

# **Northwest Missouri State University - Maryville Campus**

## **2021 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT**

### **Introduction**

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

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

This report is prepared by Clarence Green, Chief of University Police, 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 the University Policy Department, 800 University Drive, Maryville, Missouri 64468 (660.562.1254). The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

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

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

The University Police Department is responsible for campus safety at the University. The University Police Department's jurisdiction covers all of the institution's property.

The University has a close working relationship with local law enforcement agencies. The University has a written mutual aid agreement with the Maryville Public Safety Department. The agreement establishes crime reporting, jurisdictional boundaries, and mutual assistance.

All crimes occurring on campus, on non-campus property owned by the University or on nearby public property should be reported immediately to the University Police Department. The number to contact is 660.562.1254.

## **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.

- Assistant Vice President of Human Resources at 660.562.1128
- Assistant Vice President Student Affairs: Engagement & Development at 660.562.1226
- Assistant Vice President Title IX & Equity at 660.562.1873

## **Reporting a Crime or Emergency**

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

- Situations that pose imminent danger or while a crime is in progress should be reported to University Police by calling 660.562.1254 from any campus phone or cell phone.
- Students, staff, and visitors can make a report of criminal actions to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to University Police. If requested, a member of University staff will assist in making the report to the police
- An anonymous report can also be submitted at the following site: <https://www.nwmissouri.edu/studentaffairs/>

## **Confidential Reporting**

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

Pursuant to the University's sexual misconduct policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential

report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University does not have procedures that encourage 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**

The Northwest Missouri State University main campus in Maryville maintains academic and administrative facilities that are generally open to the public during normal business hours. Most facilities have individual hours, and the hours may vary at different times of the year. Access to some of the buildings is controlled by electronic access after normal business hours, and all buildings have varying levels of access. Schedules for facilities fluctuate and are available by contacting the specific building. University Police patrol academic and administrative facilities.

**Residence Hall Doors:** All exterior residential halls are locked 24/7. Student room doors are secured with commercial-grade hardware. Each student living in a residential hall is assigned an individual exterior electronic key fob and access code. These keys and code should not be shared with others: duplication is not permitted. Access to residence halls is restricted to residents, their guests, and other approved members of the University community.

Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their key fob and access code. University Police officers and student security patrol the residence halls. Residential hall staff also enforce security measures in the halls and work with residents to achieve a community of individual and group rights and responsibilities. Residential hall staff and University Police also conduct periodic educational sessions on prevention of various crimes, including sexual assault and acquaintance rape.

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 those who should not have access into campus buildings that have been secured
- Do not lend keys or access cards
- Do not give access codes to anyone

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**

Maintenance and University Police personnel regularly check to ensure pathways are well lit and that egress lighting is working in hallways and stairwells. Facility entries and exits are checked for pathway debris and door functionality on a routine basis. Contact Facility Services for all maintenance concerns.

### **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.

- Campus security, emergency procedures, and fire safety procedures are discussed during new student orientation (via a program titled Helping Bearcats Succeed). University Police, Wellness Center, Office of Student Affairs, Residential Life, and the Title IX Coordinator participate in forums, town hall meetings, and programs in residence halls to address students to explain University security, public safety, and fire safety measures and procedures. Security awareness and emergency procedures information is also offered to all incoming international students and employees.
- Orientation programming includes information about services such as Safe Rides, security escorts, sexual/relationship violence, alcohol and drug policies, emergency procedures, and general safety. The mobile app, Crisis Manager, is shared as well as information on weapons storage and self-defense courses.
- Crime prevention and sexual/relationship violence prevention programs are offered on an ongoing basis. These sessions are provided by the staff of University Police, Wellness Services, and the Office for Title IX/Equity. Additional crime prevention awareness sessions to educate the campus community about personal safety, services offered, and keep them informed of crime prevention strategies. Information is also disseminated via brochures, University Police website, and social media.

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

The University does not monitor and record, through local police agencies, any criminal activity in which students have engaged at off-campus locations of student organizations officially recognized by the University, including student organizations with off-campus housing facilities. However, we are aware of at least one police agency that performs such monitoring and recording.

