The Department of Safety and Security

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

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

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

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

Director: Mark Grabowski
Associate Director: Zeke Clawson
Assistant Director: Everett Hornbostel
Department Secretary: Emily Raymond
Officers: Jared Vaughn, Richard Worth, Joe Rhoads

Contact Information
Hammons Center
520 W. Aldrich Rd.
Bolivar, MO 65613
Office: 417-328-1556
Fax: 417-328-2034
Officer on Duty (24/7/365): 417-328-8733
www.SBUniv.edu/Safety
The Jeanne Clery Act &
The Violence Against Women Act

Procedure for Preparing and
Distributing the Report

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

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

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

The report will be published and made available by October 1st, each academic year. The vice president of administration will ensure that the annual report is submitted to the Department of Education each year.

Violence Against Women Act

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

SBU has taken steps to comply with the requirements created by VAWA 2013. A Title IX Compliance committee has been created consisting of the director of human resources as chair and five deputy chairs representing areas of the university. The deputy chairs by area are:

- Faculty: associate provost
- Staff: executive coordinator
- Student: vice president for student development
- Athletics: associate athletic director/senior woman administrator
- Security: director of safety and security.

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

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

Jeanne Clery was murdered in her dorm room on April 5, 1986 at Lehigh University.

Jeanne Clery Act

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

*** NOTE ON ALL TITLE IX POLICY AND PROCEDURES ***

The Title IX Coordinator is listed as the Director of Human Resources, Carolyn O’Kelley, in all current documents. As of September 2017, this position is vacant. Dr. Robert Harris, Vice President for Student Development has been designated as the Interim Title IX Coordinator. All report of Title IX violations or concerns by both employees and students should be sent to Dr. Robert Harris until further notice.
Reporting Crimes

Campus Security Authorities

A Campus Security Authority (CSA) is defined as:

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

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

- All Safety and Security employees
- All Resident Directors and Resident Assistants
- All Wellness Center Desk Workers
- All Community Life and Worship Leaders
- All Sporting and Campus Event Ticket Personnel
- All Admissions Counselors
- All Center for Global Connections Trip Leaders
- All Sponsors of official university clubs, groups, and teams
- All Student Development employees
- All Branch Campus Directors
- All Coaches, Assistant Coaches, and GA Coaches and Athletic Administration

Reporting Crimes at the Salem Campus

If an incident occurs on the Salem campus it should be reported to the Salem Police Department at 573-729-4242.

The Salem Police will notify the campus director of any reported criminal activity occurring on campus or in the contiguous area. Safety and security can be contacted by calling 417-328-1556 or 417-328-8733. SBU will cooperate and investigate all reports of criminal actions or other emergencies. Incidents of criminal activity will be posted in the daily incident log.

The daily incident log will be maintained by the campus director.

Important Emergency Phone Numbers

<table>
<thead>
<tr>
<th>EMERGENCY - 911</th>
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<tbody>
<tr>
<td>Salem Police</td>
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<tr>
<td>Salem Hospital</td>
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<tr>
<td>SBU Health Center</td>
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<tr>
<td>Safety &amp; Security</td>
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<tr>
<td>Counseling Center</td>
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<tr>
<td>Student Life</td>
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Reporting Officials

The following positions have been designated reporting officials related to the Clery Act: president, provost, vice president for administration, vice president of student development, athletic director, director of undergraduate admissions, dean of enrollment management, director of human resources, director of safety and security, and all other Campus Security Authorities listed.

SBU encourages accurate and prompt reporting of all crimes to law enforcement and the department of safety and security. The university does not have a voluntary confidential reporting system.

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

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

The university issues/posts timely warnings for incidents of:

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

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

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

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

The campus director will coordinate with the public information officer to create the timely warning. Additional departments may be consulted to provide the most accurate and current information as possible. Once the message has been finalized the public information officer will transmit the timely warning to the university community in one or more of the following ways: email, SBU Portal post, display screens, flyers, and website. Updates as deemed appropriate and necessary, may also be distributed to the SBU community about any particular case resulting in a warning. Timely warnings will be displayed for a period of one to seven days.

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

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

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

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

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

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

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

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

As per the requirements of the law, the university will, without delay take into account the safety of the community, determine the content of the notification, and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: local law enforcement, and/or fire and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

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

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

Memorandum of Understanding With Law Enforcement

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

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

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

Some of the programs offered include:

- Protecting Community: Ongoing campaign to educate and prevent sex discrimination, harassment and violence.
- Resident director and resident assistant training in August. Includes discussion of fire safety, reporting crimes, responding to incidents, safety and security awareness.
- Annual Campus Security Authority training. Required training for all CSAs to be completed each year. Covers Clery compliance awareness and proper crime reporting.
- HAVEN program. Required for all incoming students each year as part of the sexual assault awareness program. On-line program designed to educate students and combat sexual assaults.
- Security training by Center for Global Connections. Required for all international CGC trip participants. Information provided on travel safety and best practices when traveling outside the US.
- September is National Campus Safety Awareness Month. Displays and information for being safe at college.
- SHARP and ALICE training sessions provided by safety and security. These sessions are tailored for specific audiences and offered to the general student population.
- Other training is provided by the department of safety and security upon request.

Drills and Exercises

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

Maintenance and Security Buildings

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

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

The campus is equipped with limited security camera coverage.

Registered Sex Offender Information

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

Dent County Sheriff  
Missouri State Highway Patrol  
112 E 5th St.  
1510 E. Elm Street  
Salem MO 65560  
Jefferson City, MO 65102  
573-729-3241  
573-751-3313  
www.salemmo.com/county/sheriff.asp  
www.mshp.dps.missouri.gov

Requests for maintenance service should be made to the campus director.
Protecting Community

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

The informational flyer includes under the titles:

How do I report an incident?
What should I expect to happen when I report an incident?
What if I observe a possible situation involving domestic violence, dating violence, sexual assault, rape or stalking?

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

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Training Program for All Incoming Students and New Employees

**Haven**

With data from the National Institute of Justice showing that one in five college women (and one in 16 men) will experience some form of non-consensual sexual activity by graduation, the widespread impact of sexual violence on students presents an urgent and pressing challenge for our nation’s campuses.

Haven – Understanding Sexual Assault™ addresses the critical issues of sexual assault, relationship violence, and stalking, which impact countless college students across the country.

Haven uses a population-level approach to educate all students on the issues associated with sexual assault and relationship violence, taking into account their unique perspectives and experiences, providing:

- Key definitions and statistics
  - Reflective and personalized content
  - Bystander skill and confidence-building strategies
  - Campus-specific policies, procedures and resources
  - Rich data summaries to inform future programming
Sexual Assault Recommended Response

(From SBU Student Handbook)

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

1. Report the incident to the following:
   a. Bolivar Police; 345 South Main Avenue; (417) 326-5298
   b. A victim that is a student should inform the Vice President for Student Development; Goodson Student Union; (417) 328-1827 (A member of the residence life staff may serve as a liaison for a student/victim residing in a residence hall).
   Employees should inform one of the following designated reporting officials: President, Provost, Vice-President for Administration, Vice President for Student Development, Athletic Director, or Director of Safety and Security.
   c. A victim at the Springfield Campus should notify the Springfield Police at (417) 864-1810. In addition, the campus director or building coordinator should be notified.
   d. A victim at the Mountain View Campus should notify the Mountain View Police at (417) 934-2525. In addition, the campus director should be notified.
   e. A victim at the Salem Campus should notify the Salem Police at (573) 729-4242. In addition, the campus director should be notified.

2. Seek medical assistance [student health center: (417) 328-1888], [Salem Memorial District Hospital 573-729-6626 ].

3. Consider the importance of preserving evidence.

4. Seek counseling on or off campus (SBU Counseling Center: #328-1736)

5. Complainant and respondent are encouraged to communicate with their local police. If either party needs assistance with contacting or notifying the police, assistance will be offered. Complainant may decline notifying proper authorities, but are encourage to notify police.

6. Consider pressing charges.

7. University officials will cooperate with local officials.

8. If the accused is a student, university disciplinary measures may also be taken at the appropriate time with both the accused and the accuser informed of the outcome.

9. Consider requesting changes regarding academic and living situations. Changes will be made if requests are received that may be reasonably accommodated. Requests for changes should be addressed to the Vice President for Student Development.

10. The accuser and accused are entitled to the same opportunities to have others present during a disciplinary proceeding.

11. Both the accuser and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense (the institution’s final determination and any sanction against the accused).

12. Refer to the student guidelines and expectation section of the handbook to learn discipline and sanctions related to sexual assault.

Medical Centers in Salem

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

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

Riverways Pregnancy Resource Center
573-739-4673
1600 Doss Road
DEFINITION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, SEXUAL HARASSMENT, AND CONSENT:

From SBU Student Handbook 2017(pages 47-51)

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

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

DEFINITIONS:

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

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

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;
(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;
(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;
(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

1. Following another about in a public place or places;
2. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent;
(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will; (455.010 RSMO):

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

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

Bystander intervention – helpful and safe bystander interaction, especially if there is a risk of domestic violence, dating violence, sexual assault, or stalking. While there are many methods of invention to help a fellow student, a bystander must assess their personal safety before intervening. If intervention is reasonable, a few bystander interaction methods, but certainly not an exhaustive list, could include:

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

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

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

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

Consent RSMo 556.061(5). Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

c) It is induced by force, duress or deception.

