



# 2016

# Annual Security & Fire Safety Information

Clery report for calendar year 2015  
Lake St. Louis Campus

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## **The Annual Security & Fire Safety Report – Introduction**

Maryville University-Lake Saint Louis facility is committed to providing a safe and secure environment by consistently seeking and finding ways to promote, preserve, and deliver a feeling of security, safety, and quality of service to its employees, students, and the community to which it serves.

Regardless of our efforts to provide a safe campus, there is no guarantee that a person will not become the victim of a crime while on campus. Crime prevention is a shared responsibility between the university and its community members. Students, faculty, and staff must accept responsibility for helping to maintain a safe environment.

Maryville University encourages all individuals who attend, work or visit the Maryville University-Lake Saint Louis campus to follow basic personal and property crime prevention procedures for yourself and for those around you. Please become familiar with the various services and procedures that are outlined in this report. If you have any questions please feel free to contact the director of public safety at **314.529.9564**.

### **Timely Warning**

In an effort to provide timely notice to the Maryville community, and in event of a crime which may pose a serious or on-going threat to our community, the public safety department will issue "timely warning" crime bulletins to notify members of the community about serious crimes that occur on Maryville designated property (on campus, non-campus, and public property). The Timely Warning requirement applies to all Clery Act crimes and all require a case-by-case assessment as to whether the report presents a serious or continuing threat to the campus community. Crime bulletins are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: murder/non-negligent manslaughter, major incidents of arson, robbery, and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the public safety department. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Maryville community members and a Timely Warning Notice would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount information known by the public safety department. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernible pattern of crime. The MU Public Safety Director or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a timely warning is warranted. Timely Warning Notices may also be posted for other crime classifications and locations, as deemed necessary.

The public safety department works to collect this information by requesting all campus security authorities (CSA's) and local law enforcement agencies to report crimes in a timely fashion so a crime bulletin can be issued if necessary.

The Maryville Public Safety Department and/or Office of Integrated Marketing & Communications will

draft the crime bulletin. They will review and revise the text as needed then transmit the email containing the crime bulletin to the university community as a blast email. Updates to the Maryville community about any particular case resulting in a crime bulletin may also be distributed electronically via blast email or posted on the university web site at ([www.maryville.edu](http://www.maryville.edu)). The public safety department may also use additional methods to distribute the crime bulletin, including using the Saints Alert system (the university's emergency TXT message system), postings in residential halls, and/or requesting the telecommunications department to leave a voice mail on the university's phone system (see chart below for specific information about who develops the content of the messages and who initiates them for each of these systems). It should be noted that an institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. Additionally, all crime bulletins will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

### **Emergency Notification (Immediate)**

The university's campus emergency preparedness and response plan includes information about the management of emergency response and operations, emergency operations center (EOC), and communication responsibilities. University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The university conducts announced and/or unannounced emergency response drills and exercises each year, such as table top exercises, functional exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Several public safety officers, supervisors and administrators have received training in incident command and responding to critical incidents on campus. When a serious incident occurs or emergency exists that causes an immediate threat to the health or safety of students and employees on campus, the first responders at the Maryville University-Lake St. Louis campus will be the Lake Saint Louis Police Department and/or Lake Saint Louis Fire Department. These agencies typically respond and work together to manage the incident. Depending on the nature of the incident, some university departments from the main campus and other local or federal agencies could also be involved in responding to the incident

The institution has general evacuation guidelines, in the event that a segment of the campus needs to be evacuated. The plan would be affected by a myriad of factors, including the type of threat, the occupancy of the other buildings and areas of the campus at the time of the incident, etc. Therefore, specific information about a multi-building or area evacuation cannot be shared with the campus community in advance. Maryville University expects members of the community to follow the instructions of first responders on the scene, as this type of evacuation would be coordinated on-site. In some emergencies, you may be instructed to "shelter-in-place". If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors. To "shelter-in-place" means to make a shelter of the building that you are in until it is safe to go outside. This means that if an incident occurs and the building you are in is not damaged; stay inside in an interior room until you are told it is safe to come out.

