



MISSOURI  
VALLEY  
COLLEGE

**2023**

**ANNUAL SECURITY &  
FIRE SAFETY REPORT**

# **Missouri Valley College**

## **2023 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT**

### **Introduction**

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

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

This report is prepared by Dr. Terry Russell, Vice President of Student Affairs, in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting the Student Affairs Office, Malcolm Center for Student Life, 1449 S. Conway Avenue, Marshall, MO 65340. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

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

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

The Missouri Valley College Department of Public Safety ("DPS") is responsible for campus safety at the College.

All DPS Officers are sworn police officers with law enforcement and arrest authority, commissioned through the Marshall Police Department ("MPD") or Saline County Sheriff's Department ("SCSD"). All DPS Officers complete regular training as mandated by the Missouri Department of Public Safety's Peace Officer Standards and Training Program. The policing jurisdiction of the DPS extends to property owned or operated by MVC including streets adjacent to the main campus and the School of Nursing.

The exercise of DPS Officers' authority is described in a "Memorandum of Understanding" (hereinafter "MOU") between MPD and DPS. Generally, lesser crimes or those involving violations of Student Code of Conduct are handled by DPS, with more serious offenses handled by MPD with DPS assistance. DPS enjoys an especially close working relationship with the MPD, and excellent relationships with SCSD and the Missouri State Highway Patrol. The response time for mutual aid averages less than two minutes for emergency calls.

## **Campus Security Authorities**

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- Vice President of Student Affairs at russellt@moval.edu
- Associate Dean of Students at swiftc@moval.edu
- Director of Public Safety at mcmellenw@moval.edu
- Vice President of Academic Affairs at bellamye@moval.edu
- Director of Athletics at machholzm@moval.edu
- Director of Human Resources at hicksc@moval.edu

## **Reporting a Crime or Emergency**

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

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Persons who believe a crime has been committed should promptly report the suspected crime to law enforcement authorities. Crimes reports can be made at any time. The Department of Public Safety and all local law enforcement agencies are available 24 hours a day, seven days a week. When on-campus, these crimes should be reported to the Department of Public Safety at (660) 815-0111 or dial 911. When off-campus and within the City of Marshall, these crimes should be reported to the Marshall Police Department at (660) 886-7411 or dial 911. In addition to contacting law enforcement, you may also contact one of the campus security authorities mentioned above. If requested, a College staff member will assist in making the report to police.

DPS also provides an anonymous reporting option for victims of crimes who do not wish to be identified. Victims of crimes who wish to remain anonymous may obtain these forms via

the MVC web site by:

[https://docs.google.com/a/moval.edu/forms/d/e/1FAIpQLSfWO\\_Cb7u9Fcol0HLLxrIenwoh3xZ-zkJ06wukwH7mUOjvYZg/viewform](https://docs.google.com/a/moval.edu/forms/d/e/1FAIpQLSfWO_Cb7u9Fcol0HLLxrIenwoh3xZ-zkJ06wukwH7mUOjvYZg/viewform) and clicking on “File a Report”.

Campus safety at MVC is a shared responsibility. All campus community members and visitors should be aware while walking, driving, studying, working, attending events, or living in our campus community. Being alert to one’s surroundings and using caution during daily activities provide a degree of personal protection from crime. Community members who are aware – and report incidents to DPS – strengthen campus safety. MVC encourages that all crimes be reported to the DPS as soon as possible.

Reasons to call for assistance:

- You see someone committing a crime.
- You need to report an old crime.
- Someone is injured or ill.
- You see fire or smell smoke.
- You see anyone or anything suspicious.
- You think someone is a danger to themselves or others.
- You have knowledge of a chemical spill

## **Confidential Reporting**

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

Members of the campus community should be aware that, pursuant to the College’s Sexual Harrassment Policy, when supervisors, managers, and other certain designated employees become aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator, Dr. Terry Russell, russellt@moval.edu. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim’s request, a report of the details of the incident can be filed with the College without revealing the victim’s identity. Such a confidential report complies with the victim’s wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

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

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

All academic buildings are secured during the evenings and weekends. Access to the buildings is only allowed for faculty/staff members and students who have specific permission. The residence halls are locked 24 hours a day. DPS officers perform random “walk-throughs” in residence halls from 8:00 p.m. until 4:00 a.m. each night. The officers also perform vehicle patrols of parking lots and surrounding areas.

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

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

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

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

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

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

The Maintenance and Housekeeping Department provides building maintenance, custodial services, grounds work, and utility systems for MVC and its property. College community members are encouraged to report maintenance problems, including lighting and elevator concerns, to the Maintenance and Housekeeping Department. Maintenance and Housekeeping staff, in conjunction with DPS and the Division of Students Affairs, routinely inspect building door locking mechanisms, windows, and fire alarm systems. Burned out lights, broken doors, windows, and malfunctioning alarm systems are repaired as quickly as possible. MVC community members are urged to report security and maintenance issues the Maintenance and Housekeeping Department.