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

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

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship” (SEC. 40002. 42 U.S.C. 13925).

Domestic violence – Abuse or stalking committed by a family or household member, as such terms are defined in this section (455.010 RSMO).

The State of Missouri does not define domestic or dating violence. However, the State of Missouri does define assault (455.010(1) RSMo), and has interchangeably used domestic or dating violence when referencing a situation whereby a person purposely, knowingly, or recklessly caused fear or physical harm to another person within the same family or with another person in which an intimate or romantic relationship existed.

Ex parte order of protection – An order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it (455.010 RSMO).
Family or household member – Spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time (455.010 RSMO).

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

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

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

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

Respondent – A respondent is anyone in which a sexual misconduct or discrimination allegation report has been filed against.

The family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503 (455.010 RSMO).

Sexual Assault – “The term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (SEC. 40002. 42 U.S.C. 13925). In addition, sexual assault is causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress (see 455.010(1) RSMo). Sexual Harassment – SBU is committed to maintaining high standards of professional ethics in a humane atmosphere in which individuals do not abuse their personal authority or power. All members of the University family are responsible for maintaining a positive working and learning environment. The faculty, staff, and students of SBU will not condone actions which a reasonable person would regard as either gender discrimination or sexual harassment.

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

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

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

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

b) Course of conduct" means a pattern of conduct composed of two or more acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact (455.010 RSMO).
POLICY, REPORTING, AND PROCEDURES FOR REPORTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, RAPE, STALKING, and SEXUAL HARASSMENT:

POLICY: SBU prohibits domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment. Any student who believes he or she has been a victim of any of these inappropriate actions is encouraged to report the incident to the Vice President for Student Development or the University’s Title IX Coordinator.

Dr. Robert Harris, Vice President for Student Development, Goodson Student Union, (417) 328-1827, rharris@sbuniv.edu
Mrs. Carolyn O’Kelley, Director of Human Resources, Sells Administrative Center, (417) 328-1512, cokelley@sbuniv.edu

Any SBU personnel with any knowledge of the above stated items should report all complaints to the Deputy Title IX Coordinator/ Director of Human Services.

SBU students are encouraged to report incidents of domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment whether the incident happened to them or a fellow student. In regard to amnesty, a student who has become victim or witness to any of the above stated items or has experienced an alcohol related emergency may not be sanctioned if the reporting student has violated the University’s Alcohol Policy (see Student Handbook).

Unfortunately, statistics show that alcohol is often involved when there becomes a victim of domestic violence, dating violence, sexual assault, rape, and acquaintance rape. The University prohibits these actions and wants to encourage all students and employees to report such violations; even if the reporting person has been drinking alcohol and is underage.

Confidentiality – The University recognizes that maintaining the confidentiality of the person who files a complaint is of the utmost importance. While all discrimination complaints will be handled discreetly, there is not a guarantee that absolute confidentiality will occur.

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

REPORTING A COMPLAINT: SBU has a dedicated Title IX committee comprised of one coordinator and five deputy coordinators to ensure Title IX compliance and care for individuals who may have been victims of discrimination under Title IX.

Any student who believes he or she has been a victim or has knowledge of an incident of sex discrimination, sexual harassment, sexual violence (domestic or dating), sexual assault, rape, or stalking is encouraged to report the incident to official University personnel.

Title IX Coordinator: Carolyn O’Kelley, Director of Human Resources, Sells Administrative Center, (417) 328-1512, cokelley@sbuniv.edu
Deputy Title IX Coordinator for Students: Dr. Robert Harris, Vice President for Student Development, Goodson Student Union, (417) 328-1827, rharris@sbuniv.edu
Deputy Title IX Coordinator for Staff: Ashley Dinwiddie, Executive Coordinator, Sells Administrative Center, (417) 328-1500, adinwiddie@sbuniv.edu
Deputy Title IX Coordinator for Faculty: Dr. Allison Langford, Associate Provost for Teaching and Learning, Sells Administrative Center, (417) 328-1601, alangford@sbuniv.edu
Deputy Title IX Coordinator for Athletics: Gina Whitehead, Associate Director of Athletics, Meyer Wellness and Sports Center, (417) 328-1793, gwhitehead@sbuniv.edu
Deputy Title IX Coordinator for Safety and Security: Mark Grabowski, Director of Safety and Security, Hammons Center, (417) 328-1556, mgrabowski@sbuniv.edu

Deputy Coordinators are primarily responsible for investigating sexual harassment or sexual violence complaints. The Deputy Coordinators may designate other appropriately trained individuals to receive and investigate reports and complaints as is appropriate.

In addition, individuals with complaints of domestic violence, dating violence, sexual assault, stalking, and sexual harassment have the right to file a formal complaint with the United States Department of Education Office of Civil Rights (OCR). The Missouri OCR office address is following:

Kansas City Office Office for Civil Rights U.S. Department of Education One Petticoat Lane 1010 Walnut Street, 3rd Floor, Suite 320 Kansas City, MO 64106 Telephone: 816-268-0550 Fax: 516-268-0599; TDD 800-877-8339 Email: OCR.KansasCity@ed.gov
PROCEDURES: SBU is committed to investigating and determining a resolution for all reported incidents, especially those pertaining to domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment. An incident reported to one of the aforementioned University officials will prompt an investigation within 10 days in which the University will use an Investigation Model process to bring resolution within 60 days. The following procedural steps will be followed upon receipt of an official report:

1. SBU’s Title IX Coordinator will be notified of reported incident and determine if the alleged incident is a Title IX issue. If the alleged incident is determined to be an alleged Title IX incident, then an initial investigation plan will be developed, which will identify investigators, possible interim measures, and include the identification of alleged policies violated.

2. Collect contact information of the complainant (victim) and respondent (accused) and determine constituency status (student or employee).

3. Complainant and respondent have the right to have an advisor of choice attend and to support them through the investigation, resolution, and, if necessary, appeal processes.

4. Investigator(s) will contact the complainant and, if possible, attempt to meet with the complainant.

5. Complainant will be given or sent a copy of the Victim’s Rights and Options.

6. Where applicable, a “No Contact” directive may be issued or making alternative living, class-placement, or workplace arrangements may occur prior to any determination of an investigation outcome.

7. Counseling services will be offered to both complainant and respondent.

8. If the complainant desires an official investigation, the following is required:
   
   a. Complainant’s and respondent’s name;
   
   b. Complainant’s contact information and, if possible, respondent’s contact information;
   
   c. Description and details – Provide as much information regarding the incident(s) that is leading to the basis for the allegation;
      
      - Who – Name of person(s) directly responsible for alleged actions leading to the sexual violence/assault complaint;
      - What – Describe the incident;
      - When – Date(s), and time(s) of the incident(s);
      - Where – Location(s) of the incident(s);
   
   d. Evidence – Preserve evidence and provide any items (clothing, documentation) that supports the allegation (text messages, emails, social media);

   e. Witnesses – Submit names and contact information of witnesses to the allegation;

   f. Any additional supportive information.

9. Investigator will contact the respondent and schedule a meeting to notify the respondent of allegation. The respondent will be required to identify if they are the causation of the allegation.

10. Complainant and respondent are encouraged to communicate with their local police. If either party needs assistance with contacting or notifying the police, assistance will be offered. The complainant, however, has the freedom to decline notifying proper authorities.

11. The complainant, where applicable, is encouraged to see a health care provider.

12. Complainant and respondent will be told the standard of proof (preponderance of the evidence) the University uses when investigating reported incidents.

13. A summary of respective personal testimony will be shown to the complainant and respondent prior to a preliminary finding as means to verify the testimony given.

14. Investigator will review University established policies, make a preliminary finding, and submit a summary report to the Title IX Coordinator.

15. Title IX Coordinator will make a final outcome decision of a Title IX violation utilizing the University’s standard of proof (preponderance of the evidence).

16. When the respondent is an SBU student and the Title IX Coordinator deemed that the allegation is more likely true than not true, the final outcome and investigative information will be given to the Student Life Judicial Council or Vice President for Student Development to determine sanctions.

17. Notify respondent and complainant of finding outcome.

18. The complainant and respondent will be notified in writing of the investigation outcome and any disciplinary action.

19. When the outcome merits disciplinary action, the complainant and respondent independently have the right to appeal the disciplinary action given.
20. The University’s Director of Safety and Security will be informed of reported incident.

The investigative objective will be to provide an unbiased, reliable, and impartial investigation of the complaint. The complainant will have the opportunity to present witnesses and other evidence regarding the report filed. When such a complaint is filed against a fellow student or University employee, then that person – against whom the complaint is filed – will also have the opportunity to present witnesses and other evidence pertinent to the allegation.

