



# Southwest Baptist UNIVERSITY

## **Salem Campus Annual Security Report**

Published October 1, 2022

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## Procedure for Preparing and Distributing the Report

The department of safety and security has been designated by the university to gather the information and statistics related to the act. The director of safety and security will oversee the preparation and distribution of the annual report. The report will include crime statistics from the previous three calendar years.

The report will be available for review on the Southwest Baptist University website and the SBU Safety and Security Portal page. Students, faculty, and staff will be notified of the location of the report by email and portal announcement, the official means of communication at Southwest Baptist University.

A hard copy of the report will be available upon request at the safety and security office. In addition, all prospective students and employees are informed about the availability of the report through a statement on applications. The department of safety and security will present educational programs to aid the university community in understanding the Clery Act.

The report will be published and made available each academic year. The Provost will ensure that the annual report crime statistics are submitted to the Department of Education.

The university will comply with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”. Any questions related to the implementation or the compliance of this public law (34 CFR Part 668) should be directed to the provost, located in the Sells Administration Building. The provost has been designated by the university to coordinate the institution’s efforts to comply with the regulations affecting the implementation of this act.

## The Department of Safety and Security

The staff of the department of safety and security consists of the director, associate director, assistant director, and four full-time patrol officers. Officers are available 365 days a year.

The department of safety and security aids in enforcement of federal, state, and local statutes, and university regulations. Safety and security officers are non-commissioned and are the duly constituted representatives of Southwest Baptist University. While safety and security officers do not make arrests, officers reserve the right to detain and identify any individual on university property. Safety and security officers cooperate with and may request assistance from local and state law enforcement authorities when needed.

The department of safety and security provides for the safety and protection of students, faculty, staff, visitors, and the environment. In addition, the department is charged with protecting property, enforcing university regulations, and maintaining order. The entire staff strives to serve the university community. The department’s mission is to promote an atmosphere free from fear for personal safety, property loss, or accidents and thereby contribute to SBU’s academic excellence.

The SBU department of safety and security is located at the SBU Bolivar campus. While the department does not operate out of branch campuses, the department does assist branch campuses in security decisions and will assist if requested.

Director: Mark Grabowski

Associate Director: Zeke Clawson

Assistant Director: Emily Raymond

Officers: Richard Worth, Michael Harris, Michael Kelley

Officer on Duty (24/7/365): 417-328-8733

803 S. Pike St.

Bolivar, MO 65613

Office: 417-328-1556

[www.SBUniv.edu/Safety](http://www.SBUniv.edu/Safety)

## ***Memorandum of Understanding with Law Enforcement***

The university has no written Memorandums of Understanding with the Salem Police Department, Dent County Sheriff or the Missouri Highway Patrol.

Although there are no formal documents at this time, the university cooperates fully in investigations occurring on campus property and the contiguous area by all law enforcement officials having legal jurisdiction.

## **Reporting Crimes and Other Emergencies**

All incidents occurring on the Salem campus should be reported to the Salem Police Department at 573-729-4242.

The Salem Police will notify the campus director of any reported criminal activity occurring on campus or in the contiguous area. SBU safety and security can be contacted by calling 417-328-1556 or 417-328-8733. SBU will cooperate and investigate all reports of criminal actions or other emergencies. Questions about incidents should be addressed to the campus director.

### **Important Phone Numbers**

EMERGENCY - 911

Salem Police	573-729-4242	Safety & Security	417-328-1556
Salem Hospital	573-729-6626	Counseling Center	417-328-1736
Health Center	417-326-1888		

### ***Reporting Officials***

SBU encourages accurate and prompt reporting of all crimes to law enforcement and the department of safety and security. The Maxient reporting system access through the university portal will allow anonymous reporting of crimes and other relevant issues. Sufficient information must be provided for a reported incident to be properly categorized for statistical purposes. The Bolivar Police Department uses the *You Have Options* program for sexual assault crimes which includes a voluntary confidential reporting. Victims of sexual assault are encouraged to contact Bolivar Police even if they do not want to pursue criminal charges. Bolivar Police will not notify SBU of sexual assault reports they receive.

All CSAs are requested to complete a survey at the end of the fall and spring semesters to verify all reports of crime they have received have been submitted. If there is an incident that has not been reported, they are encouraged to do so at that time. The survey announcement is distributed by email and advertised on the SBU portal.

### ***Campus Security Authorities***

A Campus Security Authority (CSA) is defined as:

- A campus police department or campus security department of a college or university.
- Any individual who has responsibility for campus security but who is not a member of the campus police department or the campus security department (e.g. parking enforcement staff, campus safety escort staff, and special event venue security).
- Any individual specified in the University's statement of campus security policy as an individual to which students and employees should report criminal offenses.
- An individual of the University who has significant responsibility for student campus activities. (e.g. student housing, student discipline, athletic directors/coaches and campus student judicial officials)

SBU recognizes the following positions as CSAs as defined by the Clery Act:

- Safety and Security
- Sporting and Campus Event Security
- Student Development including Resident Directors and Resident Assistants
- Title IX and SLJC Committee Members
- Athletic Administration, Coaches, Assistant Coaches, and GA Coaches
- Sponsors of Official Clubs, Groups, and Teams including CGC Trip Leaders
- Executive Cabinet
- Admissions Counselors
- Branch Campus Directors
- Human Resources

In addition to the list above, all students and employees are encouraged to report criminal incidents and concerns to the department of safety and security.

### *Timely Warnings*

The campus director, in conjunction with law enforcement, will determine the need for timely warnings. SBU Safety and Security will consult and give guidance. Timely warning notices notify members of the university community about serious crimes against people that occur on campus or adjacent to campus, where it is determined that the incident may pose a serious or ongoing threat. These warnings will be distributed if the incident is reported either to the campus director or SBU Safety and Security directly or indirectly through a campus security authority or local law enforcement.

The university issues/posts timely warnings for incidents of

- Criminal homicide
- Aggravated assault (will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger university community)
- Robbery involving force or violence (cases including pickpocketing and purse snatching will typically not result in the issuance of a crime alert, but will be assessed on a case-by-case basis)
- Sexual assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the university)
- Major incidents of arson
- Other crimes as determined necessary by the director or his/her designee

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail
- Police and/or SBU Safety and Security contact information
- Other information as deemed appropriate by the director or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

The campus director will coordinate with the public information officer to create the timely warning. Additional departments may be consulted to provide the most accurate and current information as possible. Once the message has been finalized the public information officer will transmit the timely warning to the university community in one or more

of the following ways: email, SBU Portal post, display screens, flyers, and website. Updates as deemed appropriate and necessary, may also be distributed to the SBU community about any particular case resulting in a warning. Timely warnings will be displayed for a period of one to seven days.

SBU Safety and Security will notify the vice president for student development, the provost, and the president, of all timely warnings for their review and possible distribution to trustees or others as they deem necessary and appropriate.

The university does not issue timely warnings for the listed crimes if:

1. The subject(s) have been apprehended and/or the threat of imminent danger for members of the SBU community has been mitigated.
2. If a report was not filed or notified of the crime in a manner that would allow the university to post a “timely” warning for the community. A general guideline will include a report that is filed more than five days after the date of the alleged incident may not allow the university to post a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

The Salem Campus does not maintain a daily crime log.

### ***Immediate Notification Policy***

If a serious crime, a natural disaster, or a man-made emergency occurs that poses an immediate threat to the health and safety of the SBU community or a segment of the campus, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. If the institution implements the procedures regarding notification of the campus community for an immediate threat, the institution is not obligated to implement the timely warning notice procedures. The types of incidents that may cause an immediate threat to the SBU community could include but are not limited to: an active shooter on campus, a hostage/barricade situation, a riot, a suspicious package with confirmation of a device, a tornado, a fire/explosion, a suspicious death, structural damage to an SBU owned or controlled facility, a biological threat, significant flooding, gas leak, hazardous materials spill, etc.

All members of the SBU community are notified on an annual basis that they are required to notify local law enforcement 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 students and/or employees on campus. Local emergency services have responsibility to respond to such incidents to determine if the situation does in fact, pose an immediate threat to the community.

The campus director is responsible for immediately notifying the community of any situation that poses an immediate threat to the community. The director may notify the public information officer who is responsible for developing the content of the message to the community and sending the message using some or all of the below-listed methods.

If marketing and communications staff receive information from other sources about a situation on campus that may cause an immediate threat to the SBU community, they are responsible for contacting the director of safety and security to confirm whether or not SBU Safety and Security or local law enforcement have responded to the incident.

The campus director and/or the public information officer will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus or to the appropriate segment of the campus, if the threat is limited to a particular building or segment of the population.

As per the requirements of the law, safety and security and marketing and communications will, without delay take 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 judgment of the first responders (including, but not limited to: safety and security, local law enforcement, and/or fire and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The various systems that the institution has in place for communicating information quickly to the SBU campus include:

1. SBU Email
2. SBU Portal
3. SBU Alert Texting
4. SBU Information Display Boards

Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. Safety and security and marketing and communications will post updates during a critical incident on the SBU Portal, webpage, and /or information display boards.

SBU uses RAVE for text and email alerts.

### ***Drills and Exercises***

The university conducts regular fire and tornado drills as well as tabletop exercises and panel discussions of many other emergencies. The SBU Alert system is tested annually with a select group.

## **Security and Access to Facilities**

### ***Building Security***

The Salem campus is secured by the campus director or designee when the last class is finished each day. The campus director is in charge of key and card access control.

The campus is equipped with limited security camera coverage.

### ***Maintenance of Buildings***

The campus director at the Salem Campus is responsible for coordinating the maintenance of the building and grounds.

## **Crime Prevention Programs**

Throughout the academic year the department of safety and security, student development, and other university organizations sponsor crime prevention and safety awareness programs for the university community. Some of the programs offered are personal safety and awareness, sexual assault awareness, theft prevention, and substance abuse awareness. In addition, safety and security officers will make presentations about services that the safety and security department offers. Officers meet with various groups during employee and student orientation, residential life meetings, speak to academic classes, and many other groups throughout the year providing information about security procedures and how to report incidents.

Some of the programs offered include:

- Protecting Community: Ongoing campaign to educate and prevent sex discrimination, harassment and violence.
- Resident director and resident assistant training in August. Includes discussion of fire safety, reporting crimes, responding to incidents, safety and security awareness.
- Annual Campus Security Authority training. Required training for all CSAs to be completed each year. Covers Clery compliance awareness and proper crime reporting.
- Sexual Assault Prevention program. On-line program designed to educate students and combat sexual assaults.
- AlcoholEdu. An interactive online program incorporates the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to reflect on and consider changing their drinking habits.
- Security training by Center for Global Connections. Required for all international CGC trip participants. Information provided on travel safety and best practices when traveling outside the US.
- September is National Campus Safety Awareness Month. Displays and information for being safe at college.
- Green Dot Program. It is a bystander intervention program that is utilized on many college campuses
- Other training is provided by the department of safety and security upon request.

## *Training Programs for Students and Employees*

### **Sexual Assault Prevention for Undergraduates & Sexual Assault Prevention for Graduates**

Built-in collaboration with leading researchers and practitioners, this course combines cutting-edge instructional design and rich media to educate students about healthy relationships, the importance of consent, and the role of bystander intervention. Interactive exercises take students through real-world scenarios and encourage students to challenge sexist language and attitudes, provide guidance for supporting someone who has experienced harm, and promote healthy relationships based on positive communication and respect—empowering students to create safe, healthy campus environments.

These Courses Cover: Importance of values, Aspects of (un)healthy relationships, Gender socialization, Sexual assault, Consent, Bystander intervention, Ongoing activism.

### **AlcoholEdu for College for All Students**

This interactive online program incorporates the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to reflect on and consider changing their drinking habits.