If your building is damaged, take your personal belongings (purse, wallet, access cards, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest university building quickly. If police or fire department personnel are on the scene, follow their directions. Additional information about the emergency response/evacuation procedures and updates to the plans

for the university are available on the portal under “Public Safety”.

Maryville community members are encouraged to notify the Lake Saint Louis Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate threat to the health and safety of students and/or employees, even when the victim elects not to report the crime or is unable (physically/mentally) to make such a report. The police department has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. On-site personnel will also assist in the confirmation process and may contact other campus personnel to assist depending on the nature of the potential threat. If an immediate threat exists, federal law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

If local law enforcement in conjunction with or other campus officials (facilities, health & wellness, student life, etc.) or local first responders (Lake Saint Louis Fire, EMS, MO Highway Patrol, etc.) confirm there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of our community, the public safety director and the executive director of marketing & community relations or designees, will be contacted and they will collaborate to determine the content of the message and they will initiate some or all of the systems listed below to communicate the threat to the Maryville community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

System to use <b>PRIMARY</b>	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender	Backup Message Sender
Blast Email (all campus)	Director of Public Safety	Vice President of Integrated Marketing & Communications	Both Director of Public Safety and the VP of Integrated Marketing & Communications	Director of Public Safety	Public Safety Staff or VP of Integrated Marketing & Communications
Saints Alert System	Director of Public Safety	Vice President of Integrated Marketing & Communications	Both Director of Public Safety and the VP of Integrated Marketing & Communications	Director of Public Safety	Public Safety Staff or VP of Integrated Marketing & Communications
System in use <b>SECONDARY</b>	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender	Backup Message Sender
Postings in Residence Halls	Director of Public Safety	Vice President of Integrated Marketing & Communications	Both Director of Public Safety and the VP of Integrated Marketing & Communications	(Posting) Residential Life Staff	Public Safety Staff or Designated Staff
Telecom Voicemail	Director of Public Safety	Vice President of Integrated Marketing & Communications	Both Director of Public Safety and the VP of Integrated Marketing & Communications	Sr. Network Engineer in Telecom Department	Classroom Technology and Media Specialist or Other Designee
Website	Director of Public Safety	Vice President of Integrated Marketing & Communications	Both Director of Public Safety and the VP of Integrated Marketing & Communications	Web Application Developer	Multimedia Interactive Web Developer or Other Designee

Campus Message Boards	Director of Public Safety	Vice President of Integrated Marketing & Communications	Both Director of Public Safety and the VP of Integrated Marketing & Communications	Web Application Developer (if the message doesn't post during Saints Alert).	Multimedia Interactive Web Developer or Other Designee
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After the initial communication blast, the primary means of providing follow-up information to the community will be on the university's main web page ([www.maryville.edu](http://www.maryville.edu)). The university may also use any of the systems listed above to provide follow-up information, as deemed appropriate. During a significant emergency, the university's main web page may be removed and replaced with a basic web page (<http://emergency.maryville.edu/>) that would have information that strictly deals with the situation and will be constantly updated throughout the emergency.

Our Campus Notification System is called Saints Alert and is designed to enhance and improve communication so that all members of the Maryville campus community can stay informed in the event of an emergency. Maryville has contracted with e2Campus to provide this service, which will allow students, faculty and staff to "opt in" to be notified via text message in the event of an emergency or campus closure. The message can also be sent to a designated e-mail address, PDA or pager. Please note that subscribers to the system will pay no fees for the service, other than any regular fees associated with text messaging services. To sign up for this service, visit <https://intranet.maryville.edu/CookieAuth.dll?GetLogon?curl=Z2FPublicSafetyZ2Falert.asp&reason=0&formdir=3>.

Due to limited characters available with text messaging, the Saints Alert system would only be used to provide limited safety information that is critical such as areas to avoid, shelter in place, all clear, etc. The larger community, including parents, neighbors and other interested persons can obtain information about an emergency on campus via the university webpage ([www.maryville.edu](http://www.maryville.edu)) or the local or national media.