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

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

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

## **Drug and Alcohol Policy**

We are committed to creating and maintaining an environment that is free of alcohol abuse. **The University enforces the state's underage drinking laws** and complies with state law and other applicable regulations governing alcoholic beverages for those on the University's premises or participating in its activities. The University strongly supports education and treatment programs as the most effective means to help prevent and reduce alcohol abuse. In addition, the University is committed to providing an academic and social environment that supports individual freedom while promoting individual responsibility, health and safety, and community welfare. To that end:

1. The University expects that those who wish to include alcohol as part of their activities will do so responsibly and lawfully.
2. Persons planning events on campus should be mindful of the complexities introduced into planning an event with alcohol. Event management issues (the presentation of entertainment, provision of refreshments, management of the participants or audience, security, and other factors) require serious attention for any event, and all the more for an event at which alcohol is served. Event organizers must fully understand the University alcohol policy and applicable laws and manage their events accordingly.
3. Organizations may not plan events that promote or encourage the consumption of alcohol, nor may event planning be based upon the assumption of abusive or illegal alcohol consumption. Persons planning events should remember that the vast majority of events at the institution take place without alcohol, that most members of the undergraduate community are not of legal drinking age, and that among those who are, many do not drink alcoholic beverages at all.

In compliance with the Drug Free Schools and Communities Act (DFSCA), the University has a drug and alcohol abuse and prevention program, which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such as legal sanctions for violations of applicable laws, health risks, etc.) and a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. For more information, see below.

The University's Student and Employee Illegal Drug and Alcohol Policy is located at: <https://www.nwmissouri.edu/policies/personnel/Illegal-Drug-and-Alcohol-Policy.pdf>

The University's Alcoholic Beverages on university Property Policy and Procedure is located at: <https://www.nwmissouri.edu/policies/operations/Alcoholic-Beverages-on-University-Property.pdf>

**The University enforces federal and state drug laws.** The possession, sale, manufacture or distribution of illegal drugs is prohibited under both state and federal laws. Such laws will be enforced by the University's law enforcement authority on campus (University Police). 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**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions, successful completion of a drug treatment program, including periodic testing, and appropriate community service, or any combination of the three.

**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.

In the case of a controlled substance in schedule I or schedule II, GHB, or flunitrazepam, 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.

### Drug and Alcohol State Laws

Category	Summary (Missouri Revised Statues)
Possession of Marijuana	The use of recreational marijuana is illegal, and possession for personal use of less than 10 grams for a first offense is a misdemeanor with a maximum fine of \$500 and no jail time. For a second offense, the maximum fine is \$2,000 and up to one year in jail. Possessing more than 35 grams is a felony with a maximum fine of \$10,000 and up to 7 years in jail. <i>See</i> MO. REV. STAT. § 579.015. Medical marijuana for certain conditions is allowed, and up to four ounces may be purchased every 30 days. Mo. Code Regs. Ann. tit. 19, § 30-95.030.
Controlled Substances	Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. <i>See</i> MO. REV. STAT. §§ 579.015 – 579.040. 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 and a fine up to \$10,000. <i>See</i> MO. REV. STAT. § 579.015. 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. MO. REV. STAT. §§ 558.002, 558.011.  As an example, someone possessing methamphetamine faces a prison term of 7 years and a fine up to \$10,000.
Alcohol and Minors	In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor, subject to a fine not to exceed \$500. <i>See</i> MO. REV. STAT. § 311.325. A subsequent violation is a Class A misdemeanor, subject to a term of up to one year in jail and a fine not to exceed \$2,000. <i>Id.</i> Anyone between 17–21 who represents that she/he is 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. MO. REV. STAT. § 311.320. The use of a fake identification is subject to a \$500 fine. <i>Id.</i> An attempt to purchase, or possession of alcohol, may also result in license suspension.
Driving Under the Influence (DUI)	A person is guilty of a DUI if the person has a blood alcohol concentration of 0.08 percent. A first offense results in a suspended license for 30 days and then a restricted license for 60 days, and may require a certified ignition interlock device. MO. REV. STAT. § 302.525. A second offense

Category	Summary (Missouri Revised Statutes)
	within five years results in a one-year restricted license and additional penalties.

