4). The delivery of 35 grams or less of marijuana constitutes a class E felony, punishable by imprisonment for up to four years and a fine of up to \$10,000. §§ 579.020, 558.002(1)(1), 558.011(1)(5). Notwithstanding the foregoing, and subject to limitations, individuals over the age of twenty-one may purchase, possess, deliver without consideration, and consume up to 3 ounces of dried marijuana. Mo. Const. art. XIV § 2. Medical marijuana for certain conditions is allowed, and up to six ounces may be purchased every 30 days. Mo. Const. art. XIV § 1.</p>
Controlled Substances	<p>Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. Mo. Rev. Stat. §§ 579.015–579.088. Knowing possession of a controlled substance, except thirty-five grams or less of marijuana, is a class D felony, with a term of up to seven years imprisonment and a fine up to \$10,000. §§ 579.015, 558.011. Delivery of a controlled substance other than 35 grams or less of marijuana is a class C felony, resulting in a prison term of not less than 3 years and not more than 10 years, and a fine up to \$10,000. §§ 579.020(2), 558.002, 558.011. If a controlled substance is distributed or delivered within one thousand feet of a park designed for public recreation purposes or on public housing property, or within two thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, or on any school bus, the charge elevates to a class A felony, resulting in imprisonment between 10 to 30 years, or life imprisonment. §§ 579.030, 558.011.</p> <p>The offense of manufacturing or attempting to manufacture any amount of a controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C felony. § 579.055. Possessing, purchasing, or bringing into the state large quantities of controlled substances, also known as trafficking, can result in severe penalties, which vary depending on the substance and quantity involved. §§ 579.065, 579.068. It is also unlawful to possess drug paraphernalia, which is generally a class D misdemeanor. § 579.074.</p>
Alcohol and Minors	<p>In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor; a first violation is a class D misdemeanor carrying a fine not to exceed \$500. §§ 311.325, 558.002. A subsequent violation is a class A misdemeanor, subject to a</p>

Category	Summary (Missouri Revised Statutes)
	term of up to one year in jail and a fine not to exceed \$2,000. <i>Id.</i> ; § 558.011(6). Anyone between the ages of 17 and 21 who represents that they have attained the age of 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. § 311.320(1). The use of a fake identification is a misdemeanor and subjects the offender to a \$500 fine. § 311.320(2). Additionally, any person who procures for, sells, gives away or otherwise supplies intoxicating liquor to any person under the age of twenty-one years is guilty of a misdemeanor. § 311.310.
Driving Under the Influence (DUI)	A person is guilty of a DUI if the person operates a vehicle while having a blood alcohol concentration of 0.08 percent or while in an intoxicated condition. § 577.012, 577.010. A first offense is generally a class B misdemeanor, punishable by a fine of up to \$1,000 and imprisonment for up to six months. §§ 577.012, 577.010, 558.002, 558.011. If the offender qualifies as a prior offender, the offense constitutes a class A misdemeanor. 577.012, 577.010. Penalties may increase depending on the circumstances of the offense and the presence of prior offenses. <i>Id.</i>

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

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

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

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

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

- Title IX Sexual Harassment Grievance Procedure Policy: <https://www.missouristate.edu/Policy/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm>

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 Statues)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.
Domestic Violence	<p>Missouri's protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> <li>• “Abuse”, includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner.</li> <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.</li> </ul>

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<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> <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 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.</li> </ul>
Stalking	<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</li> </ul>

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<p>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.</p> <ul style="list-style-type: none"> <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 legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> </ul>
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)(f)).</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): 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</li> </ul>

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<p>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.</p> <ul style="list-style-type: none"> <li>• Rape in the Second Degree (Mo. Rev. Stat. § 566.031): 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): 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): 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): 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>
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): 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): 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): 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 (14) years of age.</li> </ul>



<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<ul style="list-style-type: none"> <li>• Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064): 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): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen (14) 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): 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): 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): 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): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</li> <li>• Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093): 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</li> </ul>

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<p>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.</p> <ul style="list-style-type: none"> <li>• Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095): 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): 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): 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>
Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))	Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.

University Definition of Consent

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

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

## Risk Reduction

### **Make Sure You Both Consent**

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

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go. Have a conversation. The best way to know what a person wants to do, sexually or otherwise, is to ask them and listen to the response they give.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

### **Risk Reduction**

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

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

### **Abusive Patterns**

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

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

### Bystander Intervention

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

- Participate in Engaging Bears: [MissouriState.edu/Engage/](https://MissouriState.edu/Engage/)
- Be a GOOD friend and a savvy bystander – look out for those around you.
- Don't leave your friend.
- Don't ignore signs of trouble – realize that it is important to intervene and help others.
- Be protective.
- BELIEVE.
- Get help.
- Be SUPPORTIVE in the short and long term.
- Don't hesitate to contact the police or other authorities.
- Understand that counterintuitive behavior of victims is normal.