It should be noted that unlike the timely warning requirement, an emergency notification isn't restricted just to Clery reportable crimes. Incidents such as a serious gas leak, haz- mat spill, tornado warning, etc., could warrant the use of this protocol. The public safety and/or the integrated marketing & communications department will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (Lake Saint Louis Police, Lake Saint Louis Fire, MO Highway Patrol, etc.), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

### **Annual Notification & Testing**

Maryville University will annually test and publicize their emergency response and evacuation procedures. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. Throughout the year the critical incident management team will meet and train on the university's response to a critical incident through a variety of exercises including a table top, functional, or live exercise. These tests may be announced or unannounced depending on the type of exercise. Community members are encouraged to review the university's emergency response plan and evacuation procedures located on the portal under "Public Safety". If you want a hard copy of the emergency flip chart please contact the director of public safety at **314.529.9564**.



## **Reporting Crimes on a Voluntary, Confidential Basis**

If you are the victim of a crime and do not want to pursue action within the university system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the director of public safety or a designee of Maryville can file a report on the details of the incident without revealing your identity, except in cases of sexual violence in which we are required to report the information to the Title IX coordinator. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the university can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

## **Preparation of the Annual Disclosure of Crime Statistics**

The Maryville University-Lake Saint Louis facility doesn't have public safety officers working on site. Students and employees are encouraged to report all crimes to the Lake St. Louis Police Department at **636.625.8018**. The police department is responsible for conducting any criminal investigations reported to them at the off campus locations. If possible, please notify the university personnel at the facility if you are the victim of a crime. This notification will allow Maryville personnel the opportunity to review whether or not a timely warning alert should be posted and will assist Maryville in maintaining accurate crime statistics for each site.

The same campus disciplinary system for the main campus applies to the Maryville University-Lake Saint Louis facility. Any non-criminal investigation will be completed by the appropriate personnel. This action may include revocation of certain privileges, suspension or expulsion from the university. A complete list of all possible sanctions is listed later in this document under "sanctions and protective measures". There are no officially recognized student organizations or residential facilities affiliated with the Maryville University-Lake Saint Louis facility. Crime statistics for this report are gathered by requesting required statistics from the Lake St. Louis Police Department, St. Charles County Sheriff Department, MO Highway Patrol, and the campus security authority's that work at the facility.

By October 1<sup>st</sup> of each year, a notice is emailed to all faculty, staff, and students that provide a direct link to the Maryville web site containing the Clery Act report ([www.maryville.edu/clery](http://www.maryville.edu/clery)). Hard copies of the report may be obtained at the public safety department located at the main campus on the west side of the Buder Commons building or by calling **314.529.9564**. A notice is posted on the on-line application page for prospective employers through the human resource office. Candidates that apply outside of the on-line application process (i.e. faculty) are provided the information if they are brought to campus for an on-campus interview. For prospective students, a notice is posted on the university's on-line application page.

## **Access/Maintenance Considerations for Campus Facilities and Residence Halls**

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and guests. The university encourages an open environment with limited constraints to ensure reasonable protection of all members of the community. Maryville University-Lake St. Louis facility has posted hours throughout the week that vary in time. The facility does not allow after hour access. Every effort is made to limit the interruption to the students when providing maintenance to the facility. Since the facility is leased, the university works with the landlord to provide the necessary maintenance. Any maintenance issues should be reported to the receptionist at the front desk.

## **Department Authority**

There are no public safety officers assigned to the facility and the university does not have any memorandum of understandings (MOU's) in place with any local law enforcement agencies.

## **Reporting Crimes and Emergencies Promptly**

To help provide a safe and secure environment, all members of the Maryville University-Lake Saint Louis community, including visitors, are expected, requested, and encouraged to report any criminal activity or emergency they observe. Since there is no public safety officers present at the location, reporting may be accomplished by contacting the Lake Saint Louis Police Department directly at **636.625.8018**. *If there is an actual emergency requiring police, fire or medical please call 911 from a campus phone.*

All criminal and policy violation reports are forwarded to the Office of Student Life for review for potential conduct action. By promptly reporting crimes, it will ensure inclusion in the annual crime statistics and will aid in providing timely warning notices to the community, when appropriate.