All persons are encouraged to cooperate fully with any resulting investigation. Retaliation against any individual who participates in or assists with an investigation will not be tolerated. If an individual feels he or she has been retaliated against for filing a complaint or cooperating with an investigation, he/she is encouraged to report the matter to the Vice President for Student Development or the University’s Title IX Coordinator.

If the investigation substantiates any part of a complaint filed under this policy, immediate and appropriate corrective and/or disciplinary action will be taken. If the evidence shows that the report allegation is more likely true than not true, then violations are considered a Class C Violation and may result in termination (see Sanctions section). Sanctions for Class C Violations range from an Official Reprimand to Dismissal.

When the respondent is a SBU student and it is deemed by the Title IX Coordinator that the allegation is more likely true than not, the final outcome and investigative information will be given to the Student Life Judicial Council or Vice President for Student Development to determine sanctions. If the Vice President for Student Development served as the lead investigator, then the Vice President will not serve has a voting member of the Student Life Judicial Council in determining sanctions.

The complainant and respondent have the right to appeal the decision or any issued sanction(s). A student who wishes to appeal an outcome decision or any issued sanction(s) must follow the steps as outline in the Disciplinary Appeals section of the Student Handbook. Grounds for entertaining appeals are specifically limited to four categorical areas as shown in the Grounds for Appeal section of the Student Handbook. Students who are issued sanctions are encouraged to appeal any sanction for any violation (disciplinary action) against them if they disagree with the decision or believe the decision or information, upon which the decision was based, was improper.

SEXUAL HARASSMENT

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

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

A person found bringing a complaint in good faith will suffer no retaliation.

Investigation of the complaint in will be undertaken immediately. The investigation will be conducted in an expeditious and impartial manner, assuring as much confidentiality as possible. Such investigations will include interviews of the individuals directly involved and other individuals who may have relevant information.

All persons are encouraged to cooperate fully with any resulting investigation. Additionally, there will be no retaliation against any individual who participates in or assists with an investigation.

If an individual feels he or she has been retaliated against for filing a complaint or cooperating with an investigation, he/she is encouraged to report the matter to the cabinet member in charge of his/her particular area, the Director of Human Resources, his/her supervisor, or any other member of the executive cabinet.

If the investigation substantiates any part of a complaint filed under this policy, immediate and appropriate corrective and/or disciplinary action will be taken. Violations of this policy may result in termination.

Whatever the investigation’s outcome, the complaining party will be notified of the results.
All Sex Offenses, domestic Violence, dating violence, sexual assault, and stalking crimes are considered Class C Violations. Class C violations consist of unacceptable moral or ethical behavior; serious law violation(s); serious damage to property; or behavior that is harmful (or potentially harmful) to self, others, or the University. Therefore, Class C violations are considered potentially dismissible offenses, depending on the severity of the incident.

Class C violations will be addressed in the following manner:

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

Sanction Definitions As Listed in the SBU Student Handbook

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

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

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

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

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

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

Educative Sanctions: Tasks, assignments or experiences which a student is obligated to complete as a result of the decision of an officer of Student Life. Examples are: letters of apology; research of an issue related to the offense; attending a workshop, lecture or meeting.
Restrictive Sanction: If it is believed by the Vice President for Student Development that a certain restriction is an appropriate response to a violation, the student will be restricted accordingly for a specified period of time. Examples of restrictions that may be imposed include the following but are not limited to:

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

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

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

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

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

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

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

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

University Policy on Criminal Issues

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

Student Infractions at Salem

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

SBU Employee Handbook Policy Number: 06.03.18
Creation Date: April 29, 2015

POLICY:

In educational institutions, sexual harassment and sexual violence are deemed as discrimination on the basis of sex and prohibited by federal law (Title IX); thus, are strictly prohibited as a matter of Southwest Baptist University policy. The University expects behavior from all members of the University family that demonstrates the highest standard of respect for people and property and that exemplifies the Christian commitment to loving one another. Certain behaviors are not acceptable according to this moral and ethical standard.

Southwest Baptist University prohibits sexual harassment, sexual assault, domestic and dating violence and stalking and will not tolerate retaliation (threatened, attempted, or actual) against any individual for making a complaint under this policy. Violators of this policy will be subject to disciplinary action up to and including termination according to the severity of the incident. This policy is not intended to change or modify Section 2.10 Separation or Section 2.18 Grievance outlined in the Faculty Handbook.

SBU encourages victims of sexual harassment and/or sexual violence to report the incident to the university, as well as to appropriate law enforcement officials as soon as possible, so that we may care well for members of the University family and community.

PROCEDURE:

Reporting incidents of sexual harassment and sexual violence:

The University will work with any individual reporting an incident of sexual harassment or sexual violence, “the complainant”, to provide a safe environment. An employee accused of sexual harassment or sexual violence, “the respondent”, (or both the respondent and the complainant) may be placed on an alternative work schedule or immediate paid administrative leave during an ongoing investigation following a reported incident of sexual harassment or sexual violence. The University may be able to issue campus no-contact orders and assist with law enforcement reporting. Care and concern for the reporting individual and equitable treatment for the accused individual will be paramount throughout the investigative process.

Any employee(s) who believes he or she has been the object of sexual harassment or employees with any knowledge of sexual harassment by a co-worker, supervisor, manager, teacher, visitor or student is encouraged to report the incident to the cabinet member in charge of his/her particular area, the Director of Human Resources, his/her supervisor, or any other member of the executive cabinet. An individual must not assume the University is aware of his/her complaint. It is the individual’s responsibility to report all complaints and concerns as soon as possible.

Employees may report an incident of sexual violence to any SBU responsible employee to pursue a University investigation or directly to local police to initiate a criminal investigation. The employee is also welcome to talk with SBU designated counselors or the Employee Assistance Program (EAP) to confidentially report an incident or for assistance in deciding whether to file a complaint with the University or local law enforcement.

SBU designated counselors:

SBU designated counselors are required to maintain near complete confidentiality as long as they are working in a counseling capacity only; talking to them is sometimes called a “privileged communication”. They are required to notify the Safety and Security office that an incident occurred (for annual crime reporting purposes only) but they are not required to reveal personally identifying information to that office or Title IX Committee, without consent.

Disclosures to SBU designated counselors will not trigger a University investigation into an incident against the individual’s wishes. However, once a complainant decides to formally report sexual violence, the counselor or advocate should direct the individual to meet with the Deputy Title Coordinator for their area, who will begin a preliminary investigation. If an incident has just happened, the Title IX Coordinator or a Safety and Security Officer will assist the individual in securing immediate care and reporting to local law enforcement, if desired. The campus investigation process is completely separate from any civil/legal proceedings the complainant may wish to pursue.

While SBU designated counselors may maintain an individual’s request for confidentiality for purposes of SBU, in special circumstances, they may have reporting or other obligations.
under state law, such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; and the requirement to testify if subpoenaed in a criminal case.

**SBU responsible employees:**

All executive cabinet members, faculty members, full and part-time athletic, student life and safety and security staff are considered responsible employees. When an individual tells a responsible employee about an incident of sexual violence, SBU responsible employees are required to 1) provide the complainant a written notice of their rights and options 2) report all the details of an incident (including the identities of both the individual reporting and alleged offender) to the Deputy Title IX Coordinator for their area or any member of the Title IX Committee. Failure of a responsible employee to properly report a known or disclosed incident of sexual violence may result in disciplinary action.

Upon report of an incident of sexual violence, the University will take necessary precautions, investigate what happened, and work to resolve the matter within a reasonable time. To the extent possible, information will be kept private and shared only with people responsible for handling the University's response. If the University determines that the accused individual(s) pose a serious and immediate threat to the campus community, the Safety and Security office may be called upon to issue a timely warning per the Clery Act to the community. Any such warning would not include any information that identifies the victim.

**Title IX Investigation Process for Employees**

The Deputy Title IX Coordinator, or their designee, for the area involved in the reported incident will investigate allegations of sexual violence. All members of the University community are expected to comply with the investigation process fully and honestly. If other violations are exposed in the process of investigation, the investigator will appropriately respond to the violations. Confidentiality will be maintained to the extent permitted in the course of the investigation.

A trained University investigator will present the findings of the investigation to the Title IX Coordinator who will determine the final outcome. Violators of this policy will be subject to disciplinary action up to and including termination. This policy is not intended to change or modify Section 2.10 Separation or Section 2.18 Grievance outlined in the Faculty Handbook.

**Policy Definitions:**

**Consent** – SBU’s principles and expectations dictate all members of the University family should abstain from unbiblical sexual practices and from behavior which may lead to a violation of God’s standards on sexual activities. If sexual activity occurs outside the covenant of marriage, “Consent” means an affirmative, unambiguous, and voluntary agreement to engage in sexual activity. Consent requires a mutual understanding communicated that endorses an agreement to be sexually active at that given time. Without consent, any sexual activity will be considered unwanted and unwelcome. Sexual activity will be considered non-consensual if the victim was unable to communicate consent due to coercion, incapacitation or physical abuse.

