ASSAULT, DISCRIMINATION, HARASSMENT, AND VIOLENCE POLICY
Missouri Valley College is committed to the development of the whole person within a value system that acknowledges the College’s heritage and focuses on four-dimensional personal growth mentally, socially, physically and spiritually. Life on the campus helps each student to learn how to gain a broad range of knowledge and understanding about the arts, humanities, and sciences; to obtain social and physical enjoyment through athletics, recreational activities, and special events; to grow in capacity for work, achievement, and leadership; and to experience self-discovery as well as personal fulfillment that will serve a lifetime.

The College community seeks to establish peace and harmony through order. Policies and rules help keep order and serve the common good. The Missouri Valley College community is a voluntary society that asks each member of the community to possess a loyalty to the institution and personal commitment to order, education, and growth.

Members of the College community are expected to strive for the good of all. Individual actions affect oneself and others; therefore, each person is expected to be responsible and to reflect favorably upon oneself and the community. Members of the campus community are required to abide by established policies and procedures just as they are required to abide by city, state, and national laws. Community members are required to conduct themselves at all times in a manner that exemplifies respect and seeks the best interest of all members of the community.

Sexual Harassment, Assault, or Violence Policy (Title IX)
Title IX of the Education Amendments of 1972 prohibits harassment and discrimination on the basis of sex or gender in education programs or activities operated by recipients of federal financial assistance. Sexual violence is a form of sexual harassment and sex discrimination prohibited by Title IX.

The College hopes through the following policy and procedure pertaining to sexual assault that victims will feel comfortable and encouraged to report crimes. Furthermore, it is the hope that through such policy and procedures that crimes of sexual assault will cease.

The procedures in the following policy have been established to achieve the following:
- Protect and inform all parties involved in a reported sexual assault
- Provide immediate support services for victims of sexual assault
- Provide clear policy and procedure pertaining to sexual assaults on College property
- See that all policy and procedure is followed in a timely manner

Scope
The Sexual Harassment, Assault, and Violence policy applies to behavior in which the accused or reporter is a student, faculty, or staff member. In the event that the accused is not represented under the College's disciplinary realm, the reporting party will be directed to the Marshall Police Department or other relevant law enforcement authority. The College will still actively help the reporter with his or her needs of counseling, protection and academic needs. In the event a staff member is deemed to be involved in any part of involvement, the Vice President for Operations and/or Vice President for Academic Affairs will be notified. You may also report this to your direct supervisor (as applicable).

Definition of Terms
Sexual Violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual may also be unable to give consent do to an intellectual or other disability. This can include, but is not limited to, rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

Sexual Assault refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. Sexual assault refers to sexual contact without consent and include, but are not limited to, intentional touching either directly or through clothing of another genitals, breast, thighs, or buttocks. Sexual assault also refers to any sexual act directed against another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent. These include forcible rape, forcible sodomy, sexual assault with an object, and forcible
fondling. Sexual Assault may also be determined by the inability to gain consent due to the use of alcohol or drugs. Consent may also not be given due to medical or mental health reasons.

Sexual Harassment refers to unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome behavior of a sexual nature when submission to such behavior is made, explicitly or implicitly, a term or condition of an individual’s employment or status in a course, program, or activity. Harassment based on gender that does not involve unwanted sexual attention is prohibited gender discrimination. Many kinds of behavior may fit within the preceding definition of sexual harassment. Speech and expressive conduct can also be sexual harassment. The following list of examples of sexual harassment is not exhaustive.

- Sexual violence, including sexual assault, rape, sexual battery, and sexual coercion
- Threats or insinuations which lead the victim reasonably to believe that granting or denying sexual favors will affect her or his reputation, education, employment, advancement, or standing within the College
- Sexual advances, sexual propositions, or sexual demands which are not agreeable to the recipient
- Sexually explicit emails or text messages
- Sexual misconduct such as stalking, cyberstalking, recording or transmitting sexual images, and voyeurism
- Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other College programs or activities
- Repeatedly using sexually degrading words or sounds to describe a person
- Unwanted and unnecessary touching, patting, hugging, or other physical contact
- Recurring comments or questions about an individual’s sexual prowess, sexual deficiencies, or sexual behavior

Consent Requirement refers to the expectation that all individuals participating in sexual activity give and receive consent prior to and during any type of said activity. Consent is defined as when one person, through mutually understandable words or actions, agrees and gives permission to engage in mutually agreed upon sexual activity; the acknowledgment and approval of actions, without coercion, force, intimidation, and opportunity to say no. Individuals must be awake, have the mental capacity to make such decisions, and not be impaired by alcohol, drugs, or other intoxicants. Consent may be withdrawn at any time before or during said activity. Consent to some form of sexual activity does not necessarily imply consent to other forms of sexual activity. Current or previous sexual relations does not imply consent; consent is not open-ended and must be obtained each time sexual activity occurs.