This Course Covers: Overview of Key Definitions, Myths and Misperceptions, Alcohol and Motivation, Standard Drink, Blood Alcohol Concentration, Key Strategies for Drinkers, Key Strategies for Non-Drinkers, Bystander Intervention Skills, Academic Brain Science, Media Literacy and Expectations, Alcohol and the Law, College, Drinking and Stress.

### **Harassment & Discrimination Training for New Employees**

This course leverages a combination of interactive scenarios, videos, and real cases to ensure that supervisors and employees get the appropriate information and practice doing their part to create a workplace that is free of harassment and discrimination. Supervisors receive training on how to manage their workplace culture to prevent incidents of harassment, and how to respond appropriately should it occur.

This Course Covers: Bystander Intervention, Hostile Work Environment, Quid Pro Quo Harassment, Microaggressions, Disparate Impact, Avoiding Illegal Decisions, Unconscious Bias, Avoiding Illegal Behavior, Responding to Complaints, Barriers to Reporting, Inclusive Language, Protected Characteristics, Power Dynamics

All training is provided through Everfi online courses.

### **Protecting Community**

Protecting Community is an ongoing campaign started in August of 2015 to educate and prevent Sex Discrimination, Harassment and Violence on our campuses. It consists of an informational flyer, an online video, mandatory and voluntary training sessions, and tabletop displays.

The informational flyer includes the titles:

How do I report an incident?

What should I expect to happen when I report an incident?

What if I observe a possible situation involving domestic violence, dating violence, sexual assault, rape or stalking?

Resources, confidentiality, contacts, and a policy statement are also included.

## **VAWA Related Policy and Procedures**

### ***Violence Against Women Act***

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking.



SBU has taken steps to comply with the requirements created by VAWA 2013. A Title IX Compliance committee has been created and consists of the vice president for student development as interim chair and five deputy chairs representing areas of the university (student, staff, faculty, athletics, and security).

SBU has developed policies in an effort to meet the requirements of this law. These policies may be continuously developed as data, research and best practices are found. In addition, new regulations and interpretations may necessitate altering the policies and procedures.

The most current policies and procedures may be found in the SBU Student Handbook and the SBU Employee Handbook.

### ***Compliance Policies (SBU Student Handbook)***

SBU prohibits domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment. The University expects behavior from all members of the University family that demonstrates the highest standard of respect for people and property and that exemplifies the Christian commitment to loving one another. Certain behaviors are not acceptable according to this moral and ethical standard.

It is important to recognize that emotional, verbal, and economic abuse are part of the umbrella of domestic violence, dating violence, sexual assault, and stalking and can exist without the presence of physical abuse.

### **Definitions**

Many of the following terms, unless cited differently, were taken from MO Rev Stat § 455.010 (2016):

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

- a. “Assault”, purposely or knowingly placing or attempting to place another in fear of physical harm;
- b. “Battery”, purposely or knowingly causing physical harm to another with or without a deadly weapon;
- c. “Coercion”, compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;
- d. “Harassment”, engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:
- e. Following another about in a public place or places;
- f. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
- g. “Sexual assault”, 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;
- h. “Unlawful imprisonment”, holding, confining, detaining or abducting another person against that person’s will; (455.010 RSMO):

*Adult* — any person seventeen years of age or older or otherwise emancipated; (455.010 RSMO);

*Support Person of Choice* — an individual whom complainants and respondents involving domestic violence, dating violence, sexual assault, and stalking have the privilege to have attend and support them through the investigation, resolution, and, if necessary, appeal processes. The selection of an “advisor of choice” is not limited to, but can include a friend, mentor, family member, attorney, or faculty member.

*Bystander intervention* — helpful and safe bystander interaction, especially if there is a risk of domestic violence, dating violence, sexual assault, or stalking. While there are many methods of invention to help a fellow student, a bystander

must assess their personal safety before intervening. If intervention is reasonable, a few bystander interaction methods, but certainly not an exhaustive list, could include:

- a. Engaging in conversation that would divert the concern
- b. Using a distraction to deter the situation
- c. Asking another bystander(s) to assist you in disrupting the issue
- d. Telling University personnel
- e. On the Bolivar campus, calling SBU Safety and Security 417-328-1556
- f. Calling 911

*Child* — any person under seventeen years of age unless otherwise emancipated; (455.010 RSMO)

*Complainant* — A complainant is anyone who reports an alleged incident of sexual misconduct or discrimination as described by policy.

*Consent* — SBU's Principles & Expectations apply to employees and students. All members of the University family should abstain from unbiblical sexual practices and behavior that may lead to a violation of God's standards on sexual activities. If sexual activity occurs outside the covenant of marriage, "Consent" means an affirmative, unambiguous, and voluntary agreement to engage in sexual activity. Consent requires a mutual understanding communicated that endorses an agreement to be sexually active at that given time. Consent to some form of sexual activity should not be interpreted as consent to other forms of sexual activity. Without consent, any sexual activity will be considered unwanted and without consent. Sexual activity will be considered non-consensual if the victim was unable to communicate consent due to coercion, incapacitation, physical abuse, or any other item causing impaired judgment.

RSMo 556.061(5). 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, or intoxication, 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.

*Court* — The circuit or associate circuit judge or a family court commissioner; (455.010 RSMO).

*Dating Violence* — The term "dating violence" means violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- i. The length of the relationship.
- ii. The type of relationship.
- iii. The frequency of interaction between the persons involved in the relationship" (SEC. 40002. 42 U.S.C. 13925).

*Domestic violence* — Abuse or stalking committed by a family or household member, as such terms are defined in this section (455.010 RSMO). The State of Missouri does not define domestic or dating violence. However, the State of Missouri does define assault (455.010(1) RSMo), and has interchangeably used domestic or dating violence when referencing a situation whereby a person purposely, knowingly, or recklessly caused fear or physical harm to another person within the same family or with another person in which an intimate or romantic relationship existed.

*Ex parte order of protection* — An order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it (455.010 RSMO).

*Family or household member* — 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 (455.010 RSMO).

*Full order of protection* — An order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard (455.010 RSMO).

*Order of protection* — Either an ex parte order of protection or a full order of protection (455.010 RSMO).

*Pending* — Exists or for which a hearing date has been set (455.010 RSMO).

*Petitioner* — A family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking or sexual assault, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505 (455.010 RSMO).

*Respondent* — A respondent is anyone in which a sexual misconduct or discrimination allegation report has been filed against. The family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503 (455.010 RSMO).

*Sexual Assault* — “The term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (SEC. 40002. 42 U.S.C. 13925). In addition, sexual assault is causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress (see 455.010(1) RSMo).

*Sexual Harassment* — SBU is committed to maintaining high standards of professional ethics in a humane atmosphere in which individuals do not abuse their personal authority or power. All members of the University family are responsible for maintaining a positive working and learning environment. The faculty, staff, and students of SBU will not condone actions that a reasonable person would regard as either gender discrimination or sexual harassment.

Gender discrimination occurs when a person, due to their biological sex of being male or female are treated unequally. Gender discrimination also includes the unequal or unfavorable treatment of a person due to social behavior such as the nonconformance of biological roles.

Sexual Harassment is any unwelcome verbal or physical conduct based on any characteristic protected by law when: (1) the behavior can reasonably be considered to adversely affect the school or work environment; or (2) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct." Conduct that "adversely affects the work environment," even though it may not be "severe or pervasive" as required under federal law may also be deemed harassment.

Procedure: Any person(s) who believes he or she has been the object of gender discrimination or sexual harassment by a co-worker, supervisor, manager, visitor, teacher, or student is encouraged to report the incident to the cabinet member in charge of his/her particular area, the human resources director, his/her supervisor, or any other member of the executive cabinet. (Note: The Vice President for Student Development is responsible for any student concerns.) An individual must not assume SBU is aware of his/her complaint. It is the individual's responsibility to report all complaints and concerns as soon as possible. Supervisors with any knowledge of harassment should report all complaints to the University Affirmative Action Officer (Director of Human Resources) immediately.

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

- a. Alarm" means to cause fear of danger of physical harm; and

- b. Course of conduct" means a pattern of conduct composed of two or more acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact (455.010 RSMO).

## **Policy and Procedures for Reporting Domestic Violence, Dating Violence, Sexual Assault, Rape, Stalking and Sexual Harassment**

[From SBU Student Handbook and SBU Employee Handbook Policy Number: 06.03.18]

### **Policy**

Applicants for admission and employment, students, parents of students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Southwest Baptist University are hereby notified that this institution does not discriminate on the basis of race, color, national origin, sex, age, disability or marital status in employment, admission, access to, or treatment in, its programs and activities, except to the extent permitted by religious exemptions recognized by law.

SBU prohibits quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment. Any student who believes he or she has been a victim of any of these inappropriate actions is encouraged to report the incident to any member of the Title IX committee or the Title IX Coordinator, Mark Grabowski.

Any SBU personnel with any knowledge of sexual misconduct or any the above-stated items should report all complaints to the Title IX Coordinator, Title IX Committee Member, Director of Human Resources, or Director of Safety and Security.

SBU students are encouraged to report incidents of quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment whether the incident happened to them or a fellow student.

Amnesty is provided for any SBU student who has become a victim or witness to any of the above-stated sexual misconduct items or has experienced an alcohol-related emergency. Students in this situation may not be sanctioned if the reporting student has indeed violated the University's Alcohol Policy (see Student Handbook).

*Confidentiality* — The University recognizes that maintaining the confidentiality of the person who files a complaint is of the utmost importance. While all discrimination complaints will be handled discreetly, there is no guarantee that absolute confidentiality will occur.

*Retaliation* — Retaliation against a person who files a complaint, or persons who participate in related proceedings and investigative efforts, is prohibited. Any retaliation against a person filing a complaint will be subject to discipline in accordance with the institution's policies and procedures.

### **Reporting a Complaint**

SBU has a dedicated Title IX Committee comprised of one coordinator and six committee members to ensure Title IX compliance and care for individuals who are complainants or respondents.

Any student who believes he or she has been a victim or has knowledge of an incident of sex discrimination, quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment is encouraged to report the incident to official University personnel.

Title IX Coordinator: Mark Grabowski, Director of Safety and Security, Title IX Coordinator, 417-328-1556, [mgrabowski@SBUuniv.edu](mailto:mgrabowski@SBUuniv.edu).

Current Members of the Title IX Committee can be viewed on our website at [SBUuniv.info/titleix](http://SBUuniv.info/titleix).

In addition, individuals with complaints of quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment have the right to file a formal complaint with the United States Department of Education Office of Civil Rights (OCR). The Missouri OCR office address is following:

Kansas City Office  
Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, 3rd Floor, Suite 320  
Kansas City, MO 64106

Telephone: 816-268-0550

Fax: 816-268-0599; TDD 800-877-8339 Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

### Complaint Process

SBU is committed to investigating and determining a resolution for all reported incidents, especially those pertaining to quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment (see definition of sexual harassment in the SBU Student Handbook and Employee Handbook). An incident may be reported to a Title IX Committee member or directly to the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number, electronic address, or by mail to the office address listed for the Title IX Coordinator. An incident reported to one of the University officials will prompt the Title IX Coordinator to proceed with the following established process.

#### *I. To Whom This Process Applies*

This process pertains to alleged conduct relevant to Title IX committed by any individual affiliated with Southwest Baptist University when:

- (1) the conduct is considered sexual harassment as defined by Title IX
- (2) the conduct occurs on Southwest Baptist University premises; and/or
- (3) the conduct occurs in the context of a Southwest Baptist University employment, education, or research program or activity in the United States

Conduct meets the qualification of sexual harassment according to Title IX if:

- An employee of SBU conditions aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct – known as quid pro quo harassment.
- One experiences unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity
- One experiences sexual assault, dating violence, domestic violence, or stalking

Any individual, regardless of affiliation with Southwest Baptist University, may file a complaint.