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

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

Crime prevention programs are presented to students each semester by Student Affairs and Residential Life. In addition, periodically email blasts are sent out to students and employees with crime prevention and other safety tips.

The College also provides information at the beginning of each academic term for students and employees regarding the College's security procedures and practices. This information is in the form of posters and other displays. Among other things, it advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.

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

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

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

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

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

## **Drug and Alcohol Policy**

Missouri Valley College policies prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the school's property or as part of any of the school's activities. The only exception to this provision applies to moderate consumption and/or possession of alcohol on College premises at approved functions by those legally permitted to consume or distribute alcohol. Such functions must comply with all applicable MVC guidelines.

### **Institutional Sanctions**

Violations of standards related to drugs and alcohol by a student or employee will result in appropriate discipline under the applicable College disciplinary system.

- *Students:* Student incidents involving drugs and alcohol are processed under the Student Code of Conduct. Possible sanctions include warning, probation,

suspension, expulsion, alcohol and/or drug assessment, fine, counseling, educational project or program, and removal of privileges.

- *Student Organizations:* Student organizations that violate standards related to drugs and alcohol are also subject to sanctions, including probation and removal of recognized student organization status.
- *Employees:* Employee policies regarding drugs and alcohol are located in the Faculty Handbook and Staff Handbook. Employee incidents involving drugs and alcohol are investigated and resolved by the Office of Human Resources. Possible sanctions for employees include warning, suspension and termination of employment. In addition, the employee may be required to participate in an alcohol and/or drug assistance program. The employee shall bear the cost of participation in such a program.
- *Notification of Conviction:* An employee who is convicted under any criminal drug statute for a violation occurring during the course of their employment or during work time must notify the Director of Human Resources of the conviction within five days of the date of conviction.
- *Employee Screening:* The College may require a drug/alcohol test in the event of any accident involving College-owned vehicles or property or in the event there is reasonable cause to suspect the individual is under the influence of or consuming alcohol or illegal drugs during working hours.
- *Criminal referral:* Students and employees may also be referred for criminal investigation and prosecution for the illegal use of drugs and alcohol.

### **Relevant Laws and Potential Legal Sanctions**

Students and employees are expected to abide by federal, state, and local laws related to drugs and alcohol. The College enforces state and federal drug laws, as well as state underage drinking laws. A summary of several of these laws and potential legal sanctions is as follows:

#### **Federal Drug Laws**

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

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

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

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

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

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

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

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

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

### Missouri Laws

Missouri laws also provide penalties relating to the unlawful manufacture, sale, or use or possession of drugs and alcohol. Sanctions range from small fines to imprisonment, depending on the violation and past criminal history of the individual. Some of the most relevant state laws are discussed below.

Category	Summary (Missouri Revised Statutes)
Possession of Marijuana	The use of recreational marijuana is legal for those over 21 years of age up to possession of not more than 3 oz, possession for personal use of more than 3oz but less than 10 grams for a first offense is a misdemeanor with a maximum fine of \$500 and no jail time. For a second offense, the maximum fine is \$2,000 and up to one year in jail. Possessing more than 35 grams is a felony with a maximum fine of



Category	Summary (Missouri Revised Statutes)
	\$10,000 and up to 7 years in jail. <i>See</i> MO. REV. STAT. § 579.015. Medical marijuana for certain conditions is allowed, and up to four ounces may be purchased every 30 days. Mo. Code Regs. Ann. tit. 19, § 30-95.030.
Controlled Substances	Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. <i>See</i> MO. REV. STAT. §§ 579.015 – 579.040. Possession of a controlled substance, except thirty-five grams or less of marijuana, is a Class D felony, with a term of up to seven years and a fine up to \$10,000. <i>See</i> MO. REV. STAT. § 579.015. Delivery of a controlled substance other than 35 grams or less of marijuana is a Class C felony, resulting in a prison term of not less than 3 years and not more than 10 years, and a fine up to \$10,000. MO. REV. STAT. §§ 558.002, 558.011.  As an example, someone possessing methamphetamine faces a prison term of 7 years and a fine up to \$10,000.
Alcohol and Minors	In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor, subject to a fine not to exceed \$500. <i>See</i> MO. REV. STAT. § 311.325. A subsequent violation is a Class A misdemeanor, subject to a term of up to one year in jail and a fine not to exceed \$2,000. <i>Id.</i> Anyone between 17–21 who represents that she/he is 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. MO. REV. STAT. § 311.320. The use of a fake identification is subject to a \$500 fine. <i>Id.</i> An attempt to purchase, or possession of alcohol, may also result in license suspension.
Driving Under the Influence (DUI)	A person is guilty of a DUI if the person has a blood alcohol concentration of 0.08 percent. A first offense results in a suspended license for 30 days and then a restricted license for 60 days, and may require a certified ignition interlock device. MO. REV. STAT. § 302.525. A second offense within five years results in a one-year restricted license and additional penalties.