Bullying Policy
Bullying is the use of aggression with the intention of hurting another person. Such behaviors and activities include, but are not limited to, the following:

- Verbal abuse, such as the use of derogatory remarks, insults, and epithets
- Slandering, ridiculing or maligning a person or his/her family
- Persistent name calling; using an individual or group as the butt of jokes
- Verbal or physical conduct of a threatening, intimidating, or humiliating nature
- Sabotaging or undermining an individual or group’s work performance or education experience
- Inappropriate physical contact, such as pushing, shoving, kicking, poking, tripping, assault, or the threat of such conduct, or damage to a person’s work area or property
- Inappropriate electronic communication, such as the use of electronic mail or text messaging in a threatening, intimidating, or humiliating manner.

Bullying can be a crime, and is always a serious violation of Student Code of Conduct which will not be tolerated within our community. Bullying should be reported immediately to the Department of Public Safety, Residence Life staff, or the Office of Student Affairs.

Dating & Domestic Violence Policy
Dating, Domestic, or Intimate Partner violence is a crime, as well as a serious violation of Student Code of Conduct and will not be tolerated within our community. Dating, domestic, and/or intimate partner violence includes but is not limited to: physical violence (e.g., kicking, hitting, pinching, choking, biting), sexual violence (e.g., forcing a partner to take part in a sex act when the partner does not consent), emotional violence - including verbal/written violence (e.g., isolation, intimidation, belittling, stalking, “outing” someone against will, cyber bullying/harassment, threat of physical force), and economic abuse (i.e., withholding financial resources to intimidate, threaten, or cause a person to remain in a relationship because of access to finances).
Definition of Terms:

Physical Violence (or attempted): Physical violence includes but is not limited to: kicking, pinching, hitting, choking, biting, shaking or otherwise using physical force to restrain or hurt a partner. Physical violence can be used against a partner with a physical disability by not allowing them access to equipment such as a wheelchair or similar items, which assist a person with a disability in daily living.

Sexual Violence (or attempted): Sexual violence is forcing a partner to engage in sexual acts against one’s will.

Emotional Violence (or attempted): Emotional violence (including verbal/written violence) is using isolation, intimidation, and threat of physical force or words to restrain or hurt a partner. This could include threatening to “out” a lesbian, gay, bisexual or transgender partner. In some cultures, family members may participate in emotionally abusing a partner. International students who are perpetrators may threaten their partners by telling them they will be sent back to their country of origin if they report acts of violence against them.

Economic Abuse (or attempted): Economic abuse may not come into play in a dating relationship, but it is defined as withholding financial resources to intimidate, threaten or cause a partner to remain in a relationship because of lack of access to finances.

Discrimination Policy

When submission to or rejection of such behavior is used as a basis for a decision affecting an individual’s employment or participation in a course, program, or activity; or such behavior is so severe, persistent, or pervasive that a reasonable person would find that it alters the terms or conditions of a person’s employment or educational experience, or unreasonably interferes with an individual’s work or performance in a course, program, or activity, thus creating a hostile or abusive working or educational environment, this is also considered sexual harassment.

A person’s subjective belief alone that behavior is offensive does not necessarily make that behavior sexual harassment. The behavior must also be objectively unreasonable.

The determination as to whether behavior is sexual harassment must take into account the totality of the circumstances, including the nature of the behavior and the context in which it occurred. Sexually harassing conduct often involves a pattern of offensive behavior; however, a single incident may constitute sexual harassment depending on the severity of the conduct and on factors such as the degree to which the conduct affected the student’s education or the employee’s work environment, the type and duration of the conduct, and the identity of and relationship between the alleged harasser and the student or employee.

Stalking (Intrusive Contact) Policy

Stalking (intrusive contact) is the repetitive pursuit, following, harassment and/or interference with the peace and/or safety of an individual. Such behaviors and activities may include, but are not limited to, the following: non-consensual communication, including face-to-face, phone calls, voice messages, text messages, electronic mail, any form of online sources, written letters, unwanted gifts; threatening or obscene gestures; lurking, pursuing or following; surveillance or other types of observation; trespassing; vandalism; non-consensual touching. Stalking (intrusive contact) is a crime, as well as a serious violation of Student Code of Conduct and will not be tolerated within our community. Stalking should be reported immediately to the Department of Public Safety, Residence Life staff, or the Office of Student Affairs.

Reporting Policy Violations

Reporting an incident is a difficult decision. It is important to understand that filing a report can be a beginning to the healing process. Reporting or pressing charges can prevent an offender from harming another person.

The College can most effectively investigate and respond to incident if the complaint is made as promptly as possible after the incident occurs.

The College can only take corrective action when it becomes aware of problem, therefore, the College encourages persons who believe that they have experienced assault, discrimination, harassment, and/or violence to come forward with their complaints and seek assistance within the College. Faculty, staff, and students who believe that they have witnessed assault, discrimination,
harassment, and/or violence are encouraged to report the alleged violation promptly. In addition, supervisors, managers, and other designated employees are expected to promptly report all allegations of sexual harassment to the Title IX Coordinator.

Reports of assault, discrimination, harassment, violence and other crimes should be directed to the Office of Student Affairs or Department of Public Safety.