## *II. Initial Assessment*

When the Title IX Coordinator becomes aware directly by a potential complainant or a third party of an incident that may involve sexual harassment as defined above, an initial assessment meeting will be conducted to gain a basic understanding of the nature and circumstances of the report. At this meeting, the complainant alleging the incident will be provided with information about resources, procedural options, and an opportunity to discuss the University's policies.

A reasonable assessment of the safety of the individual and of the campus community will be made by the Title IX Coordinator and/or members of the Title IX Committee. The team will consider the interest of the complainant and the complainant's expressed preference for the manner of resolution. Where possible and as warranted by the facts and circumstances, the University will seek action consistent with the complainant's request.

## *III. Filing a Complaint*

If the potential complainant wishes to proceed with a resolution process, they will submit a written Formal Complaint to the Title IX Coordinator. Formal Complaints may be submitted in person, by mail, or electronically, provided they contain a signature from the complainant. Upon receipt of a Complaint, the Title IX Coordinator will be responsible for making the following determinations:

- (1) Is the conduct considered sexual harassment as defined by Title IX? And
- (2) Did the conduct occur on Southwest Baptist University premises? and/or
- (3) Did the conduct occur in the context of a Southwest Baptist University employment, education, research program or activity in the United States?

If the answer to questions 1 and/or 2 or 3 is no, the Title IX Office does not have the authority to resolve the Complaint and the potential complainant will be referred to the appropriate resources.

If the answer to both questions 1 and 2 and/or 3 is affirmative, the Title IX Office has the authority to investigate and resolve the Complaint.

## *IV. Standard of Evidence*

In all stages of the process, SBU will apply the preponderance of the evidence standard (more likely than not) when determining whether the University policy has been violated.

## *V. Advisors*

Complainants and respondents are entitled to be accompanied and assisted by an advisor of their choosing at both formal and informal meetings, investigation interviews and, if applicable, a subsequent Title IX Council panel hearing. A list of advisors is available to the parties, subject to their availability. There is no requirement that an advisor be chosen from this list or be an individual from the SBU community. Complainants and respondents may choose to have an attorney serve as their advisor, but accommodations, including scheduling of interviews or hearings will not be made for any advisors, including attorneys, if they unduly delay the process.

## *VI. Informal Resolution Process*

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the Title IX Office may resolve reports informally and appropriately, based on the circumstances reported and requested by either the complainant or respondent with both parties agreeing to an Informal Resolution process. Informal resolutions generally are pursued when the complainant, having been fully informed of all available options, has explicitly made that choice. An informal resolution process is voluntary, and a complainant can ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a

subsequent formal resolution process and hearing. Once a complaint has been resolved through an informal resolution process, the matter will be closed, and a formal grievance is no longer an option.

## VII. Formal Resolution Process

A formal resolution process will occur when (a) a report of a violation of the policy is made and the complainant seeks a formal resolution; or (b) the Title IX Office determines that a formal resolution process is necessary after considering the safety of the broader campus community. In the situation when there is a serious threat to the University community, but the potential complainant cannot or does not wish to proceed with the formal process, the Title IX coordinator or their designee, may assume the role of a complainant.

### A. Formal Resolution Process Brief Overview

- 1) A written and signed Formal Complaint is submitted to the Title IX Office and the respondent receives notice of the allegations.
- 2) An investigator is appointed by the Title IX Coordinator
- 3) The investigation is conducted, witnesses are interviewed, information is gathered, and an initial investigation report is prepared and shared with both parties.
- 4) Within ten (10) business days following receipt of the investigation report, both parties may provide a written response.
- 5) The investigation report is finalized and shared with the parties and the Title IX Coordinator.
- 6) The Title IX Coordinator appoints a Decision Maker to conduct a formal hearing.
- 7) The parties may submit a written statement and question for cross-examination to be considered by the Decision Maker.
- 8) The Title IX Coordinator provides the Decision Maker with the investigation report and any written statements from the parties.
- 9) Parties may appear before the Decision Maker to make an oral statement and to provide cross-examination of witnesses and the complainant and respondent.
- 10) The Decision Maker decides which questions are relevant during the context of the cross-examination stage of the hearing.
- 11) The Decision Maker will convene to deliberate and render a decision, regarding whether the respondent has violated the University policy.
- 12) If there is a finding of responsibility for any violations, the Decision Maker will deliberate as to an appropriate sanction.
- 13) The Title IX Coordinator will prepare a written decision and rationale within five (5) business days, which will be shared simultaneously with the parties.

### B. Investigation

The Title IX Coordinator will notify the respondent of the complaint in writing. The Title IX Coordinator will appoint an investigator(s) to the matter. The role of the investigator(s) will be to gather additional information through interviews of the complainant, respondent, and witnesses and synthesize the information in a report that will be provided to the Title IX Coordinator as well as the Decision Maker appointed to oversee the live hearing. The investigator(s) has/have the discretion to determine the relevance of any witness or other evidence and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

#### i. Witnesses

Both the complainant and respondent are permitted to provide names of potential witnesses to the investigator. The investigator will determine which of those potential witnesses, or other persons, may have relevant information about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the SBU community.

Witness statements should not be character evaluations, as all parties will be presumed to have good character. In addition, how individuals present themselves in other contexts (e.g., friendly, kind, and well-liked) has little probative value in evaluating whether the alleged conduct occurred. Moreover, the sexual history of the parties will not generally be deemed relevant, as described below.

ii. Additional Evidence

Both the complainant and the respondent are permitted to provide other relevant evidence to the investigator. Evidence includes any facts or information presented in support of an assertion and may include text messages, email exchanges, timelines, receipts, photographs, video footage, etc. Any documentation shared by the complainant or the respondent with the investigator will be provided to the other party. The investigator may also consider additional documents, items or other relevant information.

Information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, qualities, or habits of an individual is character evidence and is not relevant to the determination of whether there is a policy violation.

Pattern Evidence: Evidence of an occurrence or occurrences of prohibited conduct so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact may be considered. Where there is evidence of a pattern of similar prohibited conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation, this information may be deemed relevant to the determination of policy violation or assigning of a sanction. Instances will be rare, and the determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially like the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern.

Prior Sexual History of the Parties: An individual's character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances. For example, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve other questions raised by the report. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Prior Sexual History Between the Parties: Even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Where the parties have a prior sexual relationship, and the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, this does not assume that the prior sexual history was consensual, and this should be a factor in considering relevance.

C. Investigation Report

The investigator will produce a written report that contains the relevant information and facts learned during the investigation and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not make a finding or recommended finding of responsibility. The investigator's report will include credibility assessments based on their experience with the complainant, respondent, and witnesses, as well as the evidence provided.



The investigation report will be shared with the Title IX Coordinator, as well as the complainant and the respondent to review before it is finalized. Within ten (10) business days, the complainant and respondent may offer additional comment, clarify information previously shared, suggest additional witnesses, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation. When the report is finalized, it will be delivered to both parties and the Title IX Coordinator. The complainant and respondent may only share the investigation report for the purpose of receiving counsel or advice related to the University process.

#### D. Hearing Process and Deliberations

The Decision Maker will receive the complaint, notice to parties, and investigation report in advance of the hearing. Complainants and respondents may submit a written statement to the Decision Maker, as well as any potential questions for cross-examination which must be submitted to the Title IX Coordinator twenty-four (24) hours before the hearing.

- i. Prior to the hearing
  - a. Each party may have an advisor present with them throughout the hearing process who can ask questions on behalf of the party, and who may cross-examine witnesses.
  - b. The university will provide an advisor for either the complainant or the respondent if the party does not bring one, and an advisor agreement will be shared to each party.
  - c. The Title IX Coordinator will share the hearing guidelines and setup of the hearing with both parties
  - d. Witnesses that each party previously identified in the investigation period will be invited to participate in the hearing. Note: only testimony given during the live hearing will be considered, therefore it is vital that each party and relevant witnesses attend the live hearing when called.
- ii. During the Hearing
  - a. The Decision Maker ensures that each party has an advisor to represent them. If not, SBU will provide one for the relevant party.
  - b. Recording equipment is turned on by SBU personnel. SBU is the only entity allowed to record hearings.
  - c. The Decision Maker calls the meeting to order.
  - d. The complainant may make an opening statement of no more than 5 minutes (may be made by the advisor on behalf of the party)
  - e. The respondent may make an opening statement of no more than 5 minutes (may be made by the advisor on behalf of the party)
  - f. Witnesses are individually called and cross-examined by complainant and then by the respondent.
  - g. Steps for cross-examination:
    - I. Party consults with advisor to determine question.
      1. Parties will not be permitted to ask questions directly.
      2. Questions challenging credibility are allowed (if relevant).
      3. If a party or witness does not appear, or refuses to submit to cross-examination from the other party's advisor, then the Decision-Maker must exclude any statements given by said party.

- II. Advisor asks the question – All relevant questions and follow-up questions will be posed by the advisor.
  - III. Decision maker determines whether question is relevant.
  - IV. If question is deemed relevant, other party answers.
  - V. If question is deemed not relevant, decision maker provides reason, and the questioning proceeds with the next question
  - h. After questioning and cross-examination by both parties the complainant may give a closing statement of no more than five (5) minutes.
  - i. The respondent may give a closing statement of no more than five (5) minutes.
  - j. The Decision Maker begins deliberations as to whether a preponderance of evidence exists to hold the respondent responsible.
- iii. The Sanction and Decision

Following the Live Hearing if the Decision Maker determines that the respondent is responsible for one or more violations of the University Policy, he or she will then deliberate as to an appropriate sanction. The Decision Maker will be permitted to consider prior policy violations in determining an appropriate sanction.

If the results of the Live Hearing substantiate any part of a complaint filed under this policy, immediate and appropriate corrective and/or disciplinary action will be taken. If the evidence shows that the reported allegation is more likely true than not true, then this type of violation is considered potentially a dismissible offense.

The Decision Maker prepares the written outcome decision and rationale, including a finding of responsibility or non-responsibility, and, if applicable, the sanction and rationale. Within five (5) business days, the report of the Decision Maker will be provided simultaneously to the complainant and the respondent.

## E. The Appeal Process

The complainant and respondent have the right to appeal final determination of responsibility and/or the resulting sanction based on the limited grounds of

- A procedural irregularity that affected the outcome of the matter.
- New evidence emerges that was not reasonably available at the time the determination was made, and this new evidence may affect the outcome of the matter.
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals are heard by an Appeal Officer appointed by the Title IX Coordinator. The Appeal Officer may not fulfill any other role in the preceding process. The Appeal Officer's responsibility will be strictly limited to determining if there was substantial procedural irregularity that materially affected the outcome, new evidence not reasonably available at the time of the hearing that may affect the outcome, and/or The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If any of these circumstances are found by the Appeal Officer, the appeal will be granted. If the appeal is denied, the matter is closed.

If the appeal is granted:

- 1) due to a substantial procedural error, the matter will be heard by a new Decision Maker
- 2) due to the discovery of new evidence not reasonably available at the time of the initial hearing, the matter will be returned to the same Decision Maker who originally heard the matter for reconsideration in light of the new evidence.
- 3) due to The Title IX Coordinator, Investigator, or Decision-Maker having a conflict of interest or bias for or against the complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, the relevant parties will be replaced, and the matter will be investigated, heard by the newly appointed individuals.

In the event of a reconsideration, the Appeal Officer will give the Decision Maker instructions regarding the nature and extent of its reconsideration. The Decision Maker will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding of the Decision Maker or the sanction imposed by the Decision Maker will be final and not subject to further appeal.

