sexual offenses on campus

When a convicted sex offender enrolls or begins employment at Northwest, members of the campus community can access the information they need to protect themselves. Information on sex offenders that live within Nodaway County and have been registered can be obtained at the Nodaway County Sheriff's Department located at 402 North Vine, Maryville, MO 64468, 562-7445.

Northwest has taken a proactive stance in educating our students about these issues and have developed an action plan for cases that are reported. It should be noted that sexual assault, sexual abuse and rape will not be tolerated at the University, and violators will be adjudicated.

The following information is in compliance with the Higher Education Amendments (HEA) of 1998.

NORTHWEST’S RESPONSE
Northwest’s sexual assault policy is designed to specifically address “the public well being” of Northwest’s students, faculty and staff. To meet this we must strive to create a campus community which is intolerant of sexual harassment and all forms of abuse, including sexual assault. In sexual assault instances, the University is committed to the following threefold process: 1) to provide crisis intervention measures and a campus judicial response for the accuser and the accused; 2) to refer students to criminal authorities; and 3) to educate and promote discussion on interpersonal abuse and violence issues.

ASSISTANCE IS AVAILABLE
If you have been sexually assaulted/raped, you have options and choices, consider the following:

1. It is important to get help. Contact a friend or someone you can trust for emotional support.

2. Support systems during weekdays (8 a.m.-5 p.m.)
   • Wellness Services, 562-1348
   • Vice President for Student Affairs, 562-1154
   • Dean of Students, 562-1219

3. After hours and weekends, you can contact the Sexual Assault hotline at 562-1972.

4. University Police can be reached 24 hours a day (562-1254 or 911 from on campus). Assistance is also available from Maryville Public Safety (562-3209 or 911 from off-campus).

5. Incidents occurring on campus can be processed through the University discipline system.

6. Filing an Anonymous Sexual Assault Form is also an option. Wellness Services or Dean of Students can assist you in filing this form.

DISCIPLINE PROCEDURES
A victim of sexual assault/rape has the right to seek redress, and the following options are available:

1. The incident can be reported to a law enforcement agency, charges can be filed with the prosecuting attorney, and the case can be handled through the criminal court system. (University officials will assist the victim in this process upon request.)

2. Incidents occurring on campus can be processed through the University discipline system.

3. The incident can be handled through the civil court system.

4. An anonymous report can also be filed.

5. It does not have to be an “either/or” option; all the above can occur.

Sexual assault/rape cases processed through the University discipline system will follow the procedures outlined in the Judicial Code of this book. (See information on the Student-Faculty Discipline Committee and the section on “Sanctions.”) It is important to note that for these type of cases, both the complainant and the accused shall be allowed to hear and respond during the complete hearing (or until the committing an action session). In addition, both the complainant and the accused shall be entitled to representation or other assistance in the presentation of his/her case. (NOTE: The representative will be allowed to provide advice to the individual only and will not be allowed to take an active role in the
hearing itself.) Moreover, the complainant will be informed of the outcome of the hearing.

MORE ASSISTANCE AVAILABLE

Every effort will be made to work with the victim of a sexual offense in relocating to another place of residence if necessary and to make adjustments to the academic schedule when such options are reasonably available. The Dean of Students should be contacted for assistance with these matters.

Judicial code

The judicial code at Northwest has been approved by the Board of Regents and functions on the premise that every student should adhere to various rules and regulations of the University and should receive a fair and impartial, closed hearing before a Discipline Committee that includes students when charged with a violation of these rules and regulations. The judicial code is coordinated by Matt Baker, Dean of Students; any questions concerning the policies and procedures outlined below should be directed to Dr. Jackie Elliott, Associate Vice President for Student Affairs, 582-1154.

DOUBLE JEOPARDY

Students charged under the University’s Code of Conduct may also be held responsible for violating existing local, state and federal laws. Because the purposes and consequences of the two processes are so different, such concurrent reviews are mutually exclusive and do not create double jeopardy for charged students.

Disciplinary action at the University will in most cases proceed without regard to the status of criminal proceedings and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced. However, the University reserves the right to postpone campus disciplinary proceedings when the University determines that such campus proceedings would interfere with the concurrent civil or criminal process.

The decision whether or not to postpone on the grounds of interference will be made by the Dean of Students at the request of the accused student or the prosecutor or complainant.

A. VIOLATIONS

The following types of behavior have been identified as inappropriate, and a violation may be referred to one of the Discipline Committees described in Paragraph D. Although specific violations have been identified, it is recognized that other types of inappropriate behavior, which are detrimental to the best interests of the University or to members of its faculty, staff, or student body, may be referred to a Discipline Committee by the Dean of Students or by the designated Residential Life professional.

NOTE: Traffic violations are handled through University Police. Excessive tickets may result in loss of parking privileges.