## **If you are a victim of a crime of violence**

The university will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Pastoral and Professional Counselors (Crime Reporting)**

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for the inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

### **Pastoral Counselor**

An employee of the institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

### **Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

## **Security Awareness and Crime Prevention Programs**

During orientation in August and throughout the month of September during "Campus Safety Month",



students are informed about a variety of services offered by the public safety department. Crime prevention programs and sexual assault prevention programs are offered on a continual basis. Periodically, during the academic year, the public safety department, in cooperation with other university organizations and departments, present crime prevention awareness sessions on sexual assault, stalking, domestic and dating violence, alcohol abuse, date rape drugs, theft prevention, etc.

When a new employee is hired, the Office of Human Resources provides information on how to obtain a copy of the Annual Security Report. This report contains information pertaining to campus security procedures, practices and crime prevention programs. All employees are encouraged to participate in programs offered by the public safety department.

All members of the community are continually reminded they must be responsible for their own security and the security of others. This message is reinforced through security awareness programs offered by the department, the annual disclosure form, in the "timely warnings" distributed to the campus community, and with the department motto "It takes all of us working together to keep the campus safe".

### **Crime Prevention & Safety Programs (All programs were held on main campus in 2015)**

#### **Rape Aggression Defense**

The Public Safety Department tries to offer the Rape Aggression Defense (RAD) Systems program at least once each semester. This self-defense program, designed specifically for women, is a nationally recognized course that gives women the skills they need to prevent and survive a violent attack. (Provided 2 basic and 1 advanced class in 2015)

#### **Operation Identification**

This nationally recognized program encourages engraving personal identification numbers on valuable property. Thieves tend to shy away from property with engraved or permanently marked items due to the difficulty in selling it on the "open" market. If an item is stolen and later recovered, the identification number will assist law enforcement agencies in locating and returning the property to the rightful owner. This program is on-going and a person interested in having their property engraved/marked just needs to schedule an appointment with public safety. (Did not engrave any property in 2015)

#### **Whistle Program**

This program provides a high-quality brass whistle free of charge to students and employees. Those participating in the program are asked to carry their whistles with them at all times and to blow the whistle if they feel threatened by another person. Others who hear the whistle are instructed to go to the nearest emergency phone and call public safety immediately at 314.529.9500. Persons blowing the whistle under any other conditions than those specified above may be referred to the Office of Student Life for disciplinary proceedings. (Provided 150 whistles to the community in 2015)

Members of the department are available to assist any individual or group in planning, presenting, and coordinating programs of interest or concern. To get more information please contact the director of public safety at 314.529.9564.

### **Monitoring of Criminal Activity at non-campus locations:**

While public safety does not have primary responsibility for responding to non-campus properties, such as the property in Augusta, MO, public safety does collaborate with local law enforcement agencies that respond to crimes and incidents at these locations and to collect incident data for required reporting under the Clery Act.

Crimes and incidents occurring at non-campus properties, even those controlled or owned by officially recognized student organizations, should be reported to the local law enforcement agency, as they have primary responsibility for taking reports and handling calls for service there. Public safety requests all the law enforcement agencies that have jurisdiction for all of our non-campus properties to share information about any reported crimes at those locations so it will aid in the issuance of a timely warning if appropriate. There are not any non-campus locations affiliated with the Lake Saint Louis facility.

### **Possession, Use and Sale of Alcoholic Beverages**

The use, sale, delivery, possession and consumption of alcoholic beverages in or on any property owned or controlled by the university are strictly prohibited except as specifically stated in university policy. The public safety department enforces all city, state and federal laws pertaining to the illegal use of alcoholic beverages, particularly the laws that prohibit the sale to or possession of alcoholic beverages by person(s) under the age of 21 and State underage drinking laws.

It is also a violation of university policy to possess alcohol in any public area of campus even if the person in possession is of legal age. Any groups or persons violating the alcohol/substance policies or laws may be subject to arrest by the Lake St. Louis Police Department and/or disciplinary sanctions by the university.