Consent RSMo 556.061(5). Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

b) It is given by a person who by reason of youth, mental disease or defect, or incapacitation, 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.

**Domestic and Dating Violence** - The State of Missouri does not define domestic or dating violence. However, the State of Missouri does define assault (455.010(1) RSMo), and has interchangeably used domestic or dating violence when referencing a situation whereby a person purposely, knowingly, or recklessly caused fear or physical harm to another person within the same family or with another person in which an intimate or romantic relationship existed.

“The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the
jurisdiction” (SEC. 40002. 42 U.S.C. 13925). It is important to recognize that emotional, verbal, and economic abuse are part of the umbrella of domestic violence, dating violence, sexual assault, and stalking and can exist without the presence of physical abuse.

In the State of Missouri there are Three Degrees of Domestic Assault:

First Degree (565.072 Domestic assault, first degree): 1. A person commits the crime 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 family or household member, including any child who is a member of the family or household, as defined in section 455.010.

Second Degree (565.073 Domestic assault, second degree): 1. A person commits the crime of domestic assault in the second degree if the act involves a family or household member, including any child who is a member of the family or household, as defined in section 455.010, and he or she:

(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

Third Degree (565.074 Domestic Assault, third degree): 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member, including any child who is a member of the family or household, as defined in section 455.10 and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member’s access to other persons, telecommunication devices or transportation for the purpose of isolation.

“The term ‘dating violence’ means violence committed by a person -

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship”

(SEC. 40002. 42 U.S.C. 13925).

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

Sexual Harassment – The term “sexual harassment” means any unwelcome action of a sexual nature, including unwelcome sexual advances, requests for sexual favors or acts, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, which results in sexual discrimination or a hostile environment. It occurs where work, academic, or personal relationships are inappropriately and intentionally sexualized, and encompasses such conduct as:
• The explicit or implicit solicitation or use of sexual favors as a basis for actions affecting an individual's welfare, grades or advancement as a student or employee.

• Repeated sexual advances, requests for sexual favors and physical contacts of a sexual nature which impedes another's work or academic performance.

• Repeated demeaning verbal or visually expressive behavior of a sexual nature, which creates a hostile work, learning or living environment.

• Unwelcome sexual conduct resulting in the acceptance of such conduct becoming a term or condition of an individual's academic standing, continued employment, or employment advancement.

Any form of sexual harassment stated above will be cause for complaint. A hostile environment can be created by persistent/pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

Often, sexual harassment involves relationships of unequal physical power or unequal power of authority, and, therefore, can contain elements of coercion and threat. Consequently it is SBU’s policy to strongly prohibit any consensual relationship involving a subordinate employee or student that could lead to alleged or actual sexual harassment.

**Stalking** – “The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress” (SEC. 40002. 42 U.S.C.13925).

In the State of Missouri the Crime of Stalking (565.225) is defined as the following:

1. “Course of conduct”, a pattern of conduct composed of two or more acts, which may include communication by any means [harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method, over a period of time], however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct”. Such constitutionally protected activity includes picketing or other organized protests;

2. “Credible threat”, 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, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 276.606, RSMo, kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in section 276.606, RSMo, kept at such person's residence or on such person's property;

3. “Harasses”, to engage in a course of conduct directed at a specific person that serves no legitimate purpose, which would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and:

(1) Makes a credible threat; 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 harassing the other person is twenty-one years of age or older; or

(5) He or she has previously pleaded guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.

**Title IX Committee:**

SBU has a dedicated Title IX committee comprised of one coordinator and five deputy coordinators to assure Title IX compliance and care for individuals who may have been victims of discrimination under Title IX.
We understand this is a very difficult time for you. The following information provides a short summary of your rights and options after filing a complaint of sexual violence/assault, domestic violence, dating violence, or stalking under the University’s Sexual Violence/Assault Policy. It is a lot of information and if you have any questions, please do not hesitate to contact the Title IX Coordinator at 417-328-1512 or any of the University Resources below:

**University Resources:**

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

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

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

Physical issues surrounding the complaint:

It is extremely important that you preserve evidence as it may be necessary to prove the complaint you are making or needed to obtain a protection order or prosecute a crime. In the case of physical violence, including sexual violence/assault, domestic violence, and dating violence, you should go directly to the emergency room and should not bathe, urinate, douche, brush teeth, drink liquids, or change clothes until after you are examined and, if necessary, a rape examination is completed.

Once you have made a complaint, you have several options, including, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling
- Pursuing legal action against the perpetrator
- Pursuing disciplinary action
- Requesting that no further action be taken

If requested, the Title IX Deputy Coordinator or designee will assist you in contacting SBU’s Safety and Security or local law enforcement regarding the incident. You may decline to notify such authorities.

If you have obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, please provide such information to the Title IX Deputy Coordinator or designee. The University will take all reasonable and legal action to implement the order.

II. Institutional Expectations and Procedures

SBU’s Guidelines and Expectations, which includes investigation procedures, are found in the University’s Student and Employee Handbook. Investigation procedures regarding sexual harassment and sexual violence/assault policies are used for complaints of sexual violence/assault, domestic violence, dating violence, and stalking. These procedures include:

- Providing a prompt, fair, and impartial resolution of your complaint.
- Conducting an investigation that promotes safety and accountability by University officials who have received training on these issues.
- Communicating to you and the accused the right to have a support person or an advisor of choice accompanying during all aspects of the investigation and resolution process. The support person or advisor of choice is there for support only and may not be a spokesperson or advocate on your behalf and must agree to not interfere with the process.
- Ensuring that both you and the accused will be notified simultaneously in writing of the outcome of all stages of the process, including any appeals.
- Prohibit retaliation by the accused or anyone else against you for making a complaint.

III. Possible Sanctions or Protective Measures

Interim Measures: At any time during the investigation, the Title IX Deputy Coordinator or designee may impose interim remedies or protections for the parties or witnesses. These may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative living, class-placement, or workplace arrangements.

Sanctions: If there is a finding that a violation has occurred, sanctions may include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and referral of the perpetrator for discipline to be imposed pursuant to applicable procedures depending on the alleged perpetrator’s status as an employee, student, faculty member, or third-party.

IV. Confidentiality

If you request confidentiality or ask that a complaint not be investigated, the University will take reasonable steps to investigate and respond to the complaint consistent with the request. However, the University’s ability to respond may be limited in such cases, and the University may not be able to grant such a request when the accused poses a continuing threat to the university community.

If you wish to discuss an incident with complete confidentiality, you can contact a Designated Counselor who will maintain confidentiality and not forward the report for investigation without your consent (unless required to do so by law). Contact information for the Designated Counselor is as follows:
For counseling, request a confidential counseling appointment with a licensed counselor from: Counseling Services Center, Gott Education Center, 417-328-1736.

V. Options for Changing your Current Situation

Pending final outcome of an investigation, you may be allowed to change your academic, living, transportation, or work situation if options to do so are reasonably available. Upon your request, the University will work with you on such changes. This may occur regardless of whether you choose to make a complaint to campus security or local law enforcement.

VI. Resources Available

SBU prohibits domestic violence, dating violence, sexual assault, rape, acquaintance rape, and stalking. The University expects behavior from all members of the University family that demonstrates the highest standard of respect for people and property and that exemplifies the Christian commitment to loving one another. The following are available resources addressing these issues:

Salem Police Department
Phone 573-729-4242 (911)
500 N. Jackson, Salem, MO

Salem Memorial Hospital
Phone: 573-729-6626
35629 MO-72, Salem, MO

Harmony House - Springfield
Phone 417-837-7700
Hotline: 1-800-831-6863

Joyful Heart Foundation
Website: http://www.joyfulheartfoundation.org/

National Domestic Violence Hotline
Website: http://www.thehotline.org/
Phone Hotline: 1-800-799-SAFE (7233)

RAINN (Rape, Abuse, and Incest National Network)
Website: http://www.rainn.org/get-help/national-sexual-assault-hotline
Phone Hotline: 1-800-656-HOPE (4673)
Online Hotline: https://ohl.rainn.org/online/

National Suicide Prevention Hotline
Website: http://www.suicidepreventionlifeline.org
Phone Hotline: 1-800-273-TALK (8255)

Stalking Resource Center, National Center for Victims of Crime:
Website: http://www.victimsofcrime.org/our-programs/stalking-resource-center
Information on Stalking Laws: http://www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-laws

Womenshealth.gov; Office on Women’s Health, US Department of Health and Human Services

Love is Respect
Website: http://www.loveisrespect.org/
Phone Hotline: 1-866-331-9474
Online Hotline: http://www.loveisrespect.org/get-help/contact-us/chat-with-us

Bystander Intervention:
Website: http://onestudent.org/
Video: https://www.youtube.com/watch?v=1ycYPmzisfk

SBU Counseling Services:
Website: http://www.sbuniv.edu/campus-life/student-services/counseling.php

SBU Student Handbook
Website: http://www.sbuniv.edu/_resources/documents/student-handbook.pdf

SBU Health Center
Website: http://www.sbuniv.edu/campus-life/student-services/health-center.php
Phone: 417-328-1888