### Other Information Covered by the PPAP

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

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

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

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

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

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

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

If you are a victim of a sexual assault, domestic violence, dating violence or stalking, go to a safe place and call 911 or the Missouri State University Office of University Safety at 417-836-5509. At the earliest opportunity, you should also contact the University's Title IX Coordinator at 417-836-4252.

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

- Texas County Memorial Hospital Emergency Department: 1333 S. Sam Houston Blvd., Houston, MO, 65483, 417-967-1269
- Mercy Emergency-Trauma Center: 1235 E. Cherokee, Springfield, MO, 417-820-2115
- Cox Emergency Department (North): 1423 N. Jefferson Ave., Springfield, MO, 417-269-3393
- Cox Emergency Department (South): 3801 S. National Ave., Springfield, MO, 417-269-4083

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

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

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

- Missouri State University Office of University Safety, 417-836-5509

- Mountain Grove Police Department, 911 or 417-926-5181
- Wright County Sheriff's Office, 911, 417-741-7576 or 417-741-7575
- To make a police report, a victim should contact one of the local police agencies listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

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: <https://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 on the Missouri Courts webpage: [Orders of Protection – Adult: Information for Both Parties](#).

- 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.
- 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. The following local law enforcement agency can assist:

- Wright County Sheriff's Office, 911, 417-741-7576 or 417-741-7575

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.

- Wright County Sheriff's Office, 911, 417-741-7576 or 417-741-7575

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

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

### **University Resources:**

#### **Title IX Office**

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

417-836-4252

Title IX Coordinator

417-836-4252

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

#### **Counseling Center**

MSU students receive free and confidential counseling services through a personalized model of care. Students may call the Counseling Center to schedule an Initial Consultation appointment as the initial point of entry; however, same-day crisis appointments are also available. The Counseling Center is staffed with full-time, licensed mental health providers and mental health trainees.

417-836-5116

#### **Magers Health and Wellness Center**

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

417-836-4000

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

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

## **Non-University Resources:**

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

Missouri Coalition Against Domestic & Sexual Violence: <http://www.mocadsv.org/>

National Domestic Violence Hotline: 1-800-799-7233, <https://www.thehotline.org/>

National Sexual Assault Hotline: 1-800-656-4673, <https://www.rainn.org/>

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

US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovv>

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

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

Stalking Resource Center: <https://www.stalkingawareness.org/contact/>

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

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

## **Accommodations and Supportive Measures:**

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

Requests for accommodations or supportive measures should be made to the Title IX Coordinator at 417-836-4252, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or supportive measures will be implemented.

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

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

The University will maintain as confidential any accommodations or supportive 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 supportive



measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or supportive measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

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

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Title IX Sexual Harassment Grievance Procedure Policy or the Discrimination Complaint and Investigation Procedures. The Title IX Grievance Procedure Policy applies to all members of the University community (students, faculty, and staff) for allegations relating to domestic violence, dating violence, sexual assault and/or stalking.

Information about the Title IX Coordinator and Deputy Title IX Coordinator are found below.

#### **Title IX Coordinator**

417-836-4252

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

#### **Deputy Title IX Coordinator**

417-836-4252

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

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

Following the submission of a formal complaint, the Title IX Coordinator will notify the parties of the possibility of resolving a formal complaint prior to the resolution of the grievance process through the informal resolution process. The informal resolution process must be voluntary and agreed to by both the complainant and respondent, and cannot be utilized if the respondent is an employee of the University. Either party may indicate their intention to withdraw from the informal resolution process at any time prior to the execution of the final informal resolution agreement.

Agreement to participate in informal resolution process. Either party may indicate in writing at any time, prior to the conclusion of the grievance process, their desire to participate in the informal resolution process. Any communication regarding the informal resolution process must be directed in writing to the Title IX Coordinator. Following written notice of a party's interest in the informal resolution process, the Title IX Coordinator will notify the other party of the interested party's desire to pursue informal resolution. Should the other party acknowledge in writing that they are also interested in pursuing informal resolution, the Title IX Coordinator will suspend the investigation of the allegations found in the formal complaint and prepare a draft informal resolution agreement.