### **Possession, Use and Sale of Illegal Drugs**

The use, possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the public safety department. Violators are subject to arrest by the Lake St. Louis Police Department and/or disciplinary sanctions by the university.

Please refer to the *Maryville University Alcohol and Controlled Substances Policy* listed in this document for further information (Appendix A).

### **Alcohol and Drug Policies/Programs**

#### **Policies**

Maryville University is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. The university enforces compliance with local and state alcoholic beverage laws on campus and at university-sponsored activities. The university affirms its adherence to the following principles:

- ☐ The misuse and/or abuse of alcoholic beverages and related behavior, such as disorderly conduct, illness due to excessive consumption of alcohol, and destruction of property, pose a danger to individual members of the university community and to the community at large.
- ☐ The promotion of alcoholic beverage consumption as the primary focus of on- and off-campus activities is inappropriate because it invites members of the university community to violate university regulations and Missouri law.
- ☐ Consumption of alcoholic beverages should only be by persons of legal age and by personal choice.
- ☐ Those who choose to consume alcoholic beverages should do so responsibly and in moderation.
- ☐ Consumption of alcoholic beverages should not be the main focus of an event or the only means of refreshment at an event.

- ☐ The responsibility for proper consumption of alcoholic beverages and for compliance with laws of Missouri rests with each individual member of the university community.

The entire text of the *Maryville University Alcohol and Controlled Substances Policy* as well as the university's penalties for possession or distribution of controlled substances by students on university premises or at institutionally-sponsored activities off campus, are located in Appendix A of this document, as well as published on-line at <https://www.maryville.edu/policies/alcohol-and-controlled-substances-policy>. In addition, Maryville University is in compliance with the Federal Drug-Free Schools and Communities Act of 1989. Each year Maryville renews its commitment to the letter and spirit of that law with an informational letter to students and employees.

The university does not condone violations of those laws proscribing possession, use, or sale of alcoholic beverages and possession, use, sale, manufacture, or distribution of illegal drugs. Members of the Maryville community should know that law enforcement and administrative action, which may include eviction from the residence halls, revocation of other privileges, or suspension or expulsion from the university, may be taken in order to protect the interests of the university and the rights and safety of others.

The abuse of alcohol and drugs can have a dramatic impact on professional, academic, and family life. The university, therefore, encourages members of the community who may be experiencing difficulty with drugs or alcohol to seek help:

### **Resources**

- \* Employee Assistance Program (EAP) 314.529.9398 (Via HR Dept.)
- \* Personal Counseling 314.529.9556
- \* Health & Wellness Services 314.529.9520

### **Programs**

Health & Wellness, Personal Counseling, Public Safety, and several student groups provide several programs throughout the year that deal with domestic and other types of interpersonal violence, personal safety, alcohol and drug abuse, etc. The Health and Wellness office sponsors the *Great Sex Series* which provides learning opportunities regarding sexual health and safety and the effects of alcohol and drugs on making relationship and sexual decisions. They also distribute a variety of brochures about the harmful effects of drugs, alcohol, and tobacco and promote the Missouri Department of Highway Safety – C.H.E.E.R.S. program that promotes free soda for designated drivers at local bars and restaurants.

These are some of the following alcohol, drug, and sexual assault programs presented by various departments during the calendar year 2015. Topics ranged from alcohol and drug issues, sexual health, smoking, wellness, nutrition, exercise, stress relief, self-care tips, resources in the area, HPV vaccine information, etc.