SBU Safety and Security
Website: http://www.sbuniv.edu/safety/
Phone: 417-328-1556

National Dating Abuse Helpline
Website: http://www.loveisrespect.org/about-national-dating-abuse-helpline/

National Coalition of Anti-Violence Programs
Website: http://www.avp.org/about-avp/coalitions-collaborations/82-national-coalition-of-anti-violence-programs/

One Love Danger Assessment App
Website: http://www.joinonelove.org/resources-help/
Counseling, Advocacy and Support Resources for Victims of Sexual Violence:

University Resources:

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

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

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

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

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

Community Resources:

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

Local Police Departments:

Salem Police Department: 500 North Jackson Salem, MO Phone: (573) 729-4242

Local Hospitals:

Salem Memorial - Salem: 35629 MO-72, Salem, MO Phone: (573) 729-6626

Crime Statistics

The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to $54,789 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

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

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

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

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

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

If a person believes that a recordable incident may not have been included in this report, they are encouraged to contact the director of safety and security.
<table>
<thead>
<tr>
<th></th>
<th>On Campus</th>
<th>Non Campus Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
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</tr>
<tr>
<td>Rape</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fondling</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Domestic Violence</td>
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</tr>
<tr>
<td>Stalking</td>
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<td>Drug Law Violation</td>
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<td>Weapons Law Violation</td>
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<tr>
<td>Drug Law Violation</td>
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</tr>
<tr>
<td>Weapons Law Violation</td>
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</tr>
</tbody>
</table>

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

2014  No reports from any agency.

2015  No reports from any agency.

2016  Salem Police Department reported 2 persons arrested on S. Grand St for illegal drug possession in July 2016. The campus director reported 1 person arrested in the parking lot for illegal drug possession in July 2016. These incidents were reported to have occurred 4 days apart.
## Hate Crimes

<table>
<thead>
<tr>
<th>Hate Crimes</th>
<th>On Campus</th>
<th></th>
<th>Non Campus Property</th>
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<th>Public Property</th>
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<td>Negligent Manslaughter</td>
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<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Rape</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fondling</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
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<td>0</td>
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<tr>
<td>Burglary</td>
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<tr>
<td>Motor Vehicle Theft</td>
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</tr>
<tr>
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<tr>
<td>Dating Violence</td>
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### Additional Crime Categories for Hate Crime Statistics Only

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<tr>
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</thead>
<tbody>
<tr>
<td>Larceny-Theft</td>
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<td>0</td>
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<td>Simple Assault</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Intimidation</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Vandalism</td>
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</tr>
<tr>
<td>Other</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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</tr>
</tbody>
</table>

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

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

2014-2016 No Hate Crimes Reported
Crime Statistics Definitions

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

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

Hierarchy for Rule For Multiple Offenses

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

Clery Hierarchy Rule for Multiple Offenses:

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

Clery Geography 34 CFR 668.46(c)1

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

Campus (On-Campus): (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). (Residential): Dormitories or other residential facility. [Mountain View has no residential facilities]

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

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

- If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and should be noted in the Annual Security Report along with a comment as currently documented in the electronic report submitted to the Department of Education.

- Hate crimes are counted in the same manner that the offenses are when they are not hate crimes except that the hierarchy rule does not apply to hate crimes.

- Arrests and referrals are technically not part of the hierarchy; they are shown here to illustrate their place in counting crimes.

- Always count Arson regardless of the nature of any other offenses that were committed during the same incident (hierarchy rule does not apply to arson).

- When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.

- Do not differentiate between attempted and completed crimes. For example, count an incident involving an attempted rape as a Sex Offense.

- If there is an incidence of a Rape along with a murder or non-negligent manslaughter count both instances for crime reporting purposes.

- The status of the victim and the perpetrator is irrelevant. Count all Clery Act crimes, even if they involve individuals not associated with the institution.

- If a person is arrested for multiple violations during a single incident (e.g., violations of both drug and liquor laws), law enforcement or security officer discretion should be used to determine which violation to count. It is recommended that you document the justification for this determination. Officer discretion is allowed only for weapons, drug and liquor law violation arrests resulting from a single incident

Federal Crime Definitions Under Clery 34 CFR 668 Appendix A

Revised Statutes of Missouri (RSMo.)

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

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

2016 Missouri Offense Table for Murder (RSMo. 565)

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Involuntary Manslaughter</td>
<td>recklessly causes the death of another person</td>
<td></td>
<td>D,C,B,A/Felony</td>
<td>565.024</td>
</tr>
</tbody>
</table>

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

2016 Missouri Offense Table for Manslaughter (RSMo. 565)

3. Sex Offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Definitions for fondling, incest and statutory rape come from the FBI’s UCR Program document
(A) Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim Definition from the FBI’s UCR Program “Summary Reporting System (SRS) User Manual” Current Version 2013

Missouri Offense Table for Sexual Offenses (RSMo. 566)

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

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

Missouri Offense Table for Sexual Offenses (RSMo. 566)

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
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<tbody>
<tr>
<td>Statutory Rape 1st Degree</td>
<td>Sexual intercourse</td>
<td>Intercourse with someone under 14</td>
<td>5 years – life (30 years)</td>
<td>566.032</td>
</tr>
<tr>
<td>Statutory Rape 2nd Degree</td>
<td>Sexual intercourse</td>
<td>21 or older having intercourse with someone under 17</td>
<td>Up to 7 years, C/ Felony</td>
<td>566.034</td>
</tr>
<tr>
<td>Statutory Sodomy 1st Degree</td>
<td>Deviate sexual intercourse</td>
<td>Intercourse with someone under 14</td>
<td>5 years – life (30 years)</td>
<td>566.062</td>
</tr>
<tr>
<td>Statutory Sodomy 2nd Degree</td>
<td>Deviate sexual intercourse</td>
<td>21 or older having intercourse with someone under 17</td>
<td>Up to 7 years, C/ Felony</td>
<td>566.064</td>
</tr>
</tbody>
</table>
4. **Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

   Missouri Offense Table for Robbery (RSMo. 569)

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

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

   Missouri Offense Table for Assault (RSMo. 565)

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

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

   Missouri Offense Table for Burglary (RSMo. 569)

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

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

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

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stealing</td>
<td>Taking of other property</td>
<td>Without consent (greater than $500 and $25,000 changes charge)</td>
<td>A/Misdemeanor or C,B,A/Felony</td>
<td>570.030</td>
</tr>
</tbody>
</table>

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

   Missouri Offense Table for Arson (RSMo. 569)

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arson 1st Degree</td>
<td>damages a building or inhabitable structure with fire or explosion</td>
<td>Knowingly places a person in danger of death or serious physical injury</td>
<td>5 years – life (30 years), B,A/Felony</td>
<td>569.040</td>
</tr>
<tr>
<td>Arson 2nd Degree</td>
<td>damages a building or inhabitable structure with fire or explosion</td>
<td>No person involved</td>
<td>Up to 7 – 15 years, C,B/Felony</td>
<td>569.050</td>
</tr>
</tbody>
</table>
Violence Against Women Act (VAWA) Crime Categories
Definitions used in section the Violence Against Women Act of 1994 (42 U.S.C. 13925(a))

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

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

Missouri definition of domestic violence 455.010(5) RSMo. relevant to Orders of Protection
“Domestic Violence is abuse or stalking committed by a family or household member.”

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

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

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

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Assault</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Degree</td>
<td>Attempt to kill, or cause serious</td>
<td>Knowing causes injury</td>
<td>5 years – life (30 years), B,A/Felony</td>
<td>565.072</td>
</tr>
<tr>
<td></td>
<td>injury</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Assault</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd Degree</td>
<td>Attempt to kill, or cause serious</td>
<td>Recklessly causes injury</td>
<td>Up to 7 years, C/ Felony</td>
<td>565.073</td>
</tr>
<tr>
<td></td>
<td>injury</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Assault</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3rd Degree</td>
<td>Attempt to cause serious injury</td>
<td>Recklessly causes injury</td>
<td>Up to 1 or 4 years, A/misdemeanor–D/ Felony</td>
<td>565.074</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Stalking means engaging in a “course of conduct” directed at a specific person that would cause a reasonable person to—
(A) fear for his or her safety or the safety of others; or
(B) suffer substantial emotional distress.

Missouri Offense Table for Stalking Violations (RSMo. 565)

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

**Arrests & Disciplinary Referral Violations**

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

- Do not include violations of your institution’s policies that resulted in persons being referred for disciplinary action if there was no violation of the law.
- If an individual is both arrested and referred for disciplinary action for an offense, disclose only the arrest statistic.