1. The complainant and respondent may, but are not required to, suggest supportive measures, remedies, and/or other desired outcomes, that should be included in the draft informal resolution agreement.

2. The Title IX Coordinator will draft the informal resolution agreement, in consideration of any suggestions provided by the parties, and present the draft to the complainant and respondent for consideration.
3. Upon receipt of the draft informal resolution agreement a party must notify the Title IX Coordinator in writing that: i) the party approves the informal resolution agreement without edit; ii) the party requests revision to the resolution outcomes selected by the Title IX Coordinator, or iii) the party no longer wants to participate in the informal resolution process.

Revised informal resolution agreement. If a party requests a revision to the Title IX Coordinator's draft informal resolution agreement, the Title IX Coordinator will:

1. Inform each party as to the response provided by the other party.
2. Generate a revised informal resolution agreement based on the feedback received by the parties, to the extent that the Title IX Coordinator reasonably believes the parties can come to an agreement as to a final informal resolution agreement.
3. Provide the revised informal resolution agreement to the parties for review and response.

Failure to agree on revised or draft informal resolution agreement. If the parties do not agree to accept the revised informal resolution agreement, then the informal resolution process will cease and, to the extent permitted, the grievance process will resume. Either party may reengage the informal resolution process to the extent that they communicate, in writing, their willingness to accept a prior draft informal resolution or revised informal resolution agreement previously accepted by the other party.

Finalized informal resolution agreement. Once both parties acknowledge, in writing, their agreement to a draft informal resolution agreement or a revised informal resolution agreement, the Title IX Coordinator will finalize the informal resolution agreement. The Title IX Coordinator will present the final informal resolution agreement to both parties for signature. Once each party has signed the informal resolution agreement the Title IX Coordinator will:

1. Notify those offices necessary for the implementation of any resolution outcome identified in the final informal agreement.
2. Dismiss the formal complaint.

The Title IX Office will retain final informal resolution agreements pursuant to the limitations. Information obtained by the Title IX Coordinator solely in connection with the negotiation of the informal resolution agreement will not be included in the grievance process should the informal resolution process conclude without an informal resolution agreement.

Following the receipt of a formal complaint, the Title IX Coordinator will provide a notice of formal complaint of sexual harassment to the complainant and to the respondent identified in the formal complaint. The notice of formal complaint will include the following information:

- Notice of the University grievance process.
- Notice of the allegations of sexual harassment from the formal complaint, including, if known, to the Title IX Coordinator, the following details regarding the allegations of sexual harassment: the identities of the parties involved in the alleged incident, the

conduct allegedly constituting sexual harassment, the date and location of the alleged incident.

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, during the investigation of the formal complaint.
- A statement informing the parties that they, and their advisors, will have the right to inspect and review evidence obtained during the investigation of the formal complaint.
- A statement informing the complainant and respondent of any provision in the University's applicable policies that prohibits knowingly making false statements in bad faith or knowingly submitting false information (collectively, false statement(s)) during the grievance process.
- As applicable, a statement regarding the requirements of the informal resolution process, including i) the voluntary nature of a party's participation in the informal resolution process, ii) the circumstances under which the informal resolution process precludes the parties from resuming a formal complaint arising from the same allegations, iii) the parties' right to withdraw from the informal resolution process, and iv) the records that will be maintained and disclosed following the conclusion of the informal resolution process.

**Live Hearing of Formal Complaints of Title IX Sexual Harassment.** Following the completion of the Title IX final investigative report, the Title IX Coordinator will review the Title IX final investigative report along with the corresponding formal complaint for possible dismissal. If a formal complaint is not dismissed, the Title IX Coordinator will schedule a live hearing no sooner than five (5) days following the issuance of the Title IX final investigative report. The Title IX Coordinator and Title IX Investigator will endeavor in good faith to ensure the grievance process is completed promptly and absent necessary delays, and should conclude within a period of 90 days.

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

- The selection and coordination of the decision maker(s) assigned to facilitate the live hearing;
- The facilitation of the live hearing being conducted virtually; and
- Ensuring that an audio recording of the live hearing is created and available.

Evidence Available at the Live Hearing. At the live hearing, the complainant and respondent (including their advisors), as well as any decision maker, will have an equal opportunity to inspect and review all evidence available in the evidence database.