## Drug and Alcohol Abuse Prevention Program

The University has a drug abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. More information about the program, including the University's drug and alcohol policies, can be located at: <https://www.nwmissouri.edu/aboutus/facts/pdf/AlcoholDrugReview.pdf>

## 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 Policy:  
<https://www.nwmissouri.edu/policies/student/Title-IX-Sexual-Misconduct.pdf>

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; provide 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 advise 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

Crime Type (Missouri Revised Statutes)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.
Domestic Violence	Missouri's protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010): <ul style="list-style-type: none"> <li>• "Domestic violence" is abuse or stalking committed by a family or household member.</li> </ul>

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

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<p>death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</p>
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 animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</li> <li>• Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> <li>• As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> </ul>

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

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

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
	<p>alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</p> <ul style="list-style-type: none"> <li>• Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093.1): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.</li> <li>• Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095.1): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.</li> <li>• Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100.1): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.</li> <li>• Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101.1): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.</li> </ul>
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 Missouri law, the University uses the following definition of consent for the purpose of determining whether a violation of its Title IX Sexual Harassment Policy has occurred:

“Consent” refers to affirmative words or affirmative actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is incapacitated is not capable of giving Consent.

Lack of Consent is a critical factor in determining whether Sexual Assault has occurred. Consent is informed, freely given, and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no Consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent. A person who is incapacitated is not capable of giving Consent. Incapacitation may result from the use of alcohol and/or other drugs; however, the mere consumption of some alcohol or some amount of drugs is not necessarily sufficient to establish Incapacitation. The impact of alcohol or drugs varies from person to person, and evaluating Incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of Incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

### **Help Reduce Your Risk and Avoid Potential Attacks**

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, and how to avoid potential attacks.

If you are being abused or suspect that someone you know is being abused, speak up or intervene:

1. Contact Wellness Services and request to meet with a counselor for support.
2. Look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
3. Consider getting a protective order from the court, or a no-contact order from the Office of Title IX and Equity as a supportive measure.

4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
5. Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

### **Sexual Assault Prevention (From RAINN)**

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from un-opened containers or from drinks you have watched being made and poured
- Avoid group drinks like punch bowls
- It's okay to lie. If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened.
- Be a good friend. Trust your instincts. If you notice something that doesn't feel right, it probably isn't.
- Social media safety: <https://www.rainn.org/articles/social-media-safety>
  - Turning off geolocation
  - Pause before you post
  - Do not post pics of yourself incapacitated, which predators look for
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

### **Traveling around campus**

- Make sure your cell phone is easily accessible and fully charged
- Avoid dimly lit places and notify University Police if lights need to be installed in an area
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone
- Walk with a friend
- Carry a noisemaker (like a whistle) on your keychain
- Carry a small flashlight on your keychain
- If walking feels unsafe, contact University Police for an escort
- It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity;

cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

### Bystander Intervention

Be an intervener! Stop these incidents before they occur, and talk to your friends about it so that they will intervene as well!

1. **Notices the Incident:** Bystanders first must notice the incident taking place. Obviously, if they don’t take note of the situation there is no reason to help.
  2. **Interpret incident as an emergency:** Bystanders also need to evaluate the situation and determine whether it is an emergency—or at least one in which someone needs assistance.
  3. **Assume Responsibility:** Another decision bystanders make is whether they should assume responsibility for giving help. One repeated finding in research studies on helping is that a bystander is less likely to help if there are other bystanders present. When other bystanders are present responsibility for helping is diffused. If a lone bystander is present he or she is more likely to assume responsibility.
- **Attempts to Help:** Including helping a person leave the situation, confronting a behavior, diffusing a situation, or calling for other support/security. The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.
  - Educate yourself about interpersonal violence AND share this info with friends.
  - Confront friends who make excuses for other people’s abusive behavior
  - Speak up against racist, sexist, and homophobic jokes or remarks.