### Marshall Ordinances

In addition to or conjunction with the federal and state sanctions that could be imposed, the city of Marshall also has ordinances related to drugs and alcohol that could result in fines of up to \$500 and/or imprisonment of up to 3 months. These ordinances cover public intoxication, misrepresentation of age by a minor in order to purchase or otherwise receive alcohol, providing alcohol to minors, and operating a motor vehicle while in an intoxicated or drugged condition.

### Health Risks

There are a vast array of health risks associated with chronic drug and alcohol use including but not limited to: depression; liver and kidney disease; psychosis and impaired thinking; heart attack; seizures; strokes; high blood pressure; violent outbursts; paranoia; anxiety; increased risk of birth defects and developmental issues during and after pregnancy. For more

information about the health risks associated with alcohol and particular types of drugs, please visit <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

### **Resources**

Below is a campus resource that is available to students and employees who are dealing with issues related to alcohol and drug abuse:

Student Health Services

Malcolm Center 1st Floor

Counselor's Phone (660) 831-4139

Nurse's Number (660) 831-4012

Please contact the Vice President of Student Affairs or Director of Human Resources if you would like assistance in finding or contacting community resources.

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

- MVC's Alcohol Policy and Drug Policies can be found in the Student Handbook: <https://moval.cleancatalog.net/drug-and-alcohol-policy>
- The faculty and staff Alcohol and Drug Policies can be found in the faculty and staff handbook - contact Human Resources for more information
- For more information about the College's biennial review of its DAAPP, you may contact the Office of Student Affairs

Missouri Valley College offers a drug and alcohol presentation through Vector Solutions online program. The College offers speakers and other programming related to drug and alcohol education such as mocktails, MO Highway Patrol driving simulator, and Cut Cold Turkey.

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

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

- Missouri Valley College Sexual Harassment Policy : <https://www.moval.edu/wp-content/uploads/2017/09/SEXUAL-HARASSMENT-POLICY-Final-7-22-20.pdf>

- Student Code of Conduct: <https://moval.cleancatalog.net/student-code-of-conduct>

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### Primary Prevention and Awareness Program:

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### Crime Definitions

Crime Type (Missouri Revised Statutes)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.
Domestic Violence	<p>Missouri's protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> <li>• "Domestic violence" is abuse or stalking committed by a family or household member.</li> <li>• "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.</li> </ul> <p>In addition, Missouri criminal statutes include various degrees of the crime "Domestic Assault," as follows:</p> <ul style="list-style-type: none"> <li>• Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002.</li> </ul>

Crime Type (Missouri Revised Statues)	Definitions
	<ul style="list-style-type: none"> <li>○ Mo Rev. Stat. § 565.002(6) indicates that a "domestic victim" is a household or family member as the term "family" or "household member" is defined in 455.010, including any child who is a member of the household or family.</li> <li>● Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</li> <li>● Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002.</li> <li>● Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</li> </ul>
Stalking	<ul style="list-style-type: none"> <li>● Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such</li> </ul>



Crime Type (Missouri Revised Statutes)	Definitions
	<p>person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</p> <ul style="list-style-type: none"> <li>• Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> <li>• As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> </ul>
Sexual Assault	<p>The institution has determined, based on good-faith research, that Missouri's criminal statutes do not define the term sexual assault.</p> <p>However, Missouri's protective order statutes indicate that "sexual assault" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. (Mo. Rev. Stat. § 455.010(1)(e)).</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape in the First Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent</li> </ul>

Crime Type (Missouri Revised Statutes)	Definitions
	<p>which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</p> <ul style="list-style-type: none"> <li>• Rape in the Second Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling.</li> <li>• Incest (Mo. Rev. Stat. § 568.020.1): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood.</li> <li>• Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032.1): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034.1): A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Missouri law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Sodomy in the First Degree (Mo. Rev. Stat. § 566.060.1): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>• Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061.1): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062.1): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen (14) years of age.</li> <li>• Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064.1): A person commits the offense of statutory sodomy in the second</li> </ul>

Crime Type (Missouri Revised Statutes)	Definitions
	<p>degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.</p> <ul style="list-style-type: none"> <li>• Child Molestation, First Degree (Mo. Rev. Stat. § 566.067.1): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen (14) years of age to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068.1): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069.1): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.</li> <li>• Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071.1): A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.</li> <li>• Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083.1): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</li> <li>• Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093.1): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or</li> </ul>

Crime Type (Missouri Revised Statutes)	Definitions
	<p>alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.</p> <ul style="list-style-type: none"> <li>• Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095.1): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.</li> <li>• Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100.1): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.</li> <li>• Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101.1): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.</li> </ul>
Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))	Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.