Presentation of Evidence at the Live Hearing. The decision maker will facilitate the presentation of evidence through the presentation of relevant questions, via direct examination and cross examination, to the complainant, respondent, and any witnesses, including questions on credibility. The decision maker, as a neutral factfinder, may pose direct questions to any participant in the live hearing (complainant, respondent, and/or

witnesses). The advisor for the complainant and respondent may engage in cross examination. The decision maker will not require, allow, rely upon, or otherwise use direct or cross examination questions that seek disclosure of information prohibited under the evidence collected by the University during the Title IX investigation unless the appropriate authorization has been provided. Any determinations of credibility made by the decision maker will not be based solely on an individual's status as a complainant, respondent, or witness.

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

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

Cross Examination During Live Hearing. The decision maker will only allow the complainant or respondent's advisor to ask the other party and any witnesses relevant questions and follow-up questions. Such questioning must be allowed directly, orally, and in real-time, subject to the right of a virtual live hearing.

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

Effect of Failing to Submit to Direct Examination. The decision maker may not draw any inference about the determination of responsibility based solely on a party's refusal to answer any questions posed during the live hearing. The decision maker may rely on any relevant statements of a witness or party, even if that party or witness refuses to respond to direct examination by the decision maker or cross examination by a party's advisor.

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

Determination Regarding Responsibility. Following the live hearing, the decision maker will conduct an objective evaluation of all relevant evidence presented during the grievance process. The Title IX Coordinator and Title IX Investigator will endeavor in good faith to

ensure that the grievance process is completed promptly and pursuant to the timing requirements. Absent necessary delays in the grievance process, including:

- The absence of a complainant or respondent, advisor, or witness;
- Concurrent law enforcement activity relating to the allegations of sexual harassment;
- The need for accommodations of disabilities through the grievance process;
- The need for language assistance through the grievance process;
- Failure of an advisor to adhere to the policy or the advisor statement of expectations, or
- Circumstances outside of a party's control that might temporarily prevent them from full participation in the grievance process.

The grievance process should conclude within a period of 90 days. The decision maker will issue a written determination regarding responsibility for the allegation set forth in the formal complaint in light of the preponderance of the evidence. The written determination of the decision maker will be provided to the Title IX Coordinator. The Title IX Coordinator will review the written determination to ensure it includes all required information. The Title IX Coordinator will then provide the written determination simultaneously to the complainant and the respondent. The written determination must include the following information:

- The allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the issuance of the written determination, including any notifications to the complainant and respondent, interviews with the complainant and respondent and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Student Code, Greenwood Handbook, Faculty Handbook, Employee Handbook, as applicable, to the facts raised in the live hearing;
- A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the complainant;
- The University's procedures and permissible bases for appeal; and
- The date on which an appeal will no longer be accepted.

**Final Determination Regarding Responsibility.** The written determination, including any disciplinary sanctions, will not be final until the conclusion of any appeal, or if no appeal is filed, the date set forth in the written notification.

**Availability of Live Hearing Audio.** Within three (3) days of the live hearing, an audio recording of the live hearing will be made available to the parties via the evidence database. The complainant and respondent shall have access to the audio recording of the live hearing until the expiration of the appeal period.

**Appeals.** Both the complainant and respondent may submit an appeal from a written determination of responsibility following either (i) a live hearing, or (ii) the University's

dismissal of a formal complaint, or any allegation contained within a formal complaint. In either case, the University will process the appeal.

Filing of an Appeal. Within five (5) days of the submission of the written determination or dismissal, either the complainant or the respondent may file a written appeal of the written determination or dismissal. Any appeal must be limited to one (1) of the three (3) bases for appeals. Any party submitting an appeal will have an opportunity to provide a statement in support of, or challenging, the written determination or dismissal. Following the submission of an appeal, the Title IX Coordinator will provide to the non-appealing party notice that an appeal has been filed, along with a copy of the written appeal and directions on how to respond to the appeal.

Bases for Appeal. The University will consider appeals of a written determination or dismissal on the following three (3) grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and
3. The Title IX Coordinator, Title IX Investigator, or decision maker(s) had a conflict of interest or bias against complainants or respondents generally, or the complainant or respondent specifically, that affected the outcome of the matter;

Responding to Appeals. The non-appealing party will have five (5) days following receipt of the notice of appeal to respond to the written appeal by providing a written statement either supporting or challenging the written determination or dismissal (as applicable), and responding to the bases of appeal.