- ☐ **Violence Awareness Month** including Alcohol & drug education: Pamphlets, display table, programs and collaborations with other groups on campus.
- ☐ **Alcohol Awareness Week:** A variety of activities including table information and a trivia night.
- ☐ **E-CHUG** – online, alcohol awareness learning tool which is anonymous, personalized and required by athletics.
- ☐ **World AIDS Day** week of information (includes alcohol and drug use and the relationship between unintended, unprotected sexual encounters of the consensual and nonconsensual nature)
- ☐ **Nutrition Counseling** – fall and spring have the opportunity to sponsor a dietetic intern

from a local IHE to provide information about alcohol calories/nutritional value

- ☐ **Stress Relief** – midterm and finals – information available about the negative effects of alcohol and other drugs – including OTC Rx and its potential to hinder learning.
- ☐ **Great Sex Programs** – held monthly. Food – Fun – Topics: relationships, sexual health, safety, alcohol and drug impact, personal exploration of feelings and thoughts about self and others
- ☐ **Missouri College Health Behavioral Survey** was conducted with a significant number of our undergraduate students to assess their alcohol, tobacco, drug use and the safe guards and consequences of use. Comparison is available with other state Missouri IHE and 6 other private campuses.
- ☐ **Social Norming campaign** – dispelling myths about whether or not students want other students to intervene when in trouble– This is mostly done during our BEST DAY EVER promotion during the fall and spring.
- ☐ **CAB:** Helped CAB sponsor over 1,500 non-alcohol events throughout the year.
- ☐ **Health Educators promoting Responsible Options (Hero's):** train specific student groups who influence other students encouraging the promotion of health and wellness topics throughout the year including resources
- ☐ **Step Up:** Bystander training which encourages students to help one another in a variety of situations to reduce harm.
- ☐ **Toilet Papers:** Bimonthly publication posted in bathroom stalls in residence halls and at various other locations that provide brief excerpts on issues of general health, nutrition, alcohol, other drugs, and safety.
  - ☐ **LIVEengaged Grant CHOICES:** Offered grant money to student groups who would like to conduct a learning experience about alcohol, tobacco or other drug focus
  - ☐ **Recovery Group:** A program sponsored by Personal Counseling that deals with alcoholism support and education. Expanding efforts to engage students in recovery to improve success at Maryville
  - ☐ **Meditation:** weekly mediation for students, staff and faculty to improve wellbeing and reduce stress.
  - ☐ **Personal Counseling:** sponsored guest speakers that dealt with body image and had a week of promotion reference eating disorders and body image and self-care/appreciation.
  - ☐ **New Student Orientation:** Center for Academic Success & First Year Experience offered programming during orientation that addressed issues facing college students and resources available to support them. Topics focused on alcohol use/abuse, sexual assault, eating disorders, and long distance relationships.
  - ☐ **Campus Safety Month:** Public Safety collaborated with other departments to provide a variety of crime prevention and safety programs throughout the entire month of September.
  - ☐ **Ask, Listen, Refer** – suicide prevention tool used by fac/staff and students to help people know how to help someone they suspect is suicidal
  - ☐ **Health Fair** including – prescription drug take back with Town and Country Police Department, personal health and wellness, car share, stress relief/puppies. Bone marrow registry.
  - ☐ **Circle of 6 safety app:** during promotions with Center for Civic Engagement and Democracy and Men stepping up to prevent domestic/relationship violence
  - ☐ **Safe Spring break and Safe winter break promotions** (including a YouTube Video <https://www.youtube.com/watch?v=sv7uPKIcX8A> about general

- safety during spring break on Maryville HEROS YouTube
- ☐ **Week of Wellness** – sexual safety, drunk driving safety, travel safety, etc.

## **Information Regarding Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Maryville University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include sexual assault, dating violence, domestic violence, and stalking, as defined by the Clery Act.

As a result, Maryville University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, including the timeframes for resolution, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a university official. In this context, Maryville University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

The university prohibits anyone from retaliating, intimidating, threatening, coercing or otherwise discriminating against any persons exercising their rights or responsibilities under the university's policies and procedures for addressing offenses of domestic violence, dating violence, sexual assault or stalking or as otherwise may be provided or required under the Clery Act.

### **A. Definitions**

There are numerous terms used by Maryville University in our policy and procedures. The definitions provided below are definitions of the criminal law from the State of Missouri along with definitions from our student conduct policy. When the readers see "Missouri RSMo", the criminal statute taken from state law will follow. Conduct may be both punishable under the criminal statutes and university policy. These processes are separate and distinct from one another, however, but can run concurrently. For a complete copy of Maryville University's policy governing sexual misconduct, visit <http://www.maryville.edu/policies/sexual-harassment-policy/>

#### **Consent as defined in Missouri State Code as 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 to (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.