### College Definition of Consent

The College uses the following definition of consent in its Sexual Harassment Policy:

**Consent** 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, through mutually understandable words or actions, that a reasonable person in the perspective of the Respondent would understand as agreement and permission to engage in mutually agreed upon sexual activity; the acknowledgment and approval of actions, without coercion, force, intimidation, and opportunity to say no. A person who is Incapacitated is not capable of giving Consent. 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 do not imply consent; consent is not open-ended and must be obtained each time sexual activity occurs. Being in a romantic relationship with someone does not imply consent.

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive. Silence or an absence of resistance does not imply consent. When consent is withdrawn, sexual activity must immediately stop.



### Risk Reduction

Missouri Valley College primarily offers its educational programming regarding Dating Violence, Domestic Violence, Sexual Assault and Stalking (VAWA) through a web based platform from Getinclusive. Each student is requested to complete the training at least one time yearly.

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

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

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

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far he or she is willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner indicates a withdrawal of consent (implicitly or expressly), stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you his or her intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone whose judgment is impaired because of the consumption of alcohol or drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of person whose judgment is impaired.
- Be aware of the signs of impairment, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

### Bystander Intervention

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

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police

### Other Information Covered by the PPAP

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

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

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

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

Missouri Valley College offers numerous security and safety awareness programs for students and employees. All programs are ongoing, with associated campaigns beginning at the start of each academic semester. For students, this includes in-person or web-based training on use of alcohol and drugs, dating/domestic violence, sexual assault, stalking, reporting procedures, bystander intervention, and campus emergency response procedures. For employees, this includes in-person or web-based training on dating/domestic violence, sexual assault, stalking, mandatory reporting, reporting procedures, bystander intervention, and campus emergency preparedness. MVC also participates in numerous awareness events, in addition to having annual speakers on topics ranging from alcohol abuse to sexual assault.

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

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Campus Security Department at (660) 831-4228. You may also contact the College's Title IX Coordinator at (660) 831-4087.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### *Preservation of Evidence & Forensic Examinations*

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at University Hospital, 1 Hospital Dr., Columbia MO 65212, or by phone at (573) 882-4141.

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

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

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

- Department of Public Safety at (660) 831-4228
- Marshall Police Department, Contact Information: Non-Emergency (660)886-7411; Address: 461 W Arrow St. Marshall, MO 65340, or call 911
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### *Information about Legal Protection Orders*

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

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

- In Saline County Missouri, protection orders are available to victims through the justice/ court system. Courts can issue an order of protection and ex parte orders. Ex parte orders are typically put in place until a hearing before a judge occurs. The order of protection usually placed for a length of time of approximately one year. Victims wishing to seek an order of protection should be prepared to present documentation and/or other forms of evidence when filing for an order of protection. When a protection order is granted, they are enforceable statewide. If you have obtained an order and need it to be enforced in this area you should contact the Marshall Police Department.
- To gain an order of protection you can Contact the Saline County Victim's Advocate at the Saline County Prosecutors Office at 19 E Arrow St # 100, Marshall, MO 65340 or by phone at (660) 886-9608.

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

The College does not issue legal orders of protection. However, as a matter of institutional policy, the College may impose a no-contact order between individuals in appropriate circumstances. The College may also issue a "no trespass warning" if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

- The Saline County Victim's Advocate at the Saline County Prosecutors Office on 19 E Arrow St # 100, Marshall, MO 65340 or by phone at (660) 886-9608
- MVC Campus Counselor located in Student Health Services in the Malcolm Center or by phone (660) 831-4139
- Fitzgibbon Hospital Mental Health at 2305 S Hwy 65, Marshall, MO 65340 or by phone at (660) 886-7800
- Fitzgibbon Hospital (general health concerns) 2305 S. Hwy 65, Marshall, MO 65340 or by phone at (660) 886-7800

- Sometimes victims of serious crimes feel the need to take a leave of absence from school. If this is being considered, be aware that financial aid may be affected. If you have questions about financial aid implications in such circumstances, contact the Director of Financial Aid at [bohnsackd@moval.edu](mailto:bohnsackd@moval.edu) or by phone at (660) 831-4176. The Title IX Coordinator can help facilitate this conversation as well.
- Missouri Coalition Against Domestic & Sexual Violence: <http://www.mocadsv.org/>
- National Domestic Violence Hotline: 1.800.799.7233
- National Sexual Assault Hotline: 1.800.656.4673
- Legal Services of Missouri: <http://www.lsmo.org/>
- Immigration Advocates Network:  
<http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
- U.S. Citizenship and Immigration Services:  
[https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office\\_type=ASC&OfficeLocator.statecode=MO](https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office_type=ASC&OfficeLocator.statecode=MO)