### *VIII. Withdrawal of a Complaint*

The complainant may request to withdraw a Complaint at any time. The University reserves the right to decide whether to approve or deny this request but will strongly consider the complainant's wishes.

### *IX. Timeframe for Completion of Investigation and Disciplinary Process*

The University cannot promise the definitive timeframe of this process, but ordinarily will complete its investigation and disciplinary process with utmost expediency. This time period does not include the time for an appeal. The U.S. Department of Education has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the University temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this policy may be altered by the Title IX Program Officer for good cause. The University's overarching goal is that all Complaints be investigated in a prompt, fair, and impartial manner.

### **Sexual Assault Recommended Response**

In the event of sexual assault, the victim should be aware of the following procedures:

In the event of sexual assault, the victim should be aware of the following procedures:

1. Report the incident
  - a. Bolivar Police; 345 South Main Avenue; 417-326-5298
  - b. A victim that is a student should inform the Vice President for Student Development; Goodson Student Union; 417-328-1827 (A member of the residence life staff may serve as a liaison for a student/victim residing in a residence hall). Employees should inform one of the following designated reporting officials: President, Provost, Vice-President for Administration, Vice President for Student Development, Athletic Director, or Director of Safety and Security.
  - c. A victim at the Springfield Campus should notify the Springfield Police at 417-864-1810. In addition, the center director or building coordinator should be notified.
  - d. A victim at the Mountain View Campus should notify the Mountain View Police at 417-934-2525. In addition, the center director should be notified.
  - e. A victim at the Salem Campus should notify the Salem Police at 573-729-4242. In addition, the center director should be notified.
2. Seek medical assistance [student health center: 417-328-1888], [Salem Memorial District Hospital: 573-729-6626].
3. Consider the importance of preserving evidence.
4. Seek counseling on or off campus (SBU Counseling Center: 417-328-1736)

5. Complainant and respondent are encouraged to communicate with their local police. If either party needs assistance with contacting or notifying the police, assistance will be offered. Complainant may decline notifying proper authorities, but are encourage to notify police.
6. Consider pressing charges.
7. University officials will cooperate with local officials.
8. If the accused is a student, university disciplinary measures may also be taken at the appropriate time with both the accused and the accuser informed of the outcome.
9. Consider requesting changes regarding academic and living situations. Changes will be made if requests are received that may be reasonably accommodated. Requests for changes should be addressed to the Vice President for Student Development.
10. The accuser and accused are entitled to the same opportunities to have others present during a disciplinary proceeding.
11. Both the accuser and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense (the institution's final determination and any sanction against the accused).
12. Refer to the student guidelines and expectation section of the handbook to learn discipline and sanctions related to sexual assault.

### Medical Centers in Salem

Salem Memorial District Hospital  
 573-729-6626  
 35629 Hwy 72

Riverways Pregnancy Resource Center  
 573-739-4673  
 1600 Doss Road

Dent County Health Center  
 573-729-3106  
 601 N McArthur Ave.

### SBU Student Sanctions for Class C Violations

All sex offenses, domestic violence, dating violence, sexual assault, and stalking crimes are considered class C violations. Class C violations consist of unacceptable moral or ethical behavior; serious law violation(s); serious damage to property; or behavior that is harmful (or potentially harmful) to self, others, or the university. Therefore, class C violations are considered potentially dismissible offenses.

Class C offenses (including alleged violations of any potentially dismissible offense) are reviewed by the Student Life Judicial Council (SLJC) or Vice President for Student Development, and may be referred to the Student Infractions Peer Committee.

The following procedural process is applicable in cases where an alleged Class C violation has occurred and may require official student disciplinary action:

1. Acknowledgment of alleged incident including statement of facts and violation will be submitted to the Vice President for Student Development.
2. Investigation procedures will be initiated as outlined in the Student Handbook.
3. Notice will be provided to the student charged with an alleged violation of student conduct policy. The charged student will be granted a hearing.
4. A written hearing notice will be provided to the student charged with an alleged violation of student conduct policy that explains the alleged violation, date and time of the hearing, and the hearing process.
5. Following the hearing, the charged student will be informed of the outcome, including any imposed sanction(s). At this time, the student will also be informed of the disciplinary appeals option(s) as outlined in the Student Handbook.

## **Student Life Judicial Council (SLJC)**

The Student Life Judicial Council will consist of the Vice President for Student Development and a select group of invited individuals who represent the University's faculty and staff. The function of this council is to hear disciplinary appeals and Class C violations. Upon hearing allegations and reviewing evidence, the council will have authority to absolve allegations or issue sanctions.

Investigation Procedures University's procedures related to investigating allegations made against a student should include the following steps:

1. Assess allegation and determine what investigatory efforts are necessary. If the allegations made against a fellow student involves domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, or sexual harassment, then the procedural steps associated with these items will be pursued (see Student Handbook).
2. Research allegation, which may include, but certainly not limited to interviewing individuals, reviewing video surveillance footage, or requiring a drug test.
3. Collect and review relevant information pertinent to submitted allegation.
4. Follow proper student hearing procedures, if it is determined that a hearing is necessary.
5. Interview individuals with knowledge of facts. Interviewees will be summoned to an interview with acknowledgement that they are assisting with information collection.
6. Consult with appropriate University constituents, which may include the Student Life Judicial Council.
7. Discuss and evaluate collected data.
8. Present conclusions to the accused and take necessary actions. If the evidence shows that the report allegation is more likely true than not true, then violations are considered a Class C Violation and appropriate sanctions will be applied.

Class C violations will be addressed in the following manner:

1. A written incident report will be turned in to the Office of Student Life for action by the Vice President for Student Development.
2. Action may include:
  - a. Absolve the student of charge(s) relevant to the violation(s).
  - b. Find the student to be in actual violation resulting in one or more of the following sanctions
    - i. official reprimand
    - ii. financial restitution
    - iii. community service
    - iv. educative sanction(s)
    - v. disciplinary notice
    - vi. restrictive sanction(s)
    - vii. disciplinary probation
    - viii. denial of privilege to re-enroll
    - ix. suspension
    - x. dismissal with suspended imposition of sentence
    - xi. dismissal
3. The appeals process for class C violations is outlined in detail in the appeals section of the student handbook.

## **Sanctions**

The following examples represent the types of discipline that may be imposed. One or more sanctions may be imposed for a particular violation.

**Official Reprimand:** This sanction serves to inform the student that the incident reflects behavior unacceptable to the community and is inconsistent with University regulations. The purpose of this sanction is to serve as a warning to the student that further violation is likely to result in more severe consequences which would become part of the student's disciplinary records.

**Suspended Fines:** This sanction allows the student to withhold payment unless the offense is repeated, in which case the student is held responsible for paying the fine for the original offense and for the repeated violation.

**Fines:** Fines are used as a deterrent for those who disregard residence hall regulations. Fines are separate from restitution.

**Restitution:** Students are obligated to compensate a party for any damage or loss of property for which they are responsible.

**Community Service:** Students may be required to perform community service hours either on or off campus as an appropriate response to the violation.

**Educative Sanctions:** Tasks, assignments or experiences that a student is obligated to complete as a result of the decision of an officer of Student Life. Examples are: letters of apology; research of an issue related to the offense; attending a workshop, lecture or meeting.

**Restrictive Sanction:** If it is believed by the Vice President for Student Development that a certain restriction is an appropriate response to a violation, the student will be restricted accordingly for a specified period of time. Examples of restrictions that may be imposed include the following but are not limited to:

1. Restricting participation in a particular activity or activities.
2. Restricting the on-campus housing assignment (may require a housing adjustment).
3. Restricting off-campus living privileges (may require the student to remain in campus housing for an extended period of time or move from an off-campus residence to campus housing).

**Disciplinary Notice:** This sanction places the student on official notice to the effect that the violation has become part of the student's disciplinary records and that any further violation is likely to result in the student being placed on the status of Disciplinary Probation or Dismissal.

**Disciplinary Probation:** The imposition of this sanction affects the student's good standing with the University for the duration of the probationary period. Further violations that occur during the probationary period are likely to result in suspension or dismissal. Students placed on the status of Disciplinary Probation are ineligible to represent the University in any University-sponsored activity (see listing of activities under Academic Probation). The Vice President for Student Development will communicate with the affected student and with appropriate faculty/staff. The length of the probationary period imposed by the Vice President for Student Development will depend on the nature of the violation and the time frame of the semester. Probationary periods include one to five weeks, five to eight weeks, eight weeks to one semester, and one semester to two semesters.

**Denial of Privilege to Re-enroll:** This sanction places the student on indefinite disciplinary probation, allows for completion of the current semester but prohibits enrollment for subsequent semesters without permission from the Vice President for Student Development.

**Suspension:** Students on suspension are not permitted to enroll or continue to be enrolled in classes on campus and may be required to remain off campus except when an appointment with a University official has been arranged. Students who are suspended are not permitted to live in University housing.

**Dismissal with Suspended Imposition of Sentence:** This status enables an alternative recourse while stipulating that the student's status will be automatically terminated following a second offense. (For further explanation, see the section on University Sanctions for Alcohol Policy Violation found elsewhere in this handbook.)

**Dismissal:** Dismissal is the termination of student status for a stated period of time. The conditions of readmission, if any, shall be stated in the order of dismissal. If a dismissed student, who is later allowed to return, conducts a class C violation, that student is subject to immediate dismissal.

Impositions of sanctions that deny a student the privilege to continue or re-enroll at the University will be communicated to the Registrar and noted as part of the student's transcript for the duration of the dismissal or probation period.

## ***Employee Sanctions For Title IX Violations***

[SBU Employee Handbook Policy Number: 06.03.18]

The following sanctions within the Employee Sanctions section apply to employees who have been found responsible for violating the University's Title IX policy.

Sexual misconduct can manifest itself in a wide range of behavior. Therefore, the University has empowered the Title IX Committee to evaluate the gravity of the employee's behavior and impose any of the sanctions listed below to address the violation as deemed appropriate.

*Written Warning* – warning with a memorandum to the employee's employment file including notice to the employee of further disciplinary action may result in termination of employment.

*Final Warning* – warning with a memorandum to the employee's employment file including notice to the employee of further disciplinary action will result in termination of employment.

*Performance Improvement Plan* – Written plan documenting the University's expectations with respect to the employees' behavior and defining what success looks like in the future. This document may also outline required training on discrimination, harassment, sexual misconduct and/or retaliation for the employee.

*Administrative Leave* – Paid or unpaid time off during the investigation. This would occur for egregious violations and/or a no-contact order is given.

*Reassignment* – move the employee to a different department and/or campus or change the class in which an employee teaches.

*Barring Leadership or Participation in Domestic or International Off-Campus Education Programs* - Employee will not be allowed to participate in any travel with students or employees until such time they have completed required training as outlined by the Title IX committee.

*Dismissal/Termination of Employment* – Employee is no longer considered an employee of the University.

*Faculty* – separation of employment will follow the Separation Procedure as outlined in section 2.10 in the Faculty Handbook.

*Staff* – separation of employment will follow Severance of Employment policy 06.06.03 located in the Employee Handbook.

## **Counseling, Advocacy and Support Resources for Victims of Sexual Violence**

### **University Resources:**

*Counseling:* SBU has designated counselors (female and male) trained in responding to sexual assault victims. Their offices are located within the Department of Behavioral Sciences located on the second floor of Gott Educational Center Bolivar Campus. You may visit or call the Department of Behavioral Sciences at 417-328-1736 or 417-328-1729 with questions. If necessary, after hours a counselor may be reached after hours at 417-399-5175.