#### **Consent as defined in the Student Code of Conduct**

The expectations of the university community regarding sexual harassment (including sexual violence) can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent requires an affirmative act or statement by each participant. Consent is not passive. Silence—without actions demonstrating permission—cannot be assumed to show consent. Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no." Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous relationships or prior consent do not imply consent to future sexual acts. If coercion, intimidate, threats,

and/or physical force is used, there is no consent.

If a person is mentally or physically incapacitated or impaired such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. In order to give effective consent, a person must be of legal age. In the State of Missouri, the legal age of consent is 14. (If you are over 18 but fewer than 21, the age of consent is 14. If you are over 21, you may not have sexual intercourse with anyone under 17.) Sexual acts with someone less than 14 are a violation of state law and of this policy.

### **Additional applicable definitions in the Student Code of Conduct**

#### **a. Force**

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.” or lying on top of a victim to prevent them from being able to move).

#### **b. Coercion**

Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. (“You better have sex with me or I’ll make sure you never get into another fraternity social again/tell people you are a whore/tell people you have an STD.”)

#### **c. Mental or Physical Incapacitation or Impairment**

Mental or physical incapacitation or impairment occurs when a person cannot make rational and reasonable decisions. In other words, the person is unable to understand the “who, what, when, where, why, and how” of their sexual interaction and, as a result, cannot give effective consent. A person may be mentally or physical incapacitated because of:

- ☐ Intoxication due to alcohol or drug use
- ☐ A mental illness, intellectual disability, or physical disability
- ☐ Sleep or sleep deprivation
- ☐ Involuntary physical restraint

A person is also mentally and/or physical incapacitated if they have been given the “date rape drug” or similar substance such as Rohypnol, Ketamine, GHB, or Burundanga. Administering such drugs to another student is a crime, constitutes a violation of this policy, and renders the victim incapable of giving consent to any form of sexual activity. More information on these and similar drugs is available at [www.911rape.org](http://www.911rape.org).

**Sexual Assault:** “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is defined as 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.

Fondling is defined as the touching of the private parts of another person for the purposes 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 incapacity.

Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Sexual Offenses are defined in Missouri State Code as follows:**

**Rape in the first degree, penalties--suspended sentences not granted, when (RSMo 566.030).**

1. A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.
2. The offense of rape in the first degree or an attempt to commit rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:
  - a) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;
  - b) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such rape in the first degree is described under subdivision (3) of this subsection; or
  - c) The victim is a child less than twelve years of age and such rape in the first degree or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.
3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of rape in the first degree or attempt to commit rape in the first degree when the victim is less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.
4. No person found guilty of rape in the first degree or an attempt to commit rape in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence.



## **Rape in the second degree, penalties: RSMo. 566.031**

1. A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.
2. The offense of rape in the second degree is a class C felony

## **Domestic Assault-First Degree as defined in the Missouri State Code RSMo. 565.072**

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.
2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim or has previously pleaded guilty to or been found guilty of committing this crime, in which case it is a class A felony.

## **Domestic Assault-Second degree as defined in Missouri State Code RSMo. 565.073 (Class C Felony)**

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.

## **Domestic Assault-Third degree as defined in Missouri State Code RSMo. 565.074**

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 455.010 and:
  - a) The person attempts to cause or recklessly causes physical injury to such family or household member; or
  - b) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or
  - c) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or
  - d) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or
  - e) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
  - f) 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.
2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.

Under Section 455.010 “family” or “household member” includes “spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.

**Dating Violence:** The crime of “dating violence” is not defined in Missouri law. To comply with this law, the following definition, as defined in the regulations, will be used. 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

**Stalking as defined in Missouri State Code RSM0. 565.225**

1. As used in this section, the following terms shall mean:
  - a) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, 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;
  - b) "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 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 kept at such person's residence or on such person's property;
  - c) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.
2. 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.
3. 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:

- a) Makes a credible threat; or
  - b) 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
  - c) 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
  - d) 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
  - e) 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.
4. The crime of stalking shall be a class A misdemeanor unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, in which case stalking shall be a class D felony.
  5. The crime of aggravated stalking shall be a class D felony unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, aggravated stalking shall be a class C felony.
  6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.
  7. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law.