1 Possession of a firearm would be included for statistical purposes under Clery, however BB guns, bows, arrows, paint ball guns and air guns are considered projectile weapons but not firearms under Missouri law and would not be reported in the statistics. Remember that possessions of these weapons are violations of University policy and not allowed on campus and applicable sanctions will apply. RSMo. 571.010 & RSMo. 571.030

2 Alcohol possession on campus by a person 21 years of age or older is not listed in Clery statistics since this is only a violation of school policy and not a violation of Missouri law. RSMo. 311.325

3 Local Ordinances for Liquor Law Violations, Drug Law Violations, and Weapons Law Violations

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

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

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
</table>
| Purchase or pos-session by minor | Under the age of twenty-one, purchases or attempts to purchase, or has in possession intoxicating liquor | visibly in an intoxicated condition or has a detectable blood alcohol content of more than two-hundredths of one percent | Up to 1 year, A/misdemeanor | 311.325
**Drug Law Violations** - The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Missouri Offense Table for Drug Violations (RSMo. 195)**

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keeping or maintaining a public nuisance</td>
<td>Any structure used for the illegal use, keeping or selling of controlled substances</td>
<td>Up to 7 years, C/ Felony</td>
<td>195.130</td>
</tr>
<tr>
<td>Possession or control of a controlled substance.</td>
<td>unlawful for any person to possess or have a controlled substance</td>
<td>Up to 1 or 7 years, A/misdemeanor – C/ Felony</td>
<td>195.202</td>
</tr>
<tr>
<td>Distribution, delivery, manufacture or production of a controlled substance.</td>
<td>unlawful to distribute, deliver, manufacture, produce or attempt to or to possess with intent to Class A felony within two thousand feet of an elementary or secondary school, vocational school or community college, college or university, or any school bus</td>
<td>Up to life (30 years), C,B,A/ Felony</td>
<td>195.211</td>
</tr>
<tr>
<td>Unlawful distribution to a minor.</td>
<td>distributing or delivering any controlled substance to a person under seventeen years of age who is at least two years that person's junior</td>
<td>5 – 15 years, B/ Felony</td>
<td>195.212</td>
</tr>
<tr>
<td>Unlawful purchase or transport with a minor.</td>
<td>knowingly permits a minor child to purchase or transport illegally obtained controlled substances</td>
<td>5 – 15 years, B/ Felony</td>
<td>195.213</td>
</tr>
<tr>
<td>Distribution of a controlled substance near schools</td>
<td>distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, a school, college or university or on any school bus</td>
<td>10 years – life (30 years), A/Felony</td>
<td>195.214</td>
</tr>
<tr>
<td>Distribution of a controlled substance near a park</td>
<td>distributing or delivering heroin, cocaine, cocaine base, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand feet of, a park</td>
<td>10 years – life (30 years), A/Felony</td>
<td>195.217</td>
</tr>
<tr>
<td>Distribution of a controlled substance near public housing</td>
<td>distributing or delivering any controlled substance to a person in or on, or within one thousand feet of public housing</td>
<td>10 years – life (30 years), A/Felony</td>
<td>195.218</td>
</tr>
<tr>
<td>Trafficking drugs, first degree</td>
<td>distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than 35g heroin, 150g coca, 8g cocaine, 500mg LSD, 30g PCP, 4g phencyclidine, 30kg marijuana, 30g amphetamine, 30g methamphetamine</td>
<td>10 years – life (30 years), A/Felony</td>
<td>195.222</td>
</tr>
<tr>
<td>Trafficking drugs, second degree</td>
<td>possesses or has under control, purchases or attempts to purchase, or brings into this state more than 30g heroin, 150g coca, 8g cocaine, 500mg LSD, 30g PCP, 4g phencyclidine, 30kg marijuana, 500 marijuana plants, 30g amphetamine, 30g methamphetamine</td>
<td>5 years – life (30 years), B,A/ Felony</td>
<td>195.223</td>
</tr>
<tr>
<td>Providing materials for production of a controlled substance.</td>
<td>provide any reagents, solvents or precursor materials used in the production of a controlled substance</td>
<td>Up to 4 years, D/ Felony</td>
<td>195.226</td>
</tr>
<tr>
<td>Unlawful use of drug paraphernalia</td>
<td>use or to possess with intent to use, drug paraphernalia</td>
<td>Up to 1 or 4 years, A/misdemeanor – D/ Felony</td>
<td>195.233</td>
</tr>
<tr>
<td>Unlawful delivery or manufacture of drug paraphernalia, penalty</td>
<td>deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used</td>
<td>Up to 4 years, D/ Felony</td>
<td>195.235</td>
</tr>
<tr>
<td>Possession of an imitation controlled substance</td>
<td>possess an imitation controlled substance</td>
<td>Up to 1 year, A/ misdemeanor</td>
<td>195.241</td>
</tr>
<tr>
<td>Advertisements to promote sale of drug paraphernalia</td>
<td>advertisement, in whole or in part, to promote the sale of objects designed or intended for use as drug paraphernalia</td>
<td>Up to 6 months, B/ misdemeanor</td>
<td>195.244</td>
</tr>
<tr>
<td>CHARGE</td>
<td>ACT</td>
<td>OTHER ELEMENTS</td>
<td>PRISON TERM</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Prior and persistent offenders--possession,</td>
<td>class B felony if the court finds the defendant is a prior drug</td>
<td>class A felony if it finds the defendant is a persistent drug offender</td>
<td>5 years – life (30 years), B,A/Felony</td>
</tr>
<tr>
<td>imprisonment for (See 195.202).</td>
<td>if the court finds the defendant is a prior drug offender</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>class A felony if it finds the defendant is a persistent drug</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>offender</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>class A felony which term shall be served without probation or parole</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>if the court finds the defendant is a persistent drug offender</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>if the court finds the defendant is a persistent drug offender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior drug offend dist. to a minor or</td>
<td>class A felony which term shall be served without probation or parole</td>
<td></td>
<td></td>
</tr>
<tr>
<td>purchase or transport with a minor</td>
<td>if the court finds the defendant is a prior drug offender</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>class A felony which term shall be served without probation or parole</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>if the court finds the defendant is a prior drug offender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior drug Offender Trafficking 1st Deg</td>
<td>class A felony if the court finds the defendant is a prior drug</td>
<td>class A felony, which term shall be served without probation or parole, if the</td>
<td>10 years – life (30 years), A/Felony</td>
</tr>
<tr>
<td></td>
<td>offender</td>
<td>court finds the defendant is a prior drug offender</td>
<td></td>
</tr>
<tr>
<td>Prior drug Offender Trafficking 2nd Deg</td>
<td>class A felony which term shall be served without probation or parole</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>if the court finds the defendant is a prior drug offender</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>class A felony which term shall be served without probation or parole</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>if the court finds the defendant is a prior drug offender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possession of methamphetamine precursors</td>
<td>Intent to manufacture, compound, convert, produce, process, prepare,</td>
<td>Up to 4 years, D/Felony</td>
<td></td>
</tr>
<tr>
<td></td>
<td>test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possession or purchase of solvents to aid</td>
<td>intentionally possess or buy any solvent, particularly toluol, amyl</td>
<td>Up to 6 months or 4 Years, B/misdemeanor or D/Felony</td>
<td></td>
</tr>
<tr>
<td>others in violations</td>
<td>nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, penty</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>l nitrite, and propyl nitrite and their iso-analogues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Selling or transferring solvents to cause</td>
<td>knowingly and intentionally sell or otherwise transfer possession of</td>
<td>Up to 7 years, C/Felony</td>
<td></td>
</tr>
<tr>
<td>certain symptoms</td>
<td>any solvent, particularly toluol, amyl nitrite, butyl nitite, cyclo</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>hexyl nitrite, ethyl nitrite, penty nitrite, and propyl nitrite and their iso-analogues</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**Missouri Offense Table for Weapons Violations (RSMo. 571)**

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td></td>
<td></td>
<td></td>
<td>571.010</td>
</tr>
<tr>
<td>Possession, manufacture, transport, repair,</td>
<td></td>
<td></td>
<td></td>
<td>571.020</td>
</tr>
<tr>
<td>sale of certain weapons</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unlawful use of weapons</td>
<td></td>
<td></td>
<td></td>
<td>571.030</td>
</tr>
<tr>
<td>Possession of firearm unlawful for certain</td>
<td></td>
<td></td>
<td></td>
<td>571.070</td>
</tr>
<tr>
<td>persons</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conceal Carry Law</td>
<td></td>
<td></td>
<td></td>
<td>571.107</td>
</tr>
</tbody>
</table>
Hate Crime Reporting Categories 34 CFR 668.46(c)
Definitions From the Hate Crime Data Collection Guidelines of the Uniform Crime Reporting Handbook 2012

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

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

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

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

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

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

**Assault 3rd Degree**  Recklessly causes physical injury to another person.

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
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<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault 3rd Degree</td>
<td>Recklessly causes physical injury to another person.</td>
<td>Criminal negligence</td>
<td>Up to 6 months or up to 4 years, C,Misdemeanor or D/Felony</td>
<td>565.070</td>
</tr>
</tbody>
</table>
**Intimidation** - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Missouri Offense Table for Intimidation (RSMo. 565)

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harassment</td>
<td>act with the purpose to cause emotional distress to another person</td>
<td>Up to 1 year or up to 4 years, A/ misdemeanor or D/ Felony</td>
<td>565.090</td>
<td></td>
</tr>
</tbody>
</table>