*Health Services:* The Director of Health Services is available for care and support generally from 8 a.m. to 4 p.m. Monday through Friday at the Killian Health Center, 803 S. Pike Bolivar Campus, 417-328-1888.

*Safety and Security:* Assistance is available 24/7 by calling the Southwest Baptist University Safety and Security Department at 417-328-8733. An officer can provide assistance for medical treatment, contacting a counselor, support person, local resources, as well as reporting the crime to local law enforcement (if requested).

*Employee Assistance Program:* Free confidential assessment, professional counseling and referral services are available 24/7 at 800-386-7055. The EAP may direct the employee to alternative treatment sources or programs which are the financial responsibility of the employee.

*National Sexual Assault Hotline:* 1-800-656-4673

## **Community Resources**

Dent County Crisis Center - 103 E. Fourth Street, Salem MO 573-729-4774; or 573-578-3586

*Local Police Departments:* Salem Police Department - 500 North Jackson Salem, MO 573-729-4242

Local Hospitals: Salem Memorial - Salem: 35629 MO-72, Salem, MO 573-729-6626

## **Registered Sex Offender Information**

In the state of Missouri, sex offenders are required to register in the county in which they reside. Anyone may view the registered sex offender list by visiting the local sheriff's office. Below are listed the address, phone, and internet address.

### **Dent County Sheriff**

112 E 5<sup>th</sup> St.  
Salem, MO 65560

573-729-3241

[www.salemmo.com/county/sheriff.asp](http://www.salemmo.com/county/sheriff.asp)

### **Missouri State Highway Patrol**

1510 E. Elm Street  
Jefferson City, MO 65102

573-751-3313

[www.mshp.dps.missouri.gov](http://www.mshp.dps.missouri.gov)

## **University Policy on Criminal Issues**

If any SBU student is arrested by law enforcement, immediate suspension from any and all University activities, practices and events will be imposed until the University exonerates the student. As outlined in SBU's Student Handbook, discipline is intended to uphold University standards, promote personal responsibility and be educative in redirecting student behavior. All students who choose not to abide by student conduct policies are subject to disciplinary action.

### **Student Infractions at Salem**

Disciplinary matters involving branch campus graduate and undergraduate students will be addressed by the branch campus director.

## **Crime Statistics**

The Clery Act requires all colleges and universities that participate in federal aid to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the States Department of Education, which can impose penalties, up to \$62,689 per violation, against institutions for each infraction and can suspend institutions from participating in federal financial aid.

Definitions of crime statistic terminology and corresponding laws and ordinances are listed on the pages following statistics.



Statistical listings on the next pages represent a numerical value of crimes that were reported to SBU Safety and Security either directly or through Campus Security Authorities and local law enforcement agencies.

Crime statistics were requested from both police and sheriff departments for each campus.

Statistics only represent the number of incidents reported to proper authorities. As some incidents go unreported; others may have been falsely reported. Every effort is made to encourage accurate reporting and to obtain accurate statistics from law enforcement agencies.

An incident report may only be unfounded when a law enforcement authority deems the report false or baseless. If an incident is unfounded, a notation will be made and the incident will be statistically recorded as unfounded.

If a person believes that a recordable incident may not have been included in this report, they are encouraged to contact the director of safety and security.

### ***Salem Campus Statistics***

The SBU Department of Safety and Security survey the Salem Police Department, Dent County Sheriff, and Missouri Highway Patrol for crimes that have been reported in the designated geography. Below are the results of the survey.

2020 -2021: No reports from any agency.

2019: Salem Police Department reported 1 Arrest for Drug law Violation

Criminal Offenses	On Campus			Non Campus Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Murder	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests	Liquor Law Violation	0	0	0	0	0	0	0	0
	Drug Law Violation	0	0	0	0	0	1	0	0
	Weapons Law Violation	0	0	0	0	0	0	0	0
Referrals	Liquor Law Violation	0	0	0	0	0	0	0	0
	Drug Law Violation	0	0	0	0	0	0	0	0
	Weapons Law Violation	0	0	0	0	0	0	0	0
Hate Crimes									
Murder	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0

Criminal Offenses	On Campus			Non Campus Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0

The Clery Act requires a separate report of all hate crimes statistics that manifest evidence that the victim was intentionally selected because of the perpetrator's bias or the perpetrator perceived the person to be in one of the protected group categories.

The crimes required to be reported include Murder, Negligent Manslaughter, Forcible Sex Offenses, Non-forcible Sex Offences, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction, Damage, or Vandalism of Property, or any other crime involving bodily injury. There are eight protected group categories that are reportable under the Clery Act. They are: Race, Religion, Ethnicity, Gender, Sexual Orientation, Disability, National Origin, or Gender Identity.

The department of safety and security has no reportable hate crime incidents for 2018-2020.

### **Clery Geography 34 CFR 668.46(c)1**

“An institution must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property of the following that are reported to local police agencies or to a campus security authority.”

Campus (On-Campus):(1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and(2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). (Residential): Dormitories or other residential facility.

Non-campus building or property:(1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

## Crime Statistics Definitions

The definitions listed below are used as a tool to assist in proper classification of the incidents for statistical purposes. The list of crimes that are required to be reported can be found in the 34 CFR 668 Appendix A and the FBI's Universal Crime Reporting (UCR) Handbooks. Missouri has specific jurisdiction on laws pertaining to alcohol, drugs, and weapons violations and Missouri also has specific language for some of the other Clery crime categories. This section includes information from the US Department of Education 2011 Handbook for Campus Safety and Security Reporting (Clery Manual) and information for the new crime categories found in the "Violence Against Women Reauthorization Act (VAWA) of 2013".

Under section 304(b) of VAWA, the changes made by the new law became effective with the annual security report prepared all institutions of higher education on October 1, 2014. The rulemaking process to develop the final regulations to implement the statutory changes to the Clery Act was completed on October 20, 2014. These regulations became effective on July 1, 2015. Southwest Baptist University has made a good faith effort to comply with the statutory requirements in accordance with the statutory effective date. The 2014 Report was the first report to include crime data for the new crime categories (See <http://www2.ed.gov/admins/lead/safety/campus.html> for more info).

### Please Note

- If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and should be noted in the Annual Security Report along with a comment as currently documented in the electronic report submitted to the Department of Education.
- Hate crimes are counted in the same manner that the offenses are when they are not hate crimes except that the hierarchy rule does not apply to hate crimes.
- Arrests and referrals are technically not part of the hierarchy; they are shown here to illustrate their place in counting crimes.
- Always count Arson regardless of the nature of any other offenses that were committed during the same incident (hierarchy rule does not apply to arson).
- When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.
- Do not differentiate between attempted and completed crimes. For example, count an incident involving an attempted rape as a Sex Offense.
- If there is an incidence of a Rape along with a murder or non-negligent manslaughter count both instances for crime reporting purposes.
- The status of the victim and the perpetrator is irrelevant. Count all Clery Act crimes, even if they involve individuals not associated with the institution.
- If a person is arrested for multiple violations during a single incident (e.g., violations of both drug and liquor laws), law enforcement or security officer discretion should be used to determine which violation to count. It is recommended that you document the justification for this determination. Officer discretion is allowed only for weapons, drug and liquor law violation arrests resulting from a single incident

### ***Hierarchy Rule for Multiple Offenses***

When counting multiple offenses, we must use the FBI's UCR Hierarchy Rule. This rule requires us to count only the most serious offense when more than one offense was committed during a single incident.

Clery Hierarchy Rule for Multiple Offenses:

1. Murder and Non-negligent Manslaughter
2. Negligent Manslaughter
3. Sex Offenses
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
4. Robbery
5. Aggravated Assault
6. Burglary
7. Motor Vehicle Theft
  - Arson\*
  - Arrests\*
  - Referrals for Disciplinary Action\*

### Federal Crime Definitions and Revised Statutes of Missouri

1. Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Murder 1 <sup>st</sup> Degree	causes the death of another person after deliberation upon the matter	<i>knowingly</i> causes the death	Death or life in Prison, A/Felony	565.020
Murder 2 <sup>nd</sup> Degree	causes the death of another person	purpose of causing serious physical injury to another person, causes the death of another person or death during felony crime	10 – 30, or life, A/Felony	565.021

2016 Missouri Offense Table for Murder (RSMo. 565)

2. Manslaughter by Negligence - The killing of another person through gross negligence.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Involuntary Manslaughter	<i>recklessly</i> causes the death of another person		D,C,B,A/Felony	565.024

2016 Missouri Offense Table for Manslaughter (RSMo. 565)

3. Sex Offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Definitions for fondling, incest and statutory rape come from the FBI’s UCR Program document “The National Incident-Based Reporting System (NIBRS) User Manual from the FBI’s UCR“(Current version 2013)

- A. Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim Definition from the FBI’s UCR Program “Summary Reporting System (SRS) User Manual” Current Version 2013

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Rape 1 <sup>st</sup> Degree	<i>Sexual intercourse</i>	Incapable/lack capacity for <i>consent</i> , or by the use of <i>forcible compulsion</i>	5 years – life without parole (30 years)	566.030
Rape 2 <sup>nd</sup> Degree	<i>Sexual intercourse</i>	Without <i>consent</i>	Up to 7 years, C/Felony	566.031
Sodomy 1 <sup>st</sup> Degree	<i>Deviate sexual intercourse</i>	Incapable/lack capacity for <i>consent</i> , or by the use of <i>forcible compulsion</i>	5 years - life without parole for (natural life)	566.060
Sodomy 2 <sup>nd</sup> Degree ( <i>Deviate Sexual Assault</i> )	<i>Deviate sexual intercourse</i>	Without <i>consent</i>	Up to 7 years, C/Felony	566.061

Missouri Offense Table for Sexual Offenses (RSMo. 566)

- B. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Sexual Abuse 1 <sup>st</sup> degree*	<i>Sexual contact</i>	Incapable/lack capacity for <i>consent</i> , or by the use of <i>forcible compulsion</i>	Up to 7 or 15 years, C,B/Felony	566.100
Sexual Abuse 2 <sup>nd</sup> degree*	<i>Sexual contact</i>	Without <i>consent</i>	Up to 1 or 4 years, A/misdemeanor–D/Felony	566.101
Child Molestation 2 <sup>nd</sup> degree	<i>Sexual contact</i>	Under the age of 17 ( <i>with or without consent</i> )	Up to 1 or 4 years, A/misdemeanor–D/Felony	566.068

Missouri Offense Table for Sexual Offenses (RSMo. 566)

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

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Incest	Marry or attempt to marry, <i>sexual intercourse</i> , or <i>deviate sexual intercourse</i>	Relative (Siblings, ancestors, & adopted children, etc.)	Up to 4 years, D/Felony	568.020

Missouri Offenses Table for Sexual Offenses (Incest) (RSMo. 568)

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

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Statutory Rape 1 <sup>st</sup> Degree	<i>Sexual intercourse</i>	Intercourse with someone under 14	5 years – life (30 years)	566.032
Statutory Rape 2 <sup>nd</sup> Degree	<i>Sexual intercourse</i>	21 or older having intercourse with someone under 17	Up to 7 years, C/Felony	566.034
Statutory Sodomy 1 <sup>st</sup> Degree	<i>Deviate sexual intercourse</i>	Intercourse with someone under 14	5 years – life (30 years)	566.062
Statutory Sodomy 2 <sup>nd</sup> Degree	<i>Deviate sexual intercourse</i>	21 or older having intercourse with someone under 17	Up to 7 years, C/Felony	566.064

Missouri Offense Table for Sexual Offenses (Statutory Rape) (RSMo. 566)

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

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Robbery 1 <sup>st</sup> Degree	forcibly steals property	Serious physical injury or weapons used or threatened	10 – 30, or life, A/Felony	569.020
Robbery 2 <sup>nd</sup> Degree	forcibly steals property	No weapon used or threatening	5 – 15 years B/Felony	569.030