### Other Information Covered by the PPAP

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

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

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

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

#### Other Information Covered by the PPAP

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### **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 institution. 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:

- PPAPs
  - Think About It (online)
  - Helping Bearcats Succeed
  - Can I Kiss You?
  - New Faculty Orientation
  - New Staff Orientation (online)
  - International Student Orientation
  - Safe Colleges annual online Title IX training
- OPACs
  - Green Dot: Overviews and Bystander Training
  - Assisting Students in Distress
  - Residential Life Student Staff Safety and Response Training
  - Staff Compliance Workshops
  - Pizza and Police
  - University Seminar Presentations
  - Self-Defense

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

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the University Police Department at 660.562.1254. You may also contact the University's Title IX Coordinator at 660.562.1873.

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 MOSAIC Medical Center. All survivors of sexual violence are highly encouraged to seek care from a Sexual Assault Nurse Examiner (SANE) to collect any evidence available. Additionally, MOSAIC Medical Center can provide treatment for injuries and/or sexually transmitted infection and offers pregnancy tests and emergency contraception. Walk-in emergency care is available 24/7 at the hospital. The address is 2016 S. Main St., Maryville, MO 64468. For more information call 660-562-2600.

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

- University Police is located on campus and are available 24/7 to assist with criminal prosecution and Title IX investigatory process. Please contact them at 660.562.1254.
- Maryville Public Safety Department, 222 East 3rd Street, Maryville, MO 64468. 660.562.3209
- To make a police report, a victim should contact a police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

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

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

- *University Responsibilities in Regards to Orders of Protection:*
  - The purpose of an Ex Parte Order of Protection and a Full Order of Protection is to restrain a respondent from committing or threatening domestic violence, stalking, communicating or disturbing a complainant's peace, and entering a complainant's place of residence. An Ex Parte Order of Protection is a temporary order in place until a hearing by a judge. After reading a Petition, the Judge will either grant or deny an Ex Parte Order of Protection. Court hearings are typically held within 15 days of filling an Ex Parte Order of Protection as noted in Missouri law. A complainant must be prepared to present documentation, photos, or other forms of evidence with the paperwork when filing a petition for an Ex Parte Order. At a court hearing, a judge can issue a Full Order of Protection for a period of 180 days up to one year. A Full Order of Protection can be renewed twice; each renewal can last up to one year. No new incident of abuse is required if the Order is renewed before the old one expires. The Court may, upon a finding that it is in the best interest of the parties, include a provision that any Full Order of Protection for one year shall automatically renew unless the Respondent requests a hearing by 30 days prior to its expiration (see Chapter 455 and specifically 455.010, 455.035, & 455.050 RSMo. for more information).
  - University Police shall enforce any violation of an Ex Parte Order of Protection or Full Order of Protection by a respondent in the same manner as any police officer in any jurisdiction. A violation of either type of order in Missouri is considered a class A misdemeanor for the first offense and any subsequent offense is treated as a class D felony. Any person who obtains an Order of Protection from Missouri or any other state should provide a copy to University Police and the Title IX Coordinator. Depending on conditions specified in a particular order the University may make arrangements with both parties that permit access to classrooms, library, the cafeteria, and/or any other public places. These arrangements shall be made to ensure normal access to public areas that do not violate the terms and conditions of the Order of Protection under normal day to day activities
- *How to File an Order of Protection:* In Nodaway County (Maryville) a Petition for Order of Protection can be filed at the Nodaway County Circuit Clerk's Office (during business hours of operation) or the University Police Department (24/7). Missouri Adult Abuse Act requires that court clerks explain how to file all of these necessary forms and documents. In addition, Nodaway County has victim advocates to assist you in the process for filing for an Order of Protection and they may even go with you to court.
- *"No Trespass" Warnings:* If there is enough reason to believe (through investigation) that an individual is likely to cause harm to any member on campus University Police can issue a No Trespass warning. Any individual found to be on campus after a No Trespass warning has been issued against them is typically

arrested by University Police. No Trespass warnings can be issued against any member of the Northwest community (students, faculty, or staff) or the public.