### **Accommodations and Protective Measures:**

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

Requests for accommodations or protective measures should be made to the Title IX Coordinator at [russellr@moval.edu](mailto:russellr@moval.edu), and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

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

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

The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

## **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the College's Sexual Harassment Policy and the related complaint resolution procedures. The procedures are utilized whenever a complaint is made. To see the full Sexual Harassment Policy please go to the following: <https://www.moval.edu/wp-content/uploads/2017/09/SEXUAL-HARASSMENT-POLICY-Final-7-22-20.pdf>

### **Preliminary Assessment**

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will conduct a preliminary assessment to determine:

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

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

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

### **Contacting the Complainant**

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

### **Supportive Measures**

If a report is not closed as a result of the preliminary assessment specified above, the College will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer

and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The College will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the College's ability to provide the Supportive Measures in question.

### **Interim Removal**

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from the College's education programs and activities on an temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four (24) hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the College may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### **Formal Complaint**

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the College investigate and adjudicate a report of Sexual Harassment in accordance with this policy. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the College's education programs or activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified above. No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the College if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the College will commence an investigation and proceed to adjudicate the matter as specified herein. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

## **Consolidation of Formal Complaints**

The College may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

## **Dismissal Prior to Commencement of Investigation**

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy (i.e., because the alleged conduct did not occur in the College’s Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified below. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate. A dismissal pursuant to this section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

## **Notice of Formal Complaint**

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice.
- Notifying the Complainant and Respondent of their right to inspect and review evidence.
- Notifying the Complainant and Respondent of the College’s prohibitions on retaliation and false statements specified herein.



- Information about resources that are available on campus and in the community.

Should the College elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the College will provide a supplemental written notice describing the additional allegations to be investigated.

## **Investigation**

1.

### **A. Commencement and Timing**

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the College and not with the parties. The investigation will culminate in a written investigation report that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of Formal Complaint.

1.

### **B. Equal Opportunity**

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

1.

### **C. Documentation of Investigation**

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

1.

### **D. Access to the Evidence**

## **Polices, Procedures**

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the College may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

1.

### **E. Investigation Report**

After the period for the parties to provide any written response has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

### **Adjudication Process Selection**

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes I. The notice will explain that the hearing process is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy, consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

### **Adjudication**

#### **Hearing Process**

The default process for adjudicating Formal Complaints is the hearing process specified in this section. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified above.

#### **1. Hearing Officer**

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the

hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

## 2. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the College's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this section.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the College's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the College provide an advisor for purposes of conducting questioning.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

## 3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and

contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

#### 4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any College employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The College will not issue a notice of attendance to any witness who is not an employee or a student.

#### 5. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the College's Hearing Procedures. The hearing will be audio recorded or transcribed. The audio recording or transcript will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary College personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to this policy.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this section are met.

## 6. Subjection to Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

## Policies

In applying this section, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

### 7. Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or otherwise as part of this policy. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

### 8. Discipline and Remedies

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

### 9. Written Decision

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the College upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate College official;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the College's process and grounds for appeal.

The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in below.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the College strives to issue the hearing officer's written determination within fourteen (14) days of the conclusion of the hearing.

### **B. Administrative Adjudication (Optional)**

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator. At any time prior to the issuance of the administrative officer's determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified above.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator.

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by

a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any College official and the Title IX Coordinator and will prepare and transmit a written decision, which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal as specified below.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the College strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice.

### **Dismissal During Investigation or Adjudication**

The College may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the College, as the case may be; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified below. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate. A dismissal pursuant to this section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

<sup>11</sup> The College's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. *See* 34 C.F.R. § 106.30(a).

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

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

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of



timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.

- Conducted in a manner that:
    - Is consistent with the institution's policies and transparent to the accuser and the accused.
    - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
    - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
  - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

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The Missouri Valley College Title IX investigative team receives investigative training Once a year. The training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