CLASS “A” VIOLATIONS

1. Entering the room or any living area of a member of the opposite sex who resides in University housing at a time other than approved open visitation hours
2. Excessive noise, including violation of quiet hours
3. Littering
4. Habitual misconduct (repeat offenders)
5. Individual hall regulations
6. Smoking on campus (first offense)

CLASS “B” VIOLATIONS

1. First offense of consumption or possession of alcoholic beverages on the University campus. NOTE: Possession could mean knowingly in the presence of alcohol.
2. Removing the battery from or disabling a residence hall smoke detector
3. Gambling
4. Destroying, defacing or tampering with public property within the residence halls
5. Use of University property or services without express authorization
6. Failure to identify self, falsely identifying self and/or failure to comply to the directions of a residence hall staff member acting in the performance of his/her duties
7. Violation of Hall Probationary status
8. Violation of the Escort Policy which is contained in the Residence Hall Handbook and posted on each hall floor
9. Cohabitation (first offense)
10. Smoking on campus (second offense)

CLASS “C” VIOLATIONS

1. Sexual contact or sexual touching of another person without consent
2. Use, possession or distribution of any controlled substance, including but not limited to, narcotic drugs, marijuana, stimulants, barbiturates and/or hallucinogenic drugs, unless prescribed by a licensed physician. NOTE: Possession could mean knowingly in the presence of a controlled substance.
3. Possession or knowingly in the presence of drug paraphernalia
4. Any form of theft or stealing
5. Possession or exhibition of a weapon (e.g., guns, switchblades or knives deemed to be dangerous or illegal, hunting bows, explosives or other items with a blade exceeding four inches) NOTE: An item may be deemed a “weapon” if used in a threatening or harmful manner, i.e., laser pointer, box cutter
6. Possession or use of fireworks (including smoke bombs)
7. Destroying, damaging, defacing, endangering or vandalizing private, public, or University property
8. Endangering the health or safety of self, another person or University faculty/staff or threats of endangerment
9. Any inappropriate and/or abusive behavior which disrupts a class, an official University function or the living/learning environment of the institution (NOTE: Alcohol impairment may be deemed inappropriate behavior.)
10. Striking another person without consent
11. Lying to University officials, to a Hearing Committee or to an Appeals Board
12. Harassing witnesses or committee members who have testified or will testify at any disciplinary hearing or at a proceeding that doesn’t rise to hearing level
13. Violation of University policies, city ordinances or state and federal laws other than those listed in this handbook
14. Violation of Campus Conduct or Strict Campus Conduct Probationary status
15. Destroying, tampering with or altering fire alarms or other safety equipment
16. Discrimination, including, but not limited to, verbal abuse, racial slurs, sexual innuendos, or the threat of physical abuse, expressed verbally or in written or electronic communications
17. Consumption/possession of alcohol (second offense and beyond.) NOTE: Possession could mean knowingly in the presence of alcohol
18. Failure to comply with the directions of a University official or failure to identify self to, falsely identifying self to, providing false information to a University official
19. Intentional misuse/abuse of the University computer system, or repeated unintentional misuse/abuse (See page 39 for Computer Disciplinary Action.)
20. Hazing
21. Theft of telephone or communications services
22. Cohabitation (second offense)
23. Viewing pornography in a public access area or computer lab as per Missouri statutes
24. Smoking on campus (third offense).

B. FILING OF COMPLAINT OR RECEIPT OF REPORT

Any student, faculty member, University personnel, or other person may either file a written complaint with the Associate Vice President for Student Affairs or designated Residential Life professional charging any student of committing or allegedly committing a violation or may make an incident report with University Police.

C. NOTIFICATION OF COMPLAINT AND OPTION TO WAIVE HEARING

Upon receipt of a complaint or incident report, the Dean of Students or designated Residential Life Professional, as applicable, will refer the complaint or report to the appropriate discipline committee. After a preliminary investigation and in the event the committee advisor determines that there exists reason to believe that a violation occurred, the committee advisor shall discuss the report with the student involved, and the student may be given an opportunity to waive a formal hearing by signing a waiver form provided by the committee advisor. If the student waives a formal hearing, the committee advisor will fully inform the student of the charges and all evidence, whether such charges and evidence will appear in his/her permanent University records, and the disciplinary sanctions that will be imposed. A signed waiver form will contain a statement of the charges, acknowledgment of guilt and the disciplinary sanctions. If the student does not accept the disciplinary action, he/she may appeal the decision outlined in Section H.

D. HEARING COMMITTEES

The following Hearing Committees have been formed to hear cases based upon where the violation took place, the severity of the violation,
and which committee, in the opinion of the
Dean of Students or designated Residential Life
Professional, may impose disciplinary actions to
handle the hearing of a particular violation.