### **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:

#### ***On-Campus Resources – available for student, employees and guest***

- Personal Development and Counseling Services – Counseling services are provided free of charge to all Northwest students, and the University highly recommends that survivors speak with a counselor. These conversations are confidential in nature. The PDC is located in the Wellness Center and appointments can be scheduled by calling 660-562-1348.
- Clinic Services – Students needing medical attention after an assault may seek treatment at the Wellness Center during regular business hours. Services include treatment for cuts/bruises/injuries, pregnancy tests, emergency contraception, and treatment for sexually transmitted infections. Appointments can be scheduled at 660-562-1348.
- University Police – UPD ensures the overall safety of the Northwest community, and officers are available 24/7 to respond to emergencies and receive reports of sexual and relationship violence involving students and staff. Additionally, officers can connect survivors with the Survivor Advocate after hours, regardless of whether the survivor chooses to file a police report. UPD can be contacted at 660-562-1254 or by calling 911 on campus.
- Survivor Advocate – Contact can be made through University Police (above), regardless of whether the survivor chooses to file a police report.
- Student Financial Aid – If you are considering taking a leave of absence from the University because of the circumstances surrounding your complaint, please keep in mind that there may be financial aid implications. The Title IX Coordinator can assist you in contacting the appropriate personnel in the financial aid office in order to ensure you have an understanding of any financial aid related issues that may arise. Here is a link to Northwest's financial aid website (<http://www.nwmissouri.edu/finaid/index.htm>).

#### ***Off-Campus Resources***

- Maryville Public Safety – MPS is the law enforcement agency for the City of Maryville and its officers are available 24/7 to respond to emergencies or receive reports of sexual and relationship violence that occur off-campus. MPS can be contacted at 660-562-3209 or by calling 911.
- MOSAIC Medical Center – All survivors of sexual violence are highly encouraged to seek care from a Sexual Assault Nurse Examiner (SANE) to collect any evidence available. Additionally, MOSAIC Medical Center can provide treatment for injuries and/or sexually transmitted infection and offers pregnancy tests and emergency contraception. Walk-in emergency care is available 24/7 at the hospital. The address is 2016 S. Main St., Maryville, MO 64468. For more information call 660-562-2600.

- MOSAIC Medical Center – Provides counseling for wide-range of issues, including to sexual harassment/sexual violence survivors. Appointments can be scheduled at 660-562-7922.
- Children and Family Center – The Children and Family Center can provide a survivor advocate and residential shelter, and it facilitates survivor support groups. To contact CFC, call 660-562-2320. CFC’s website is <http://www.childrenandfamilycenter.org/>.
- Employee Assistance Program – Provides free counseling and referral services to Northwest employees and their immediate family members. EAP can be contacted by calling their 24/7 hotline at 1-800-964-3577.

*Other Support Agencies/Hotlines*

- Missouri Coalition Against Domestic & Sexual Violence: <http://www.mocadsv.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- Stalking Resource Center: <http://www.victimsofcrime.org/our-programs/stalking-resource-center>
- National Domestic Violence Hotline: 1-800-799-SAFE<sup>®</sup> (7233)
- National Sexual Assault Hotline: 1-800-656-HOPE<sup>®</sup> (4673)
- Legal Assistance – Free or low cost legal services may be available through Legal Aid of Western Missouri. You can visit the following websites for more information: <http://www.lawmo.org/> and <http://www.lsmo.org/>.

*Visa and Immigration Assistance*

- Immigration Advocates Network: <http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
- U.S. Citizenship and Immigration Services: [https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office\\_type=ASC&OfficeLocator.statecode=MO](https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office_type=ASC&OfficeLocator.statecode=MO)

**Supportive and Protective Measures:**

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

Requests for supportive or protective measures should be made to the Title IX Coordinator at 660.562.1873, and the Title IX Coordinator is responsible for deciding what, if any, supportive or protective measures will be implemented.

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

- The specific need expressed by the complainant.