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

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

*For Students:*

- **Warning:** The student will be informed of the violation and its potential consequence if the behavior is repeated.
- **Probation:** Limiting the student's involvement in campus activities including athletic, theatre, or social activities. Students on probation may be dismissed if future violations occur. Warning is not a prerequisite for probation.
- **Suspension:** Dismissal from the College for a specified amount of time, typically 180 days. After specified amount of time, the student may reapply through the application process to reenter Missouri Valley College. Probation is not a prerequisite for suspension.
- **Expulsion:** Permanent dismissal from the College. The student may not, at any time, reapply for entry. Probation is not a prerequisite for expulsion.
- **Interim Removal/Campus Safety Suspension:** Students who are deemed to pose a risk to the College Community may be suspended from all Missouri Valley College events and facilities, including classes and residential facilities, pending the completion of the investigation.
- **No Contact Order:** Indicates that students are to have no contact with designated individual(s). No contact is defined as formal, informal, direct, indirect, verbal, written, electronic or other communication between themselves and the designated individual(s), as well as communication between themselves and the designated individual(s) through any other individual(s).
- **Assessment of Fine:** Restitution for damage and/or punitive fines for actions deemed responsible.
- **Community Service:** Students are assigned to set number of community service hours. Community service must be completed at an approved location.
- **Counseling:** Students are required to meet with the Campus Counselor, related to the alleged violation. The Campus Counselor will determine the number of meetings that students will be required to attend.
- **Educational Project or Program:** This action may include mandatory participation in education or treatment programs, program development, etc.
- **Removal of Privileges:** Removal or restriction of campus privileges (i.e. living in campus housing, visitation privileges, restriction of hours on campus, and the opportunity to utilize certain campus services and participation or attendance at campus events).

*For Faculty/Staff:*

- **Verbal Warning:** The student will be informed of the violation and its potential consequence if the behavior is repeated.
- **Written Warning:** Documentation of the incident as well as possible future outcomes if the action is repeated. Written warnings are placed in the employment file.
- **Suspension with pay:** Employees who are being investigated for potentially violating the college's policy regarding sexual violence/deemed to pose a risk to the College Community may be suspended from all Missouri Valley College with pay.

Suspension with pay will require the employee to vacate college property until further notified.

- **Suspension without pay:** Employees who are being investigated for potentially violating the college's policy regarding sexual violence/deemed to pose a risk to the College Community may be suspended from all Missouri Valley College with pay. Suspension with pay will require the employee to vacate college property until further notified.
- **Termination:** Permanent separation from the college/cancellation of any and all contracts with said individual.

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

### **Publicly Available Recordkeeping:**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

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

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

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

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Director of Public Safety at [Mcmellenb@moval.edu](mailto:Mcmellenb@moval.edu). State registry of sex offender information may be accessed at the following link:

<http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

### **Timely Warnings and Emergency Response**

#### *Timely Warnings*

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Vice President of Student Affairs, Director of Public Safety, and Associate Dean of Housing and Residential Life constitutes a serious or continuing threat to members of the campus community, a campus-wide "timely warning" will be issued. Examples of such

situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

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

- Office of Student Affairs, Phone 660-831-4086
- Office of Public Safety, Phone 660-831-4228
- Vice President of Student Affairs Office, Phone 660-831-4087

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

### Emergency Response

MVC has developed a Crisis Response Plan (CRP) that provides a comprehensive set of guidelines for directing resources before, during and after campus emergencies. DPS is very proactive in training all officers, staff and the community for emergency preparedness, response and recovery. The CRP includes a set of guidelines for emergency procedures which are posted in all the campus buildings. In addition, these guidelines can be found online at: [https://www.moval.edu/wp-content/uploads/2017/09/CrisisResponsePlan\\_17-18Rev-2.pdf](https://www.moval.edu/wp-content/uploads/2017/09/CrisisResponsePlan_17-18Rev-2.pdf). The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

### **Crisis Response Plan**

The Crisis Response Plan (CRP) may be activated in response to a local, regional, or national crisis or catastrophe that significantly affects MVC and the surrounding community. This plan provides guidelines for communicating within the campus, and from the campus to the media and the public, in the event of an emergency or crisis. Disasters, emergencies and crises disrupt the normal activities of the campus and may require activation of the MVC Crisis Response Plan. This CRP describes the role of Institutional Advancement (Marketing) in communicating vital information to members of the MVC community and the public.

Specifically, the CRP is designed to enable faculty, staff, and students to manage critical incidents, crises, and catastrophes that occur to campus. The overall ability of MVC personnel to respond to any emergency incident will rely primarily upon preplanned policies, plans, and procedures; emergency building plans; Emergency Response Team; business continuity and recovery plans; and existing or newly created guidelines and directives. The CRP is local in scope, but is intended to support a comprehensive, multiagency and multi-disciplinary, all-hazards approach to incident management across a range of activities including:

1. Mitigation – periodically evaluating the physical environment to minimize the potential for risk of harm to others in the MVC community; evaluating each emergency response following CRP activation to improve and enhance future responses and thereby minimizing future risk of harm to members of our campus community and visitors

2. Preparedness – creating and revising emergency plans and policies, training, and evaluating emergency responses for different types of crisis or catastrophes
3. Response – the immediate emergency response to a critical incident, crisis, or catastrophe; performing such functions as protecting life, stopping or containing additional threat to life and property, and protecting critical infrastructure
4. Recovery – planning for and implementing actions to restore critical business functions and non-critical business functions, in order to restore operations of the MVC.