1. RESIDENCE HALL DISCIPLINE
COMMITTEE. Each residence hall director will
facilitate the selection of a Discipline Committee
to hear those cases referred to them by the
Dean of Students or designated Residential Life
Professional (Class A or Class B violations) as
well as rules specific to each given residence
hall. All such rules and regulations shall be in
writing and shall be distributed to all residence
hall and continuously posted in a prominent
location. Each Hall Director serves as an advisor
to the Residence Hall Discipline Committee,
which consists of a representative from
the various living areas, excluding Resident
Assistant. This chairperson will be appointed
by the Residence Hall Discipline Committee
members and will not have a vote. There must
be a quorum of two-thirds present to take any
action by a Hall Discipline Committee. The
disciplinary action taken by the Committee
must be approved by a majority vote and
cannot be more severe than as outlined in Section G.

The committee advisor to the Student-Faculty
Discipline Committee shall be taken by a majority
of the members in favor of such action at a meeting
at which at least six members are present. In
the event where dismissal from the institution
is being considered, a two-thirds vote will be
required.

E. PRE-Hearing PROCEDURES
and INVESTIGATION
Prior to a hearing by any of the Committees,
the following procedures will be followed:

1. Upon receipt of the complaint, the
Chairperson will assign to hear the
case a Student-Faculty Discipline
Committee, which is composed of
four faculty members and four student
members. The committee shall consist
of a non-voting faculty chairperson appointed
as outlined in the By-Laws of the
Student Government Association.

The Chairperson will also notify students
of the outcome. Upon receipt of
written notification, students have the right
to request

2. The student will be heard if the student fails to
appear for the hearing. A “not in violation” plea
shall be entered on the student’s behalf.

3. The Committee chairperson will introduce
those present (i.e., committee members,
advisor, liaison, accused, and complainant).

4. The student has the right to present
rebuttal witnesses and evidence. The
liaison may impose all disciplinary actions outlined
in Paragraph G below. The Dean of Students or
designated Residential Life Professional shall serve
as committee advisor to the Student-Discipline Committee.

5. The chairperson of the committee will
request the liaison to read the charges.

6. The chairperson will ask the accused
how he/she pleads (i.e., “in violation,” “not in
violation”) to the charges as read. If the accused
pleads “in violation,” the Committee may call for
evidence or may consider the sanctions to be
imposed. If the accused pleads “not in violation,”
the chairperson will call for the evidence to
be presented to the Committee. Witnesses
other than the accused and the complainant
will be excluded from the hearing except while
testifying.

7. The chairperson will inform the
student of the consequences of his or
her conduct as charged. If the student
pleads “not in violation,” the
Committee may consider the
sanctions to be
imposed.

8. Upon completion of the hearing,
the chairperson shall
enter the appropriate
determination of the
violation. The
chairperson shall
then make a determination on
whether or not the
accused has committed the
violation(s) as
charged. If the Committee determines
that the accused has committed a violation, the
Committee shall decide upon appropriate
sanctions.

9. The accused will be recalled, and
the chairperson will inform the
student of the hearing.

G. SANCTIONS
The listed disciplinary actions are courses
of action which may be taken when a student
has been found to have committed a violation as defined
in Section A. The sanction(s) taken depend(s) upon the
severity of the violation, previous offenses, degree of involvement, and the
individual circumstances as determined and is
at the sole discretion of the Committee. These
sanctions and their descriptions shall serve as
guidelines for the University Judicial Code and
may be modified in any combination
to meet the needs of the University and the
individual student involved.

1. ACQUITTAL
Student is found not to have committed
the charge against him/her and the matter
is dismissed.

2. CONDUCT WARNING
a. The action is a written warning
concerning conduct which has been judged to be
a violation.

b. A thorough explanation of the
process is given.

3. RESTITUTION
(See 5.d. below)

4. ASSIGNED SERVICE
Assigned service may be administered as a
sanction in place of or in addition to a fine. It is
most appropriate when the Committee feels
that a student will learn the consequences of his or
her actions as a result of the service. It is also
appropriate when the action which brought the
student to the Discipline Committee involved a
lack of concern for the community.

5. FINES
Fines may be levied as a sanction according
to the following guidelines:

a. Class A Violations
b. A creative sanction
which has been judged to be
a violation.

The accused will be notified of
the consequences of his or
her conduct as charged. The
accused will then be allowed to ask witnesses questions that are relevant and
material to the proceedings. Members of
the Committee shall also be allowed to question the
students.

8. Upon completion of the hearing,
the chairperson shall
enter the appropriate
determination of the
violation. The
chairperson shall
then make a determination on
whether or not the
accused has committed the
violation(s) as
charged. If the student
pleads “not in violation,” the
Committee may consider the
sanctions to be
imposed.

9. The chairperson will inform the
student of the consequences of his or
her conduct as charged. If the student
pleads “not in violation,” the
Committee may consider the
sanctions to be
imposed.

10. The chairperson will announce the
sanctions taken and make a determination on
whether or not the
accused has committed the
violation(s) as
charged. If the student
pleads “not in violation,” the
Committee may consider the
sanctions to be
imposed.