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

The University will maintain as confidential any supportive or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the supportive or protective 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 supportive or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide a supportive measure 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 Policy, or other appropriate university policy, and related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

A complaint can be made in person and/or electronically through the Title IX webpage. (The complaint resolution procedures are invoked once a report is made to one of the following individuals:

*Title IX Coordinator*

Will Sabio

AVP Student Affairs - Title IX/Equity

North Complex

Tel: 660.562.1873

Email: [wsabio@nwmissouri.edu](mailto:wsabio@nwmissouri.edu)

*Deputy Coordinator – Employee*

Krista Barcus

AVP Human Resources

AD 125

Tel: 660.562.1128

Email: [kbarcus@nwmissouri.edu](mailto:kbarcus@nwmissouri.edu)

The response and process followed to any Title IX allegation is outlined in the university Title IX Sexual Harassment Policy  
<https://www.nwmissouri.edu/policies/student/Title-IX-Sexual-Misconduct.pdf>

## **IX. Preliminary Assessment**

After receiving a report, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of the policy; and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator may refer the report to other University offices, as appropriate. If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

## **X. Contacting the Complainant**

If a report is not closed as a result of the preliminary assessment and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures to discuss and consider the Complainant’s wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

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

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

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution’s policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution’s policies and transparent to the accuser and the accused.

- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
  - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Completed training programs by officials is located on the Title IX and Equity website.
  3. Have the outcome determined using the preponderance of the evidence standard.
  4. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

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

Following a final determination in the institution’s disciplinary proceeding that domestic violence, dating violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include:

- Expulsion/Termination
- Suspension, of a term of at least a semester
- Suspension until complainant has graduated or otherwise separated from the University
- Suspension, of a term determined by Human Resources
- No-Trespass Order issued through UPD
- No-Contact Order issued through Title IX Office or HR
- Permanent or temporary ban from living in residence halls
- Permanent or temporary ban from participating in student groups or University sanctioned groups
- Permanent or temporary ban from attending University events
- Campus probation, for duration of time as student
- Staff probation
- Termination of admissions or employment offer
- Educational and training requirements prior to reinstatement, or in addition to sanctions

If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the AVP of Human Resources. Following a suspension, the individual will be required to meet with the VP of Student Affairs (student) or AVP of Human Resources (employee) to discuss re-entry and expectations going forward.

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

If a report is not closed as a result of the preliminary assessment specified in Section IX, the University will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint. Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures. The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that confidentiality does not impair the University's ability to provide the Supportive Measures in question.

### **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 University Police Department at University Police Department (660.562.1254). State registry of sex offender information may be accessed at the

following link: <https://www.mshp.dps.missouri.gov/CJ38/search.jsp>.

## **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 University Police Department 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:

- University Police Department, 660.562.1254

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 University Police Department at 660.562.1254 of any emergency or potentially dangerous situation.

Northwest community members are encouraged to notify University Police of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of the students, faculty, staff, or visitors on campus. University Police has the responsibility of responding to and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, University Police has a responsibility to respond to such incidents so that it can assist in the determination of whether the situation does in fact pose a threat to the community.

University Police in consultation with other appropriate personnel is primarily responsible for confirming that there is a significant emergency or dangerous situation on campus that could cause an immediate threat to the health and safety of the members of the campus community. There are other departments on campus that could be in a position to assist confirming certain types of emergencies, such as a pandemic flu outbreak, gas leak, etc.

The University Police Department has access to the systems to notify the campus community of immediate threats that have occurred and necessitate evacuation, shelter in place, or other action on the part of students, employees, and campus visitors. If necessary, University Police will assist in determining the appropriate segment or segments of the campus community that will receive alerts, to determine the content of the alert, and initiate the notification system. The institution typically provides follow-up information to the community using the same systems that were used to send out the original alert.

University Police 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 first responders, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The typical first responders to an incident that causes an immediate threat to the health and safety of the Northwest community include University Police, Maryville Public Safety, Nodaway County Sheriff’s Department, Nodaway County Ambulance Services, and the Missouri State Highway Patrol. Additional information deemed appropriate by the University Police Department will be disseminated at different points in times during and after an incident.

The University Police Chief 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.

At the direction of the University Police Chief, the Emergency Coordinator or designee will contact local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

Methods for Issuing Timely Warnings and Emergency Notifications

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

<b>Method</b>	<b>Sign-Up Instructions</b>
Bearcat Alert Text Messaging	<a href="http://www.nwmissouri.edu/alert/index.htm">http://www.nwmissouri.edu/alert/index.htm</a>
Campus Email	All students and employees are enrolled automatically.