Missouri Offense Table for Robbery (RSMo. 569)

5. Aggravated Assault - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Assault 1 <sup>st</sup> Degree	<i>Knowingly</i> Attempt to kill or cause <i>serious physical</i> injury	<i>Person does cause serious injury</i>	5 years – life (30 years), B,A/Felony	565.050
Assault 2 <sup>nd</sup> Degree	<i>Knowingly</i> Attempt to kill or cause <i>serious physical</i> injury	Attempts to cause injury, sudden passion, <i>reckless cause</i> , intoxication etc.	Up to 7 years, C/Felony	565.060

Missouri Offense Table for Assault (RSMo. 565)

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

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Burglary 1 <sup>st</sup> Degree	enters unlawfully or remains unlawfully in a building or structure for the purpose of committing a crime	Done <i>knowingly</i> and deadly weapon involved	5 – 15 years, B/Felony	569.160
Burglary 2 <sup>nd</sup> Degree	enters unlawfully or remains unlawfully in a building or structure for the purpose of committing a crime	Done <i>knowingly</i> and no weapon involved	Up to 7 years, C/Felony	569.170

Missouri Offense Table for Burglary (RSMo. 569)

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

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Stealing	Taking of other property	Without consent (greater than \$500 and \$25,000 changes charge)	A /Misdemeanor or C,B,A/Felony	570.030

Missouri Offense Table for Motor Vehicle Theft (RSMo. 570)

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

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Arson 1 <sup>st</sup> Degree	damages a building or inhabitable structure with fire or explosion	<i>Knowingly</i> places a person in danger of death or serious physical injury	5 years – life (30 years), B,A/Felony	569.040
Arson 2 <sup>nd</sup> Degree	damages a building or inhabitable structure with fire or explosion	No person involved	Up to 7 – 15 years, C,B/Felony	569.050

### Violence Against Women Act (VAWA) Crime Categories

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

*Domestic Violence:*

1. A felony or misdemeanor crime of violence committed-
  - i. By a current or former spouse or intimate partner of the victim;
  - ii. By a person with whom the victim shares a child in common;
  - iii. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
  - v. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

1. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purpose of this definition-
  - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - ii. Dating violence does not include acts covered under the definition of domestic violence.

Missouri definition of domestic violence 455.010(5) RSMo. relevant to Orders of Protection

“Domestic Violence is abuse or stalking by a family or household member.”

Dating violence is considered domestic violence under current Missouri law in the definition for domestic assault based on the definition of “Family or Household Member” in 455.010(7.) RSMo.

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

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Domestic Assault 1 <sup>st</sup> Degree	Attempt to kill or cause serious injury	<i>Knowing</i> causes injury	5 years – life (30 years), B,A/Felony	565.072
Domestic Assault 2 <sup>nd</sup> Degree	Attempt to kill or cause serious injury	<i>Recklessly</i> causes injury	Up to 7 years, C/Felony	565.073
Domestic Assault 3 <sup>rd</sup> Degree	Attempt to cause serious injury	<i>Recklessly</i> causes injury	Up to 1 or 4 years, A/misdemeanor– D/Felony	565.074

Missouri Offense Table for Domestic Violence/Dating Violence (RSMo. 565)

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

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

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Harassment	Communicates a threat	Frightens, intimidates, or causes emotional distress	Up to 1 – 4 years, A/misdemeanor–D/Felony	565.090
Stalking	Communicates a credible threat	Multiple incidents of harassment “ <i>course of conduct</i> ”	Up to 1 year or up to 7, A/misdemeanor or C,D/Felony	565.225
Aggravated Stalking	Communicates a credible threat	Multiple incidents of stalking	Up to 4 or 7 years, C,D/Felony	565.225
Invasion of Privacy 1 <sup>st</sup> Degree	<i>Knowingly</i> photographs or films another person (full/partial/nudity)	Without consent	Up to 4 years, D/Felony	565.252
Invasion of Privacy 2 <sup>nd</sup> Degree	<i>Knowingly views</i> photographs or films another person (full/partial/nudity)	Without consent Using hidden camera to view undergarments	Up to 1 year or up to 4, A/misdemeanor or D/Felony	565.253

Missouri Offense Table for Stalking Violations (RSMo. 565)

**Arrests & Disciplinary Referral Violations**

34 CFR 668.46(c)(1)(viii)(A) & 34 CFR 668.46(c)(1)(viii)(B)

- Do not include violations of your institution’s policies that resulted in persons being referred for disciplinary action if there was no violation of the law.
- If an individual is both arrested and referred for disciplinary action for an offense, disclose only the arrest statistic.
  1. Possession of a firearm would be included for statistical purposes under Clery, however BB guns, bows, arrows, paint ball guns and air guns are considered projectile weapons but not firearms under Missouri law and would not be reported in the statistics. Remember that possessions of these weapons are violations of University policy and not allowed on campus and applicable sanctions will apply. RSMo. 571.010 & RSMo. 571.030
  2. Alcohol possession on campus by a person 21 years of age or older is not listed in Clery statistics since this is only a violation of school policy and not a violation of Missouri law. RSMo. 311.325
  3. Local Ordinances for Liquor Law Violations, Drug Law Violations, and Weapons Law Violations are on page 40.

Liquor Law Violations - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Purchase or possession by minor	Under the age of twenty-one, purchases or attempts to purchase, or has in possession intoxicating liquor	visibly in an intoxicated condition or has a detectable blood alcohol content of more than two-hundredths of one percent	Up to 1 year, A/misdemeanor	311.325



Missouri Offense Table for Liquor Law Violations (RSMo. 311)

Drug Law Violations - The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

CHARGE	ACT		PRISON TERM	STATUTE
Keeping or maintaining a public nuisance	Any structure used for the illegal use, keeping or selling of controlled substances		Up to 7 years, C/Felony	195.130
Possession or control of a controlled substance.	unlawful for any person to possess or have a controlled substance		Up to 1 or 7 years, A/misdemeanor – C/Felony	195.202
Distribution, delivery, manufacture or production of a controlled substance,	unlawful to distribute, deliver, manufacture, produce or attempt to or to possess with intent to	Class A felony within two thousand feet of an elementary or secondary school, vocational school or community college, college or university, or any school bus	Up to life (30 years), C,B,A/Felony	195.211
Unlawful distribution to a minor.	distributing or delivering any controlled substance to a person under seventeen years of age who is at least two years that person's junior		5 – 15 years, B/Felony	195.212
Unlawful purchase or transport with a minor.	knowingly permits a minor child to purchase or transport illegally obtained controlled substances		5 – 15 years, B/Felony	195.213
Distribution of a controlled substance near schools	distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, a school, college or university or on any school bus		10 years – life (30 years), A/Felony	195.214
Distribution of a controlled substance near a park	distributing or delivering heroin, cocaine, cocaine base, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand feet of, a park		10 years – life (30 years), A/Felony	195.217
Distribution of a controlled substance near public housing	distributing or delivering any controlled substance to a person in or on, or within one thousand feet of public housing		10 years – life (30 years), A/Felony	195.218
Trafficking drugs, first degree	distributes, delivers, manufactures, produces or attempts to distribute, deliver,	35g heroin, 150g coca, 8g cocaine, 500mg LSD, 30g PCP, 4g phencyclidine, 30kg marijuana, 30g amphetamine, 30g methamphetamine	10 years – life (30 years), A/Felony	195.222

CHARGE	ACT		PRISON TERM	STATUTE
	manufacture or produce more than			
Trafficking drugs, second degree	possesses or has under control, purchases or attempts to purchase, or brings into this state more than	30g heroin, 150g coca, 8g cocaine, 500mg LSD, 30g PCP, 4g phencyclidine, 30kg marijuana, 500 marijuana plants, 30g amphetamine, 30g methamphetamine	5 years – life (30 years), B,A/ Felony	195.223
Providing materials for production of a controlled substance	provide any reagents, solvents or precursor materials used in the production of a controlled substance		Up to 4 years, D/Felony	195.226
Unlawful use of drug paraphernalia	use or to possess with intent to use, drug paraphernalia		Up to 1 or 4 years, A/misdemeanor – D/Felony	195.233
Unlawful delivery or manufacture of drug paraphernalia, penalty	deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia	knowing, or under circumstances where one reasonably should know that it will be used	Up to 4 years, D/Felony	195.235
Possession of an imitation controlled substance	possess an imitation controlled substance		Up to 1 year, A/misdemeanor	195.241
Advertisements to promote sale of drug paraphernalia	advertisement, in whole or in part, to promote the sale of objects designed or intended for use as drug paraphernalia		Up to 6 months, B/misdemeanor	195.244
Prior and persistent offenders-- possession, imprisonment for (See 195.202).	class B felony if the court finds the defendant is a prior drug offender	class A felony if it finds the defendant is a persistent drug offender	5 years – life (30 years), B,A/Felony	195.285
Prior and persistent offenders, imprisonment for distribution, delivery, manufacture or production (See 195.211).	class A felony if the court finds the defendant is a prior drug offender	class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender	10 years – life (30 years), A/Felony	195.291
Prior drug offend dist. to a minor or purchase or transport with a minor	class A felony which term shall be served without probation or parole if the court finds the defendant is a prior drug offender		10 years – life (30 years), A/Felony	195.292
Prior drug Offender Trafficking 1st Deg	class A felony if the court finds the defendant is a prior drug offender	class A felony, which term shall be served without probation or parole if the court finds the defendant is a prior drug offender	10 years – life (30 years), A/Felony	195.295
Prior drug Offender Trafficking 2nd Deg	class A felony which term shall be served without probation or		10 years – life (30 years), A/Felony	195.296

CHARGE	ACT		PRISON TERM	STATUTE
	parole if the court finds the defendant is a prior drug offender			
Possession of methamphetamine precursors	Intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue		Up to 4 years, D/Felony	195.420
Possession or purchase of solvents to aid others in violations	intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues		Up to 6 months or 4 Years, B/misdemeanor or D/Felony	578.260
Selling or transferring solvents to cause certain symptoms	knowingly and intentionally sell or otherwise transfer possession of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues	purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system	Up to 7 years, C/Felony	578.265

Missouri Offense Table for Drug Violations (RSMo. 195)

Weapons Law Violations: - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Definitions				571.010
Possession, manufacture, transport, repair, sale of certain weapons			Up to 1 or 7 years, A/misdemeanor – C/Felony	571.020
Unlawful use of weapons			Up to 1 year or life (30 years), B,A/misdemeanor –D,B,A/Felony	571.030
Possession of firearm unlawful for certain persons			Up to 7 years, C/Felony	571.070
Conceal Carry Law				571.107

Missouri Offense Table for Weapons Violations (RSMo. 571)

### Hate Crime Reporting Categories 34 CFR 668.46(c)3

Definitions from the Hate Crime Data Collection Guidelines of the Uniform Crime Reporting Handbook 2012

An institution must report, by category of bias (prejudice), the following crimes reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived categories below:

- Race bias: A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair, facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, Blacks or African Americans, whites.
- Gender bias: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- Religion-based bias: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- National origin bias: A preformed negative opinion or attitude toward a person or group of persons based on the specific geographic region of origin (not defined in the Hate Crimes Guidelines document).
- Sexual orientation bias: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.
- Gender identity bias: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- Ethnicity bias: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors
- Disability bias: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

Included crime categories are all federal crime categories listed previously above and the following:

Larceny-Theft (Except Motor Vehicle Theft) – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Stealing	Taking of other property	Without consent (greater \$500 and \$25,000 changes charge)	Up to 1 Year or Up to life (30 years), A/Misdemeanor or C,B,A, /Felony	570.030