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

Missouri Offenses Table for Vandalism (RSMo. 569)

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>ACT</th>
<th>OTHER ELEMENTS</th>
<th>PRISON TERM</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property damage 1&lt;sup&gt;st&lt;/sup&gt; Degree</td>
<td><em>Knowingly</em> damages property of another</td>
<td>More than $750 Includes motor vehicles</td>
<td>Up to 15 Years B,C,D Felony</td>
<td>569.100</td>
</tr>
<tr>
<td>Property damage 2&lt;sup&gt;nd&lt;/sup&gt; Degree</td>
<td><em>Knowingly</em> damages property of another</td>
<td>Less than $750 Includes motor vehicles</td>
<td>Up to 6 months B Misdemeanor</td>
<td>569.120</td>
</tr>
</tbody>
</table>

**Classification of Missouri Penalties and Fines for Offenses**

<table>
<thead>
<tr>
<th>Felony Class</th>
<th>Penalties (Years of imprisonment 558.011 RSMo.)</th>
<th>Fines (560.011 RSMo.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>10 – 30, or life</td>
<td>-</td>
</tr>
<tr>
<td>B</td>
<td>5 - 15</td>
<td>-</td>
</tr>
<tr>
<td>C</td>
<td>Up to 7</td>
<td>Up to $5,000</td>
</tr>
<tr>
<td>D</td>
<td>Up to 4</td>
<td>Up to $5,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Misdemeanor Class</th>
<th>Penalties (Term of imprisonment 558.011 RSMo.)</th>
<th>Fines (560.016 RSMo.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Up to 1 year</td>
<td>$1,000</td>
</tr>
<tr>
<td>B</td>
<td>Up to 6 month</td>
<td>$500</td>
</tr>
<tr>
<td>C</td>
<td>Up to 15 days</td>
<td>$300</td>
</tr>
<tr>
<td>Infraction</td>
<td>-</td>
<td>$200</td>
</tr>
</tbody>
</table>

**Missouri Statute Definitions**

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

"Consent": consent or lack of consent may be expressed or implied.

- Assent does not constitute consent if:
  1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
  2. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
  3. It is induced by force, duress or deception;

- "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;
"Forcible compulsion" either:
1. Physical force that overcomes reasonable resistance; or
2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

"Knowingly", when used with respect to:
1. Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or
2. A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

"Purposely", when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;

"Recklessly", consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

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

"Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

"Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

"Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

"Sexual intercourse", any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

Local Ordinances

A citation or ticket is classified as an arrest for Clery statistical reporting requirements.

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

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

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

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

Below is the direct internet link to local ordinances website.

City of Salem, Missouri: http://www.ecode360.com/SA3424

Penalties for Ordinance violations: Unless otherwise specified, ordinance violations shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment.
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 100.230</td>
<td>General Penalty.</td>
</tr>
<tr>
<td>Section 210.130</td>
<td>Domestic Assault.</td>
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<tr>
<td>Section 210.150</td>
<td>Harassment.</td>
</tr>
<tr>
<td>Section 210.155</td>
<td>Cyber-Harassment.</td>
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<tr>
<td>Section 210.160</td>
<td>Stalking — Definitions.</td>
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<tr>
<td>Section 210.840</td>
<td>Weapons — Carrying Concealed — Other Unlawful Use.</td>
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<tr>
<td>Section 210.860</td>
<td>Defacing Firearm.</td>
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<tr>
<td>Section 210.870</td>
<td>Purchase in Another State By Missouri Residents, Permitted When.</td>
</tr>
<tr>
<td>Section 210.880</td>
<td>Purchase in Missouri By Non-Resident, Permitted When.</td>
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<tr>
<td>Section 210.890</td>
<td>Unlawful Transfer of Weapons.</td>
</tr>
<tr>
<td>Section 210.900</td>
<td>Carrying Concealed Firearms Prohibited — Penalty For Violation.</td>
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<tr>
<td>Section 210.905</td>
<td>Open Display of Firearm Permitted, When.</td>
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<tr>
<td>Section 210.910</td>
<td>Discharging Air Gun, Etc.</td>
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<tr>
<td>Section 210.920</td>
<td>&quot;Turkey Shoots&quot; and Other Charitable Events.</td>
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<tr>
<td>Section 210.1800</td>
<td>Possession of Marijuana.</td>
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<td>Section 210.1810</td>
<td>Possession or Control of A Controlled Substance.</td>
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<tr>
<td>Section 210.1820</td>
<td>Limitations On The Retail Sale of Methamphetamine Precursor Drugs.</td>
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<td>Section 210.1830</td>
<td>Unlawful Use of Drug Paraphernalia.</td>
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<tr>
<td>Section 210.1840</td>
<td>Inhalation or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions.</td>
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<tr>
<td>Section 210.1850</td>
<td>Inducing, or Possession With Intent To Induce, Symptoms By Use of Solvents and Other Substances, Prohibited.</td>
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<tr>
<td>Section 210.1860</td>
<td>Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.1840 To 210.1850 — Penalty.</td>
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<tr>
<td>Section 210.1870</td>
<td>Open Beer or Liquor Container.</td>
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<tr>
<td>Section 210.1510</td>
<td>Indecent Exposure (Sexual Misconduct).</td>
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<tr>
<td>Section 210.1520</td>
<td>Sexual Misconduct.</td>
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<tr>
<td>Section 210.1530</td>
<td>Certain Offenders Not To Physically Be Present or Loiter Within Five Hundred Feet of A Child Care Facility — Violation — Penalty.</td>
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<tr>
<td>Section 210.1540</td>
<td>Certain Offenders Not To Be Present Within Five Hundred Feet of School Property, Exception — Permission Required For Parents or Guardians Who Are Offenders, Procedure.</td>
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<td>Section 210.1550</td>
<td>Halloween, Restrictions On Conduct — Violations.</td>
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<td>Section 210.1560</td>
<td>Urinating in Public.</td>
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<td>Section 210.1570</td>
<td>Peeping Toms.</td>
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<tr>
<td>Section 210.1590</td>
<td>Prohibiting Disorderly Houses.</td>
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<td>Section 342.020</td>
<td>Driving While Intoxicated.</td>
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<td>Section 342.030</td>
<td>Driving With Excessive Blood Alcohol Content.</td>
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<td>Section 342.040</td>
<td>Chemical Test For Alcohol Content — Consent Implied — Administered — When — How — Videotaping of Chemical or Field Sobriety Test Admissible Evidence.</td>
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<td>Section 342.050</td>
<td>Consumption of Alcoholic Beverages in Moving Motor Vehicle — Prohibited When.</td>
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<td>Section 600.060</td>
<td>Minors.</td>
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<tr>
<td>Section 600.070</td>
<td>Miscellaneous Offenses.</td>
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</table>
Federal Regulations on Drugs

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

Schedule I

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

Schedule II

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

Schedule III

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

Schedule IV

» The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.
» The drug or other substance has a currently accepted medical use in treatment in the United States.
» Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.
» Examples of drugs included in Schedule IV are alprazolam, clonazepam, and diazepam.