To report, contact one of the following individuals:

Heath Morgan  
Vice President of Student Affairs/Dean of Students/Title IX Coordinator  
(660) 831-4087  
morganh@moval.edu

Brett Fuchs  
Director of Residence Life and Housing/Title IX Deputy Coordinator  
(660) 831-4652  
fuchsb@moval.edu

Brian Ferguson  
Director of Public Safety/Title IX Deputy Coordinator  
(660) 831-4228  
fergusonb@moval.edu

Karen Reeter  
Instructor, Criminal Justice  
reeterk@moval.edu

Teresa Ceselski  
Director of the Counseling Center  
(660) 831-4139  
ceselskit@moval.edu

Students may also report incidents to Student Health Services staff, Residence Life staff or Public Safety Officers.

**Response to Policy Violations**

The following procedures are a guide of steps Missouri Valley College will take when investigating all forms of assault, discrimination, harassment, and/or violence allegations. While the procedures are a guide, the procedures may be abbreviated or modified due to the nature of the allegations or the security of the campus environment.

In all cases a preponderance of the evidence standard will be used to determine whether there has been a violation of this policy (i.e. it is more likely than not that the assault, discrimination, harassment, and/or violence occurred).

1. Any member of the College community can file a complaint, as needed, of assault, discrimination, harassment, and/or violence against a student, faculty, or staff member by filing a written incident report in the Office of Student Affairs or verbally reporting to any of the aforementioned contacts. While it is best that the victim files the report, based on the circumstance of the case a report may be filed by a third party.
2. Once a report has been filed the College will see that the victim is given a safe place to stay. This may be on or off campus given the circumstances.
3. The College will offer and recommend the victim receive medical assistance for any injuries that may have been suffered or related medical concerns. It is the hope that the reporting party request that any evidence be preserved by medical personnel for evidentiary purposes.
4. The College will further offer and recommend the victim mental health counseling for any concerns related to the matter. All of the aforementioned services are optional; the College offers these services for the victim’s well-being.

5. The reporting party will be notified of their option to file a police report with the Marshall Police Department. The College may also notify the Marshall Police Department as it deems necessary for the safety and well-being of the community.

6. The Vice President of Student Affairs/Dean of Students/Title IX Coordinator will activate the Title IX Team for investigatory purposes and to assist in providing services. The Vice President of Student Affairs/Dean of Students/Title IX Coordinator may also activate the Crisis Response Team if further assistance is needed.

7. The accused will receive written and verbal notification of the allegations from the Vice President of Student Affairs/Dean of Students/Title IX Coordinator or a member of the Title IX Team within 48 hours of a reported incident. This time line may be extended due to unforeseen circumstances such as breaks and holiday closings.

8. Vice President of Student Affairs/Dean of Students/Title IX Coordinator, with the assistance of the Title IX Team, Student Conduct, and Public Safety staff will conduct a full investigation. The reporting party/victim and accused will have an opportunity to give a written and/or verbal statement regarding the matter in question. The reporting party/victim and accused will be entitled to have a support person, of their choice, present at all meetings related to this matter. The reporting party/victim and accused will have the opportunity to present witnesses and other supporting evidence regarding the matter.
   A. The support person may be any individual including but not limited to legal counsel, mental health counselor, faculty or staff member, relative, etc.
   B. The reporting party/victim and/or accused may consult with their support person at any time, however the support person may not actively participate in any proceedings, including serving as a witness. A support person may only attend a meeting if the reporting party/victim and/or accused they represent are present.
   C. It is the responsibility of the reporting party/victim and/or accused to notify Vice President of Student Affairs/Dean of Students/Title IX Coordinator or a member of the Title IX Team that they will have a support person present at any meeting. Notification must be received 48 hours before any scheduled meeting or the meeting may need to be rescheduled at the discretion of the Vice President of Student Affairs/Dean of Students/Title IX Coordinator or a member of the Title IX Team.

9. Vice President of Student Affairs/Title IX Coordinator or a member of the Title IX Team will prepare a written report which will be distributed, concurrently, to reporting party/victim and accused or their next of kin if deceased. This report will serve as notice if any disciplinary sanctions are placed on either party. The report will be completed no more than 60 days from the completion of the investigation.

10. The College may use the following sanctions and/or protective measures in regard to alleged violations.
   Students: Warning, Probation, Suspension, Expulsion, Interim Removal/Campus Safety Suspension, Assessment of Fine, Educational Project or Program, Removal of Privileges (Note: All sanctions and protective measures are defined in the Student Code of Conduct)
   Faculty/Staff: Verbal Warning, Written Warning, Suspension with pay, Suspension without pay, Termination.

11. In the event sanctions are handed down and the reporting party/victim or accused disagrees or wishes to appeal, he or she may go through the appropriate appeal process. For students, he or she may petition to the Community Standards Board as described under the Student Code of Conduct. For faculty or staff, he or she may petition the appropriate grievance committee.

The College will attempt to obtain the consent of the victim prior to performing an investigation. However, for the safety of the community, the College has the duty to pursue an investigation if it believes or has collected enough evidence to prove (based on “preponderance of the evidence” standard) that an act of assault, discrimination, harassment, and/or violence has occurred. The College will take appropriate action against the responsible party as warranted.