Written Decisions of Appeals. At the conclusion of the time period for responding to an appeal a new decision maker, assigned for the purpose of the appeal, will review all documents received in connection with the written appeal and provide a written decision on appeal. The written decision will include a rationale for the result as to each basis of appeal identified by the appealing party. On appeal, the decision maker may choose to either:

- affirm the written determination or dismissal;
- reverse the written determination's finding of responsibility or no responsibility;
- reverse the dismissal of a formal complaint, or an allegation included in a formal complaint; or
- deny the appeal because it does not fall within the bases for appeal.

The decision maker on appeal will provide the written decision to the Title IX Coordinator, who shall provide a copy of the written decision simultaneously to the parties.

Final Disciplinary Sanctions and Remedies. Should the decision maker affirm the written determination as to responsibility, or deny an appeal challenging responsibility, the determination regarding responsibility will become final, and the Title IX Coordinator shall notify University offices and officials as necessary to ensure the implementation of any disciplinary sanction and/or remedies included in the written determination.

Effect of Reversal on Appeal. Any dismissal of a formal complaint, or any allegation included in a formal complaint, that is reversed on appeal by the decision maker will proceed through the grievance process.

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

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

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

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

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

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

At the conclusion of the investigation, the Equity Investigator shall prepare a Report of Findings. The Report of Findings will be issued within sixty (60) business days after the commencement of formal complaint procedures. When charges of discrimination, harassment, and/or retaliation are substantiated based on the preponderance of the evidence, the appropriate University administrator shall initiate the appropriate disciplinary process based on the status of the respondent. When charges of discrimination, harassment and/or

retaliation are not substantiated and no preponderance of evidence is found, written notification of such findings shall be provided to the appropriate University administrator.

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

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

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- **Required Training:**

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

General Training:

- The definition of sexual harassment, including dating violence, domestic violence, sexual assault, and stalking;
- The scope of the University's education program or activity;
- How to conduct an investigation and the grievance process; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Position Specific Training:

The following positions will be required to engage in training covering the following position-specific topics:



- Decision Makers (including for appeals). All decision makers must be trained on topics including:
    - how to serve impartially;
    - issues of relevance; and
    - any technology to be used at a live hearing.
  - Title IX Investigators. Any individual who serves as a Title IX Investigator must be trained on topics including:
    - issues of relevance; and
    - technology to be used to populate the electronic database.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
  4. Have the outcome determined using the preponderance of the evidence standard.
  5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

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

At the conclusion of the grievance process and following a determination of responsibility, a respondent could be subject to the following disciplinary sanctions, depending on whether the respondent is a student, faculty, or staff.

Student respondents who are found responsible at the conclusion of the grievance process are subject to the disciplinary sanctions as determined by the decision maker (including any applicable duration and conditions), and as defined by the Student Code.

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

\*For these designated disciplinary sanctions, the decision maker has the discretion, consistent with the Student Code, to set the duration of the disciplinary sanction consistent with the Student Code. All other disciplinary sanctions, as indicated in the Student Code, are permanent.

Faculty respondents who are found responsible at the conclusion of the grievance process are subject to disciplinary sanctions, as determined by the decision maker (including any applicable duration and conditions), and as defined by of Faculty Handbook:

- Dismissal
- Revocation of Tenure
- Demotion of Rank
- Reassignment of Duties

Employee respondents who are found responsible at the conclusion of the grievance process are subject to the following disciplinary sanctions, as determined by the decision maker (including any applicable duration and conditions), and as defined by the Employee Handbook:

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

Supportive Measures: Following receipt of an allegation of sexual harassment, and at any time during the grievance process, the Title IX Coordinator may implement supportive measures designed to restore or preserve equal access to the University's education program or activity including measures designed to protect the safety of the complainant and respondent or deter sexual harassment.

Supportive measures may include the following:

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

The Title IX Coordinator is responsible for coordinating the implementation of any supportive measure put in place.

### **Publicly Available Recordkeeping:**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about

victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

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

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

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

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Title IX Coordinator at 417-836-5242. 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 Office of University Safety constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

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

- Office of University Safety, 417-836-5509
- Mountain Grove Administrative Assistant, 417-547-7502

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

#### *Emergency Response*

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus

community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Office of University Safety at Office of University Safety of any emergency or potentially dangerous situation.

The Director of University Safety, or designee, will assess 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.

The Director of University Safety, or designee, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

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

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

The Director of University Safety, or designee, will notify local law enforcement of the emergency if they are not already aware of it and building management, and if necessary, will coordinate with the Vice President for Marketing and Communications to ensure the surrounding community is made aware of the emergency.

*Methods for Issuing Timely Warnings and Emergency Notifications*

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

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

### Testing & Documentation

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

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