*Missouri Offense Table for Larceny/Theft (RSMo. 570)*

Simple Assault - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Assault 3 <sup>rd</sup> Degree	<i>Recklessly</i> causes physical injury to another person.	<i>Criminal negligence</i>	Up to 6 months or up to 4 years, C,A/misdemeanor or D/Felony	565.070

Missouri Offense Table for Simple Assault (RSMo. 565)

Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Harassment	act with the purpose to cause emotional distress to another person		Up to 1 year or up to 4 years, A/misdemeanor or D/Felony*	565.090

Missouri Offense Table for Intimidation (RSMo. 565)

Destruction/Damage/Vandalism of Property - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Property damage 1 <sup>st</sup> Degree	<i>Knowingly</i> damages property of another	More than \$750 Includes motor vehicles	Up to 15 Years B,C,D Felony	569.100
Property damage 2 <sup>nd</sup> Degree	<i>Knowingly</i> damages property of another	Less than \$750 Includes motor vehicles	Up to 6 months, B Misdemeanor	569.120

Missouri Offenses Table for Vandalism (RSMo. 569)

### Classification of Missouri Penalties and Fines for Offenses

Felony Class	Penalties (Years of imprisonment 558.011 RSMo.)	Fines (560.011 RSMo.)
A	10 – 30, or life	-
B	5 - 15	-
C	Up to 7	Up to \$5,000
D	Up to 4	Up to \$5,000
Misdemeanor Class	Penalties (Term of imprisonment 558.011 RSMo.)	Fines (560.016 RSMo.)
A	Up to 1 year	\$1,000
B	Up to 6 month	\$500
C	Up to 15 days	\$300
Infraction	-	\$200

### Missouri Statute Definitions

(See 556.061 and 562.016 RSMo. for definition of applicable terms noted below)

“Consent”: consent or lack of consent may be expressed or implied.

- Assent does not constitute consent if:

1. 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
2. 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
3. It is induced by force, duress or deception;
  - “Criminal negligence”, failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation;
  - “Forcible compulsion” either:
    - i. Physical force that overcomes reasonable resistance; or
    - ii. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;
  - “Knowingly”, when used with respect to:
    - i. Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or
    - ii. A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;
  - “Purposely”, when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;
  - “Recklessly”, consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation;

(See 566.010 RSMo. for definition of applicable terms for Sex Offenses)

- “Deviate sexual intercourse”, any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;
- “Sexual conduct”, sexual intercourse, deviate sexual intercourse or sexual contact;
- “Sexual contact”, any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;
- “Sexual intercourse”, any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

## ***Local Ordinances***

The chart on the following page indicates local ordinances. The titles are direct links to the city website. Included in the chart are city ordinances for alcohol, drug, weapons, and ordinances that pertain to areas covered by VAWA. Clery requires statistics for arrests and referrals of Liquor Law Violations, Drug Law Violations, and Weapons Law Violations. A citation or ticket is classified as an arrest for Clery statistical reporting requirements.

*Liquor Law Violations* - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

*Drug Law Violations* - The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

*Weapons Law Violations* - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

The City of Salem, Missouri can be found at <http://www.ecode360.com/SA3424> .

Penalties for Ordinance violations: Unless otherwise specified, ordinance violations shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment.

### Salem City Ordinances

<b>Code Title</b>
<a href="#"><u>Section 100.230 General Penalty.</u></a>
<a href="#"><u>Section 210.130 Domestic Assault.</u></a>
<a href="#"><u>Section 210.150 Harassment.</u></a>
<a href="#"><u>Section 210.155 Cyber-Harassment.</u></a>
<a href="#"><u>Section 210.160 Stalking — Definitions.</u></a>
<a href="#"><u>Section 210.840 Weapons — Carrying Concealed — Other Unlawful Use.</u></a>
<a href="#"><u>Section 210.850 Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.</u></a>
<a href="#"><u>Section 210.860 Defacing Firearm.</u></a>
<a href="#"><u>Section 210.870 Purchase in Another State By Missouri Residents, Permitted When.</u></a>
<a href="#"><u>Section 210.880 Purchase in Missouri By Non-Resident, Permitted When.</u></a>
<a href="#"><u>Section 210.890 Unlawful Transfer of Weapons.</u></a>
<a href="#"><u>Section 210.900 Carrying Concealed Firearms Prohibited — Penalty For Violation.</u></a>
<a href="#"><u>Section 210.905 Open Display of Firearm Permitted, When.</u></a>
<a href="#"><u>Section 210.910 Discharging Air Gun, Etc.</u></a>
<a href="#"><u>Section 210.920 "Turkey Shoots" and Other Charitable Events.</u></a>
<a href="#"><u>Section 210.1800 Possession of Marijuana.</u></a>
<a href="#"><u>Section 210.1810 Possession or Control of A Controlled Substance.</u></a>
<a href="#"><u>Section 210.1820 Limitations On The Retail Sale of Methamphetamine Precursor Drugs.</u></a>
<a href="#"><u>Section 210.1830 Unlawful Use of Drug Paraphernalia.</u></a>
<a href="#"><u>Section 210.1840 Inhalation or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions.</u></a>
<a href="#"><u>Section 210.1850 Inducing, or Possession With Intent To Induce, Symptoms By Use of Solvents and Other Substances, Prohibited.</u></a>
<a href="#"><u>Section 210.1860 Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.1840 To 210.1850 — Penalty.</u></a>
<a href="#"><u>Section 210.1870 Open Beer or Liquor Container.</u></a>
<a href="#"><u>Section 210.1510 Indecent Exposure (Sexual Misconduct).</u></a>
<a href="#"><u>Section 210.1520 Sexual Misconduct.</u></a>
<a href="#"><u>Section 210.1530 Certain Offenders Not To Physically Be Present or Loiter Within Five Hundred Feet of A Child Care Facility — Violation — Penalty.</u></a>
<a href="#"><u>Section 210.1540 Certain Offenders Not To Be Present Within Five Hundred Feet of School Property, Exception — Permission Required For Parents or Guardians Who Are Offenders, Procedure.</u></a>
<a href="#"><u>Section 210.1550 Halloween, Restrictions On Conduct — Violations.</u></a>
<a href="#"><u>Section 210.1560 Urinating in Public.</u></a>
<a href="#"><u>Section 210.1570 Peeping Toms.</u></a>
<a href="#"><u>Section 210.1580 Duty of Firm and Print Processors To Report Child Pornography.</u></a>
<a href="#"><u>Section 210.1590 Prohibiting Disorderly Houses.</u></a>

<b>Code Title</b>
<u>Section 342.020 Driving While Intoxicated.</u>
<u>Section 342.030 Driving With Excessive Blood Alcohol Content.</u>
<u>Section 342.040 Chemical Test For Alcohol Content — Consent Implied — Administered — When — How — Videotaping of Chemical or Field Sobriety Test Admissible Evidence.</u>
<u>Section 342.050 Consumption of Alcoholic Beverages in Moving Motor Vehicle — Prohibited When.</u>
<u>Section 600.060 Minors.</u>
<u>Section 600.070 Miscellaneous Offenses.</u>

## Federal Regulations on Drugs

Controlled Substances Act — The Controlled Substances Act places all substances that are regulated under existing federal law into one of five schedules. The place is based on the substance’s medical use, potential for abuse, and safety or dependence ability. Below is a description of the five schedules and examples of drugs in each schedule. The list is not comprehensive.

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### *Schedule I*

- The drug or other substance has a high potential for abuse.
- The drug or other substance has no currently accepted medical use in treatment in the United States.
- There is a lack of accepted safety for use of the drug or other substance under medical supervision.
- Examples of Schedule I substances include heroin, gamma hydroxybutyric acid (GHB), lysergic acid diethylamide (LSD), marijuana, and methaqualone.

### *Schedule II*

- The drug or other substance has a high potential for abuse.
- The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- Abuse of the drug or other substance may lead to severe psychological or physical dependence.
- Examples of Schedule II substances include morphine, phencyclidine (PCP), cocaine, methadone, hydrocodone, fentanyl, and methamphetamine.

### *Schedule III*

- The drug or other substance has less potential for abuse than the drugs or other substances in Schedules I and II.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.
- Anabolic steroids, codeine and hydrocodone products with aspirin or Tylenol®, and some barbiturates are examples of Schedule III substances.

### *Schedule IV*

- The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.
- The drug or other substance has a currently accepted medical use in treatment in the United States.



- Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.
- Examples of drugs included in Schedule IV are alprazolam, clonazepam, and diazepam.

*Schedule V*

- The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule IV.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substances may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.
- Cough medicines with codeine are examples of Schedule V drugs.

**Federal Trafficking Penalties**

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500 - 4999 gms mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment.  Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment.  Fine of not more than \$20 million if an individual, \$75 million if not an individual.  2 or More Prior Offenses: Life imprisonment.
Cocaine Base (Schedule II)	28-279 gms mixture		280 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue(Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine(Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture	
<b>Penalties</b>				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine \$2 million if an individual, \$10 million if not an individual.		
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1.5 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Flunitrazepam (Schedule IV)	Less than 1 gm	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual. \$2 million if not an individual.		
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Source: U.S. Department of Justice. (2015). Drugs of Abuse. Washington, DC: U.S. Government Printing Office.

Retrieved from <http://www.justice.gov/>.

### Federal Trafficking Penalties—Marijuana

Drug	Quantity	1st Offense	2nd Offense*
Marijuana (Schedule I)	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual</li> </ul>
Marijuana (Schedule I)	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg mixture More than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual</li> </ul>
Marijuana (Schedule I)	1 to 49 plants; less than 50 kg	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual</li> </ul>
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$8 million if an individual and \$20 million if other than an individual.

Source: U.S. Department of Justice. (2015). Drugs of Abuse. Washington, DC: U.S. Government Printing Office.

Retrieved from <http://www.justice.gov/>.

For More Information on Federal Drug Laws, see Title 21 of the United States Code commonly referred to as the Controlled Substances Act.

<http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

## University Alcohol and Drug Policies from SBU Student Handbook

### *Drug Free Schools and Communities Act*

The University is required by the Drug Free Schools and Communities Act to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. Every student shall receive a copy of the

program annually as printed in the SBU Student Handbook. Additional copies of the handbook may be obtained in the office of student life. Questions concerning the Drug Free Schools and Communities Act may be directed to the vice president of student development, who is designated by the University to coordinate the institution's efforts to comply with the act.

### ***University Alcohol Policy***

Consistent with our Baptist heritage, Southwest Baptist University takes a position of abstinence regarding the use of alcohol. The student will be subject to disciplinary action if behavior is found to be inconsistent with the stated policy of the University. The University alcohol policy prohibits consumption, possession, or distribution of alcoholic beverages on campus and at off-campus university-sponsored functions or while representing the University. It is unacceptable for any student to put him or herself or others in harm's way while under the influence of alcohol and/or violate established legal standards. Students in such condition are encouraged to seek help from university officials but are still subject to disciplinary action.

### **University Sanctions for Alcohol Policy Violation**

*(Board of Trustees approved and adopted on October 19, 2009)*

Students who fail to abide by the University's alcohol policy are subject to disciplinary action up to and including termination of student status. At the discretion of the University, the status of Dismissal with Suspended Imposition of Sentence may be applied to first-time offenses. Students placed on this status are referred to an approved counselor for assessment. Students must follow all recommendations and are financially responsible for all services. Additional sanctions and educational requirements may be specified, depending upon the situation. If there is a failure to comply with all specified guidelines and stipulated deadlines, or if there is another class C violation contained within the student's disciplinary file, the resulting consequence may be the termination of student status. A second alcohol-related offense will result in the immediate termination of student status.