The CRP includes or references appendices, emergency building plans, business continuity and recovery plans, emergency contact information, or inclusions intended to support, or modify the CRP during emergency operations conducted in response to a crisis or catastrophe. The CRP may be activated during any of the following incidents, which may include, but are not limited to:

- Armed or Violent Behavior
- Bomb Threats or Explosions
- Fire
- Utility Emergencies Civil Disorder or Disturbances
- Medical Emergencies Earthquakes or Building Collapse
- Tornadoes
- Chemical, Biological, Radiation, Nuclear, Explosive Incidents

Students, staff and visitors are encouraged to notify The Marshall Police Department by calling 911 for any emergency or potentially dangerous situation.

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

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

Once the emergency is confirmed and based on its nature, the President and Senior Administrators will consult with other appropriate College officials to determine the appropriate segment or segments of the College community to be notified.

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

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined

in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

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

If deemed necessary, the College's Vice President of Student Affairs will contact local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

#### Methods for Issuing Timely Warnings and Emergency Notifications

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

Method	Sign-Up Instructions
Broadcasting digital speaker in campus Quad	NA
Emails	All Students faculty and staff are signed up as a member of Missouri Valley College
Text Messages	Students and staff can sign up using their Missouri Valley College ID at <a href="https://www.getrave.com/login/moval">https://www.getrave.com/login/moval</a>

#### Testing & Documentation

MVC participates in regularly scheduled drills and exercises organized by the Saline County Emergency Management (hereinafter "SCEM") and Missouri Emergency Management Agency (hereinafter "SEMA"). This most frequently includes tests of the Tornado Warning system. MVC also coordinates in-house drills with one or more local first-responder agencies, most frequently MPD.

Each time a drill or exercise is to occur, MVC sends an e-mail detailing the drill, reviewing basic emergency procedures, and detailing where to find a complete list of emergency procedures. E-mails are sent again at the beginning of each drill or exercise with information regarding how the individual should respond to the current drill or exercise, as well as where to find a complete list of emergency procedures. Depending on the type of drill or exercise, other forms of communication (i.e. Text Messaging or Alert Siren) may be used to alert the campus community.

Because of the regularity of Tornado Warning system tests, distribution of the CRP is done regularly, with at least one distribution time each semester. Annual maintenance of communication systems is done prior to the first test of each academic year to ensure operability of all systems.

The Director of Public Safety maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the

## Policies, Procedures

College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

## **Missing Student Policy**

If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the Associate Dean of Students at (660) 831-4652, Vice President of Student Affairs at (660) 831-4087, Dept. of Public Safety (660) 815-0111 or Marshall Police Department (660) 886-7411. Any College employee receiving a missing student report should immediately notify campus security so that an investigation can be initiated.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the College only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the person is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

Students can designate confidential contact persons for purposes of missing student investigation by completing an Emergency Contact Information Form located in the Office of Student Affairs.

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

## Crime Statistics

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

[illegible]

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Aggravated Assault	1	0	0	0	0	0	1	0	0	0	0	0
Burglary	9	10	5	7	10	5	2	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	34	13	50	34	13	50	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	46	31	15	46	31	15	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	2	0	0	2	0	0	0	0	0	0	0	0
Domestic Violence	2	0	0	1	0	0	1	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	1	0	0	1	0	0	0	0	0	0	0	0

#### **Hate crimes:**

2022: No hate crimes reported.

2021: No hate crimes reported.

2020: No hate crimes reported

#### **Crimes unfounded by the College:**

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

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

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.



**Data from law enforcement agencies:**

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

**Crime Statistics School of Nursing**

The statistical summary of crimes for this College's School of Nursing over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	2
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

**Hate crimes:**

2022: No hate crimes reported.

2021: No hate crimes reported.

2020: No hate crimes reported.

**Crimes unfounded by the College:**

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

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

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

**Data from law enforcement agencies:**

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

**Annual Fire Safety Report**

**Housing Facilities and Fire Safety Systems**

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

Campus: Missouri Valley College, 500 E College St, Marshall, MO 65340

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
1152 South Brunswick				X	X	X	0

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
1166 South Brunswick St, 1166 South Brunswick St				X	X		0
1257 S. Olsen Avenue, 1257 S. Olsen Avenue				X	X		0
1260 S. Olsen Avenue, 1260 S. Olsen Avenue				X	X		0
1263 S. Olsen Avenue, 1263 S. Olsen Avenue				X	X		0
1265 S. Olsen Avenue, 1265 S. Olsen Avenue				X	X		0
1271 S. Olsen Avenue, 1271 S. Olsen Avenue				X	X		0
1403 Sharp, 1403 S. Sharp Street				X	X		0