Schedule V

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

<table>
<thead>
<tr>
<th>DRUG/SCHEDULE</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine (Schedule II)</td>
<td>500 - 4999 gms mixture</td>
<td>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $5 million if an individual, $25 million if not an individual.</td>
<td>5 kgs or more mixture</td>
<td>First Offense: Not less than 10 yrs, and not more than 10 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $5 million if an individual, $25 million if not an individual.</td>
</tr>
<tr>
<td>Cocaine Base (Schedule II)</td>
<td>28-279 gms mixture</td>
<td>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $5 million if an individual, $25 million if not an individual.</td>
<td>280 gms or more mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
</tr>
<tr>
<td>Fentanyl (Schedule II)</td>
<td>40 - 399 gms mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
<td>400 gms or more mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
</tr>
<tr>
<td>Fentanyl Analogue (Schedule I)</td>
<td>10 - 99 gms mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
<td>100 gms or more mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
</tr>
<tr>
<td>Heroin (Schedule I)</td>
<td>100 - 999 gms mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
<td>1 kg or more mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
</tr>
<tr>
<td>LSD (Schedule I)</td>
<td>1 - 9 gms mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
<td>10 gms or more mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
</tr>
<tr>
<td>Methamphetamine (Schedule II)</td>
<td>5 - 49 gms pure or 50 - 499 gms mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
<td>50 gms or more pure or 500 gms or more mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
</tr>
<tr>
<td>PCP (Schedule II)</td>
<td>10 - 99 gms pure or 100 - 999 gms mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
<td>100 gm or more pure or 1 kg or more mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than 40 yrs. Fine of not more than $8 million if an individual, $40 million if not an individual.</td>
</tr>
<tr>
<td>Other Schedule I &amp; II drugs (and any drug product containing Gamma Hydroxybutyric Acid)</td>
<td>Any amount</td>
<td>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 or more than life. Fine $1 million if an individual, $5 million if not an individual.</td>
<td>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 or more than life. Fine $1 million if an individual, $5 million if not an individual.</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
</tr>
<tr>
<td>Other Schedule III drugs</td>
<td>Any amount</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
<td></td>
</tr>
<tr>
<td>All other Schedule IV drugs</td>
<td>Any amount</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
<td></td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV)</td>
<td>Less than 1 gm</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
<td></td>
</tr>
<tr>
<td>All Schedule V drugs</td>
<td>Any amount</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
<td>Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine $2 million if an individual, $10 million if not an individual.</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Drug</th>
<th>Quantity</th>
<th>1st Offense</th>
<th>2nd Offense*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana (Schedule I)</td>
<td>1,000 kg or more mixture; or 1,000 or more plants</td>
<td>• Not less than 10 years, not more than life</td>
<td>• Not less than 20 years, not more than life</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• If death or serious injury, not less than 20 years, not more than life</td>
<td>• If death or serious injury, mandatory life</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Fine not more than $4 million if an individual, $10 million if other than an individual</td>
<td>• Fine not more than $8 million if an individual, $20 million if other than an individual</td>
</tr>
<tr>
<td>Marijuana (Schedule I)</td>
<td>100 kg to 999 kg mixture; or 100 to 999 plants</td>
<td>• Not less than 5 years, not more than 40 years</td>
<td>• Not less than 10 years, not more than life</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• If death or serious injury, not less than 20 years, not more than life</td>
<td>• If death or serious injury, mandatory life</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Fine not more than $2 million if an individual, $5 million if other than an individual</td>
<td>• Fine not more than $4 million if an individual, $10 million if other than an individual</td>
</tr>
<tr>
<td>Marijuana (Schedule I)</td>
<td>More than 10 kgs hashish; 50 to 99 kg mixture</td>
<td>• Not more than 20 years</td>
<td>• Not more than 30 years</td>
</tr>
<tr>
<td></td>
<td>More than 1 kg of hashish oil; 50 to 99 plants</td>
<td>• If death or serious injury, not less than 20 years, not more than life</td>
<td>• If death or serious injury, mandatory life</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Fine $1 million if an individual, $5 million if other than an individual</td>
<td>• Fine $2 million if an individual, $10 million if other than individual</td>
</tr>
<tr>
<td>Marijuana (Schedule I)</td>
<td>1 to 49 plants; less than 50 kg</td>
<td>• Not more than 5 years</td>
<td>• Not more than 10 years</td>
</tr>
<tr>
<td>Hashish (Schedule I)</td>
<td>10 kg or less</td>
<td>• Fine not more than $250,000, $1 million other than individual</td>
<td>• Fine $500,000 if an individual, $2 million if other than individual</td>
</tr>
<tr>
<td>Hashish Oil (Schedule I)</td>
<td>1 kg or less</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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


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

University Drug and Alcohol Policies

**Drug Free Schools and Communities Act**  
(From Student Handbook)

The University is required by the Drug Free Schools and Communities Act to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. Every student shall receive a copy of the program annually as printed in the SBU Student Handbook. Additional copies of the handbook may be obtained in the office of student life. Questions concerning the Drug Free Schools and Communities Act may be directed to the vice president of student development, who is designated by the University to coordinate the institution’s efforts to comply with the act.

**University Alcohol Policy**  
(From Student Handbook)

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

**University Sanctions for Alcohol Policy Violation**  
(From Student Handbook)

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

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

**University Policy on Illegal Drugs**  
(From Student Handbook)

The purchase or unlawful manufacture, use, possession, dispensing or distribution of illegal narcotics, hallucinogenic, amphetamines, sports enhancement or controlled substances (as defined by Missouri statutes) or controlled medications without a doctor’s prescription or non-prescription hallucinatory drugs (e.g., K2 and Spice) or hosting gatherings where such substances are used, is prohibited.

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

1. Reported information of violation of the University’s policy on illegal drugs;
2. Unexplainable incoherent behavior;
3. Repeated tardiness or absenteeism from class;
4. Drug-related odors on person, clothing, or equipment;
5. Information of affiliation with others believed to have violated the University’s policy on illegal drugs;
6. Possession of drug paraphernalia;
7. Previous positive drug screen results;
8. Being cited for or convicted of substance abuse violations by University or municipal authorities;
9. Observable phenomena, such as direct observation of substance abuse or physical symptoms or manifestations of being impaired due to substance abuse;
10. Reported substance abuse or use from any source.

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

**University Sanctions for Violation of Policy on Illegal Drugs**
(From Student Handbook)

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

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

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

**Alcohol and Drug-Free Workplace**
SBU Employee Handbook Policy Number: 06.03.05
Creation Date: October 1, 2002 Revised Date: October 21, 2014

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

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

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

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

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

Southwest Baptist University is an alcohol and tobacco free campus.

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

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

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

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

**PROCEDURE:**
Alcoholic Beverages:

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

**Prescription Drugs:**

1. No prescription drug shall be brought upon the premises by any person other than the person for whom the prescription was written and shall only be used in the manner, combination and quantity prescribed.

2. Misuse of prescription drugs while on duty or while representing the University on University business is cause for immediate termination.

**Dietary Supplements:**

Employees of Southwest Baptist University shall not use or consume hemp oil.

**Illegal Drugs:**

1. The use of illegal drugs or controlled substances or the possession of the same on or off-duty is cause for immediate termination.

2. The manufacture, distribution, possession, sale, trade, use or delivery of drugs or controlled substances by an employee is cause for immediate termination.

**Tobacco:**

1. Smoking or smokeless tobacco shall not be consumed upon the University’s premises.

2. Any tobacco usage on campus is cause for disciplinary action up to and including termination.

**Employee Assistance Program (EAP):**

1. Any employee who feels that he or she has developed an addiction to, dependence upon or problem with alcohol or drugs is encouraged to seek assistance. Assistance is available through by contacting the University’s EAP provider. The provider’s contact information can be found on the online portal or by contacting the Department of Human Resources.

2. Rehabilitation is the responsibility of the employee.

3. Unpaid leave will be authorized for absences due to rehabilitation purposes.

4. Upon successful completion of treatment, the employee will be returned to active status without reduction in pay or seniority.

5. Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged will be immediately terminated. No employee will be eligible for the EAP more than one time for substance abuse. The recurrence of an alcohol or drug problem will be cause for immediate termination.

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

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

(From Student Handbook)

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

**Employee Assistance Program**

SBU Employee Handbook Policy Number: 06.04.02.06
Creation Date: October 1, 2002   Revised Date: April 29, 2015

**POLICY:**

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

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

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

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

**PROCEDURE:**

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

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

<table>
<thead>
<tr>
<th>SUBSTANCE</th>
<th>Other Names</th>
<th>Potential for Dependence</th>
<th>Risks and Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Physical</td>
<td>Psychological</td>
</tr>
<tr>
<td><strong>ALCOHOL</strong></td>
<td>Beer, Distilled liquor, Ethanol, Wine</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><strong>CANNABIS</strong></td>
<td>Hash oil, Hashish, Grass, Marijuana, Pot, Weed</td>
<td>Low</td>
<td>Moderate</td>
</tr>
<tr>
<td><strong>DEPRESSANTS</strong></td>
<td>Barbiturates, Benzodiazepines, Date rape drug, Liquid ecstasy, Flunitrazepam, GHB, Meperalalone, Special K, Xanax</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><strong>HALLUCINOGENS</strong></td>
<td>Acid, Angel Dust, Crystal, LSD, MDX, Mescaline, Mushrooms, PCP, Peyote, Phenethylamine, Psilocybin</td>
<td>Low / Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td><strong>INHALANTS</strong></td>
<td>Gases, Solvents</td>
<td>High for chronic, long-term abuse</td>
<td>High for chronic, long-term abuse</td>
</tr>
<tr>
<td><strong>NARCOTICS</strong></td>
<td>Codeine, Demerol, HCL, Heroin, Meperidine, Morphine, Opium, Oxydodone, Opioid</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><strong>STIMULANTS</strong></td>
<td>Amphetamine, Cocaine, Ecstasy, MDMA, Methamphetamine, Phenmetrazine, Ritalin</td>
<td>Possible</td>
<td>High</td>
</tr>
<tr>
<td><strong>TOBACCO</strong></td>
<td>Chewing/Snusless Tobacco, Cigarettes, Cigars, Nicotine</td>
<td>High</td>
<td>High</td>
</tr>
</tbody>
</table>

**Notes:**
- Alcohol and other drug use during pregnancy increases risk of physical harm to fetus.
- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infection (e.g., HIV, hepatitis, etc.) through needle contamination.
Salem Campus
Southwest Baptist University is a Christ-centered, caring academic community preparing students to be servant leaders in a global society.

Crime Prevention Tips

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

Questions concerning this report should be directed to:
Mark Grabowski
Director Safety & Security
520 W. Aldrich
Bolivar, MO 65613
417-328-1556

This report is available on the Southwest Baptist University website at https://www.sbuniv.edu/_resources/documents/security/salem-security-report.pdf or on the SBU Portal under Campus Services / Safety and Security or at the Safety and Security Offices located in the Hammons Center at 520 W. Aldrich Rd, Bolivar MO 65613.