Notwithstanding the above paragraph, no student shall be subject to discipline for entering alcohol counseling, evaluation or treatment provided that the alcohol abuse counseling is undertaken at the student's initiative and is not undertaken as a result of an incident that is reasonably likely to subject the student to discipline. Participation in an alcohol program may not be used as an excuse for continued violation of the University's alcohol policy. (Board of Trustees approved and adopted on October 19, 2009)

### ***University Policy on Illegal Drugs***

The purchase or unlawful manufacture, use, possession, dispensing or distribution of illegal narcotics, hallucinogenic, amphetamines, sports enhancement or controlled substances (as defined by Missouri statutes) or controlled medications without a doctor's prescription or non-prescription hallucinatory drugs (e.g., K2, Spice, or any other product which, when consumed, mimics the effects of cannabis) or hosting gatherings where such substances are used, is prohibited.

While the State of Missouri has declared that marijuana possession or use is no longer a crime, federal law identifies that marijuana remains illegal. Consistent with federal law, including the Drug Free Schools and Communities Act, the use or possession of marijuana will be prohibited for all SBU students on or off campus. Use of marijuana under state medical marijuana laws will not be recognized.

In addition, the University reserves the right to require a student to undergo a drug screening analysis. A drug screening analysis may occur when, at the University's discretion, there is reasonable suspicion that the University's policy on illegal drugs is or has been violated. Reasonable suspicion includes any act, factor or information which may be indicative of potential violation of the University's policy on illegal drugs, including, but not limited to:

- Reported information of violation of the University's policy on illegal drugs
- Unexplainable incoherent behavior
- Repeated tardiness or absenteeism from class

- Drug-related odors on person, clothing or equipment
- Information of affiliation with others believed to have violated the University's policy on illegal drugs
- Possession of drug paraphernalia
- Previous positive drug screen results
- Being cited for or convicted of substance abuse violations by University or municipal authorities
- Observable phenomena, such as direct observation of substance abuse or physical symptoms or manifestations of being impaired due to substance abuse
- Reported substance abuse or use from any source

Students, those requiring drug screenings and who test positive for drugs, will be responsible for the cost of the screening. The test will be conducted at a time chosen by the University. Failure or refusal to take the screening when scheduled, attempts to elude or attempts to alter a drug screening will be interpreted as evidence of illicit drug usage and will result in disciplinary action.

### **University Sanctions for Violation of Policy on Illegal Drugs**

Students who fail to abide by the University's Policy on Illegal Drugs are subject to disciplinary action at the discretion of the University up to and including termination of student status. At the discretion of the University, the status of Dismissal with Suspended Imposition of Sentence may be applied to first-time offenses. Students placed on this status are expected to follow sanctions, including, but not limited to, involving required drug screenings or other rehabilitation programs, and are financially responsible for all services. Additional sanctions and educational requirements may be specified, depending upon the situation. If there is a failure to comply with all specified guidelines and stipulated deadlines, or if there is another class C violation contained within the student's disciplinary file, the resulting consequence may be the termination of student status. A second drug-related offense will result in the immediate termination of student status. Dismissed students who are allowed to return will be subject to random drug screening throughout their remaining attendance.

In addition to any sanctions that may be imposed on a student for violating the University's policy on illegal drugs, any student employed in the work study program or through campus employment may be terminated.

As a condition of accepting employment as a work study student, a student does hereby agree to abide by the above statement and should the student be convicted of any criminal drug statute occurring in the workplace, the student will notify the University's personnel office in writing in five days.

### ***Health Risks***

*Alcohol:* Even low doses significantly impair judgment and coordination. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. It results in an inability to deal realistically with problems and increases aggressive behavior. High doses can cause respiratory depression and death. Alcohol can permanently damage the liver, heart, and brain. If used during pregnancy, it can damage the baby. High doses may cause death.

*Tobacco:* Smoked or smokeless tobacco is a health hazard. Long-term health effects include cancer and heart and lung disease. Smoking is considered to be the leading preventable cause of death in the United States.

*Amphetamines (speed, uppers):* Can cause a feeling of panic and careless behavior. It can be addictive and can cause brain damage when used in large doses.

*Sedatives:* Slows mental processes and reflexes. They are often addictive. Continued use can cause kidney and liver damage or death by overdose, especially if mixed with alcohol.

*Inhalants:* Inhaling paint, glue, dry cleaning fluids, etc. can cause harm to one's vision, memory, thought processes, memory and coordination. They are usually poisonous and many can kill instantly by interfering with breathing or causing heart failure.

*Anabolic steroids:* The use of steroids may result in more than 70 side effects ranging in severity from liver cancer, heart and reproductive system damage to acne. Psychological effects such as aggression or depression may occur. Even years after discontinuing steroids, they may result in heart attacks and strokes.

*Depressants:* The effects are similar to the effects of alcohol. Large doses can cause slurred speech, staggering and altered perception. Very large doses can cause respiratory depression, coma and death.

*Hallucinogens phencyclidine (pcp):* Interrupts the function of the section of the brain that controls the intellect and keeps instincts in check. Memory and speech problems may result as well as self-inflicted injuries, mood disorders, depression, anxiety, and violent behavior. Large doses may result in convulsions, coma, and heart and lung failure. Severe reactions to LSD often occur. Individuals may have delayed effects or flashbacks after discontinued use.

*Narcotics:* Initially produce feelings of euphoria followed by drowsiness, nausea, and vomiting. Other symptoms include constricted pupils, watery eyes and itching. An overdose may result in slow, shallow breathing clammy skin, convulsions, coma, and possible death. The use of contaminated syringes may result in diseases such as AIDS, endocarditis, and hepatitis. The use of narcotics while pregnant could result in premature, stillborn, or addicted infants.

*Designer drugs:* Often several hundred times stronger than the drugs being imitated. They can produce severe neurochemical damage to the brain. Symptoms similar to Parkinson's disease, anxiety, depression, and paranoia may result. They may also cause illusions, hallucinations, and impaired perception.

The descriptions of health risks were obtained through What Works: Schools without Drugs, United States Department of Education, 1989.

### ***Drug and Alcohol Counseling Treatment or Rehabilitation Programs***

The counseling center provides confidential counseling and will make referrals for assessment and / or treatment. The University will review the alcohol program biennially to determine its effectiveness and will implement changes if they are needed and ensure that the sanctions are consistently enforced.

## **University Alcohol and Drug Policies from SBU Employee Handbook**

### ***Alcohol and Drug-Free Workplace***

SBU Employee Handbook Policy Number: 06.03.05

Creation Date: October 1, 2002, Revised Date: October 21, 2014

#### **Definitions:**

Alcohol means any beverage that may be legally sold and consumed and has an alcoholic content in excess of .5% by volume.

Drug means any substance capable of altering the mood, perception, pain level or judgment of the individual consuming it.

Prescription Drug means any substance prescribed for the individual consuming it by a licensed medical practitioner.

Illegal Drug means any drug or controlled substance of which the sale or consumption is illegal.

#### **Policy:**

Southwest Baptist University is dedicated to providing a safe work environment for all of our employees. Employees are expected and required to report to work on time and in an appropriate mental and physical condition for work. Each employee is responsible for ensuring a safe, drug-free work environment.

Southwest Baptist University is an alcohol and tobacco-free campus.

As required by the Drug-Free Schools and Communities Act, the unlawful manufacture, use, possession, dispensing or distribution of illegal narcotics, hallucinogenic drugs, controlled substances (as defined by Missouri statutes) or controlled medications without a doctor's prescription is prohibited.

In the event of a workplace injury, the University has the right to test for alcohol and drugs. Employees found to be using or under the influence of drugs or alcohol while working will be subject to disciplinary action up to and including immediate termination.

In addition to any penalties which may be imposed on a student for violating the University's drug policy, any student employed in the work-study or campus employment program, who is found to have violated the student alcohol and drug policy will be subject to disciplinary action up to and including termination.

An employee assistance program is provided to employees who seek help for their addiction to alcohol or drugs or may have an alcohol or drug-related problem.

### **Procedure:**

#### **Alcoholic Beverages:**

1. No alcoholic beverage will be brought onto or consumed upon the University's premises.
2. Drinking or being under the influence of alcohol while on duty or while representing the University on University business is cause for immediate termination.

#### **Prescription Drugs:**

1. No prescription drug shall be brought upon the premises by any person other than the person for whom the prescription was written and shall only be used in the manner, combination and quantity prescribed.
2. Misuse of prescription drugs while on duty or while representing the University on University business is cause for immediate termination.

**Dietary Supplements:** Employees of Southwest Baptist University shall not use or consume hemp oil.

#### **Illegal Drugs:**

1. The use of illegal drugs or controlled substances or the possession of the same on or off-duty is cause for immediate termination.
2. The manufacture, distribution, possession, sale, trade, use or delivery of drugs or controlled substances by an employee is cause for immediate termination.

#### **Tobacco:**

1. Smoking or smokeless tobacco shall not be consumed upon the University's premises.
2. Any tobacco usage on campus is cause for disciplinary action up to and including termination.

#### **Employee Assistance Program (EAP):**

1. Any employee who feels that he or she has developed an addiction to, dependence upon or problem with alcohol or drugs is encouraged to seek assistance. Assistance is available through by contacting the University's EAP provider. The provider's contact information can be found on the online portal or by contacting the Department of Human Resources.
2. Rehabilitation is the responsibility of the employee.
3. Unpaid leave will be authorized for absences due to rehabilitation purposes.
4. Upon successful completion of treatment, the employee will be returned to active status without reduction in pay or seniority.
5. Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged will be immediately terminated. No employee will be eligible

for the EAP more than one time for substance abuse. The recurrence of an alcohol or drug problem will be cause for immediate termination.

Any employee with questions regarding the University's compliance with the Drug-Free Schools and Communities Act should contact the Dean of Student Life. Questions regarding the Employee Assistance Program should be directed to the Department of Human Resources.

### ***Employee Assistance Program***

SBU Employee Handbook Policy Number: 06.04.02.06

Creation Date: October 1, 2002, Revised Date: April 29, 2015

#### **Policy:**

The University is concerned with issues that could adversely affect an employee's health, safety or job performance.

Therefore, the University offers an Employee Assistance Program to help employees maintain or improve their mental health.

The employee assistance program is provided free to full-time employees and immediate family members based on the eligibility requirements outlined in the program.

The Employee Assistance Program provides free confidential assessment, professional counseling and referral services. Participation in the program is voluntary. The Employee Assistance Program may direct the employee or family member to alternative treatment sources or programs, which are the financial responsibility of the employee or family member. Services include mental health, substance abuse, legal, financial and work-life (help finding service providers such as child and elder care, movers etc.)

#### **Procedure:**

Employees wanting to take advantage of the services offered through the employee assistance program may call the toll-free number or they may contact the Department of Human Resources for additional information.

The University does not have access to information about who called the Employee Assistance Program. All contact information is confidential.

## **Crime Prevention Tips**

- Report to strangers who behave suspiciously.
- Don't hesitate to call the police when confronted.
- Walk in groups of two or more at night.
- When parking, remove valuables from view and lock your vehicle.
- Engrave your valuables with your license number and record the serial numbers.
- Do not leave personal property unattended.
- Make copies of credit cards and other valuables in your wallet.
- Write your name and I.D. number in several places in textbooks.
- Report all losses to the police immediately.
- Stay in control. Substance abuse puts you at risk.

Southwest Baptist University is a Christ-centered, caring academic community preparing students to be servant leaders in a global society.

[This report is available on the Southwest Baptist University website](#), the SBU Portal under Campus Services/Safety and Security, or at the Safety and Security Offices located at 803 S. Pike St., Bolivar MO 65613.

*Questions concerning this report should be directed to:*

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