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
303 E. Edna Street, 303 E. Edna Street				X	X		0
308 E. Edna Street, 308 E. Edna Street				X	X		0
512 E. Rea Street, 512 E. Rea Street				X	X		0
516 E. Rea Street, 516 E. Rea Street				X	X		0
1052 S Brunswick Leased				X	X		0
Ashford Hall, 1151 S. Brunswick St.				X	X	X	0
Blackburn Hall, 525 E College St.				X	X	X	0
Blosser Hall, 828 E. Eastwood St				X	X	X	0
Conway Apt A, 1320 S. Conway St.				X	X	X	0
Conway Apt B,				X	X	X	0

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
1328 S. Conway St.							
Conway Apt C, 600 E Label St.				X	X	X	0
George Mack Hall, 523 E College St.				X	X	X	0
MacDonald Hall, 1260 S Redman Ave.				X	X	X	0
Moreland Hall, 1219 South Conway				X	X	X	0
Porter Brown Hall, 1887 S Lincoln	X	X	X	X	X	X	0
Redman Apt B, 1459 S Redman	X			X	X	X	0
Redman Apt C, 314 E Label St	X			X	X	X	0
Redman Apt. A, 1455 S Redman Ave	X			X	X	X	0

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkle System	Full Sprinkle System	Smoke Detectio	Fire Extinguisher Devices	Evacuatio Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Theta Phi 1462 S. Redman				X	X	X	0
Roberts Hall, 521 E College St				X	X	X	0
Union Hall, 1460 S Redman Ave				X	X	X	0
Vail Brown Apt, 1162/64 S Brunswick				X	X	X	0
Valley Village 1625 S. Sharp St. Apartments	X	X	X	X	X	X	0
Viking Village Apts, 1466 S Redman ave	X	X	X	X	X	X	0
Young Hall, 1457 S Conway St				X	X	X	0

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

To minimize the potential for fires at MVC, it is the policy of the College to prohibit the use of the following items in any College owned or operated facility indoors – unless in accordance with other College policies and procedures: Candles; Crock-pot/Slow Cookers; Fireworks; Grills (indoor or outdoor, including contact grills); Halogen and Lava lamps; Hotplates; Incense; Space or Immersion Heaters; Toaster/Toaster Oven.

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

### **Fire Evacuation Procedures**

In the event of a fire, the College expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. Once members have evacuated the building(s) they should proceed to the nearest parking lot otherwise directed evacuation area to be accounted for.

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

It is the policy of MVC to provide faculty, staff, students and visitors with the safest possible environment, free from potential fire hazards. The primary goal of MVC is to recognize hazardous conditions and take appropriate action before such conditions result in a fire emergency. This goal is accomplished by (1) conducting annual fire safety inspections of all College properties and (2) increasing the fire safety awareness of employees and students by conducting periodic training on basic fire safety. The Maintenance and Housekeeping Department conduct annual fire safety inspections of all College properties. Some buildings may be inspected more frequently as deemed necessary.

Basic fire safety instruction is provided to all Residence Life staff living at the beginning of each academic year.

DPS will coordinate with local emergency agencies and the Missouri State Fire Marshall in the investigation of each fire incident.

To minimize the potential for fires at MVC, it is the policy of the College to prohibit open burning and the use of combustible decorations. Open burning as defined by the College is any open/exposed flame or combustion that produces heat, light or smoke, and has the potential to cause a fire. No items shall be hung or posted on any fire protection equipment (fire hose cabinets, fire extinguishers, sprinkler heads and piping, smoke detectors, fire alarm pull boxes), on or near exits, on or near exit or emergency lights, on or near any other protective equipment of the College, or in any manner that could present a fall or trip hazard, or impede egress.

Fire drills will be held throughout the year. All residents must participate. Refusal to participate in emergency drills or emergency procedures will result in disciplinary action.

Misuse, tampering, or vandalism of fire or emergency alarm systems, fire extinguishers, electrical breakers, or other safety/security equipment is strictly prohibited.

### **Reporting Fires**

The College is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds

to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

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

### **Plans for Future Improvements**

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

### **Fire Statistics**

#### **Missouri Valley College**

##### **2022**

Reported 2 fires. one each in Conway Apt C. and George Mack 104.

##### *Reported Fires*

<b>Residential Facility</b>	<b>Total Number Fires</b>
Conway Apt C	1
George Mack 104	1

##### *Additional Information about Reported Fires*

<b>Residential Facility</b>	<b>Cause of Fire(s)</b>	<b>Number of Injuries that Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire</b>
Conway	Heater	0	0	Less than \$500.00
George Mack	Heater	0	0	Less than \$500.00

##### **2021**

One fire was reported in 2020.

##### **2020**

No fires were reported in 2019.