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 Crisis Management Team will meet to train, test and evaluate the University’s emergency response plan.

The University Police Department 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.

## **Missing Student Policy**

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the University Police Department at 660.562.1254. Any University employee receiving a missing student report should immediately notify University Police so that an investigation can be initiated.

All students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. Students have the ability to register within the CatPaws system an emergency contact/confidential contact person or persons whom they would like to be contacted in an event of a campus emergency. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

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

## **Crime Statistics**

The statistical summary of crimes for this University over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	3	7	6	3	5	5	0	0	0	0	0	0
Fondling	3	3	7	3	2	4	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	1	1	0	1	1	0	0	0	0	0	0

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Arrest - Drug Abuse Violation	0	7	1	0	1	1	0	0	0	1	0	0
Arrest - Weapon Violation	0	1	0	0	0	0	0	0	0	1	0	0
Disciplinary Referral - Liquor Law Violation	114	156	216	107	137	195	0	0	1	1	7	0
Disciplinary Referral - Drug Abuse Violation	21	20	22	21	14	17	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	3	2	0	3	2	0	0	0	0	0	0
Domestic Violence	1	2	0	0	2	0	0	0	0	0	0	0
Dating Violence	1	2	6	1	0	5	0	0	0	0	0	0
Stalking	2	1	1	2	0	1	0	0	0	0	0	0

**Hate crimes:**

2020: There was one reported hate crime on the Northwest-Maryville campus. The hate crime was harassment motivated by race discrimination/intimidation.

2019: No hate crimes reported.

2018: There was one reported hate crime on the Northwest-Maryville campus. The hate crime was harassment motivated by race discrimination/intimidation.

**Crimes unfounded by the University:**

2020: 0 unfounded crimes.

2019: 0 unfounded crimes.

2018: 0 unfounded crimes.

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

2020: 0 unfounded crimes.

2019: 0 unfounded crimes.

2018: 0 unfounded crimes.

**Data from law enforcement agencies:**

- The University was provided with some crime data from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the University's Clery Geography.
- Certain law enforcement agencies did not comply with the University's request for crime statistics.

## Annual Fire Safety Report

### Housing Facilities and Fire Safety Systems

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

Campus: NWMSU - Maryville Campus, 800 University Drive, Maryville, MO 64468-6001

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Dieterich Hall, 930 College Park	X			X	X	X	1
Franken Hall, 830 College Avenue	X			X	X	X	1
Hawthorn Apartment, 917 Centennial Drive	X		X	X	X	X	1
Hudson Hall, 525 University Drive	X		X	X	X	X	1
Millikan Hall, 1020 Northwest Drive	X			X	X	X	1
North Complex, 920 Memorial Drive	X			X	X	X	1
Perrin Hall, 625 University Drive	X		X	X	X	X	1
Phillips Hall, 1025	X			X	X	X	0

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Memorial Drive							
Roberta Hall, 635 University Drive	X		X	X	X	X	1
South Complex, 920 Memorial Drive	X		X	X	X	X	1
Sycamore Apartment, 917 Centennial Drive	X		X	X	X	X	1
Tower Suites-East, 900 College Park Drive	X		X	X	X	X	1
Tower Suites-West, 900 College Park Drive	X		X	X	X	X	1
Willow Apartment, 917 Centennial Drive	X		X	X	X	X	1

### **Policies on Portable Appliances, Smoking and Open Flames**

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Candles may be burned in Roberta Hall sorority chapter rooms only during ceremonies, with prior written permission from the hall director. Electric potpourri pots and wax warmers are allowed. Only surge-protected power strips are permitted. Only the following portable cooking appliances are permitted to be used in campus

housing: microwaves. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

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

### **Fire Evacuation Procedures**

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

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

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

### **Reporting Fires**

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

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the University Police Department at (660.562.1254). When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements**

The University periodically reviews its fire safety protections and procedures. At this time, it has no plans for future improvements.

### **Fire Statistics**

#### **NWMSU - Maryville Campus**

##### **2020**

No fires were reported in 2020.

**2019**

No fires were reported in 2019.

**2018**

No fires were reported in 2018.