## **B. EDUCATION AND PREVENTION PROGRAMS**

The university engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- a) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- b) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a) Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b) Defines, using definitions provided both by the Department of Education as well as state law, domestic violence, dating violence, sexual assault, and stalking;
- c) Defines what behavior and actions constitute consent to sexual activity in the State of Missouri and using the definition of consent found in the Student Code of Conduct;
- d) Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating

violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- e) Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f) Provide information regarding:
  1. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs;
  2. how the institution will protect the confidentiality of victims and other necessary parties;
  3. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
  4. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective; and
  5. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

The programs listed below include a variety of strategies focused on educating our new students and employees as well as our current students and employees on the issues involving sexual assault, domestic violence, dating violence and stalking. Some of these programs may involve the distribution of educational materials, inviting guest speakers to campus, providing programs to the community, programs during orientation, addressing topics during academic classes (i.e. First Year Experience), etc.

The following **primary prevention and awareness programs for all incoming students** offered in 2015 include:

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR COVERED?
Orientation	August 25, 2015	Auditorium/PCC	DoV, DaV,SA
Dating Doctor, David Coleman	August 26, 2015	Auditorium	DoV, DaV, SA
Stop Light Party	August 27, 2015	Auditorium	DaV, SA
Bystander Intervention	9/1/2015	Walker Hall	DaV,SA
Bystander Intervention	9/4/2015	Reid Hall	DaV,SA

☐ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The **primary prevention and awareness programs for all new employees** offered in 2015 include:

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR COVERED?
No Programs Offered	N/A	N/A	N/A

☐ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The **ongoing prevention and awareness campaigns for students** offered in 2015 include:

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR COVERED?
Rape Aggression Defense	2/4, 2/11, 2/18, 2/15	Huttig Chapel	Dov, DaV,SA, S
Sex Signals	2/11/2015	Auditorium	SA, DaV, DoV
Bystander Intervention	2/14/2015	Walker Hall	DaV,SA
Bystander Intervention	2/17/2015	Walker Hall	DaV,SA
Vagina Monologues	2/19/15	SLU Campus	DaV,DoV, SA
Sexual Misconduct Prevention Training	2/2015 and 10/2015	On-Line	Dov, DaV, SA, S
Rape Aggression Defense	9/2, 9/9, 9/16, 9/23	Huttig Chapel	Dov, DaV, SA, S
Bystander Intervention	9/30/2015	Kernaghan Hall	DaV,SA
Bystander Intervention	10/2/2015	Walker Hall	DaV,SA
Bystander Intervention	10/5/2015	CSE	DaV,SA
Bystander Intervention	10/7/2015	Library	DaV,SA
Bystander Intervention	10/16/2015	Walker	DaV,SA
Advanced RAD class	10/21/2015	Huttig Chapel	DoV,DaV, SA,S
Bingo & Brew	10/22/2015	Dining Hall	SA, DaV, DoV
Bystander Intervention	11/13/2015	Walker Hall	DaV,SA
Bystander Intervention	11/18/2015	Reid Hall	DaV,SA

Bystander Intervention	2/7/2015	Walker Hall	DaV,SA
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☐ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The following **on-going awareness and prevention campaigns for employees** offered in 2015 include:

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR COVERED?
Legal Update	5/14/2015	Auditorium	Sexual Harassment/Assault

☐ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### **How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### **Risk Reduction**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cash money.
7. **Don't allow yourself to be isolated** with someone you don’t trust or someone you don’t know.

<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **C. PROCEDURES FOR REPORTING A COMPLAINT**

The university has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals in writing about the procedures to be followed. This includes their options to notify either campus safety or local law enforcement, to be assisted by the Title IX Coordinator or Public Safety in notifying law enforcement if the victim so chooses or the option to decline to notify such authorities. The written notification as also will inform victims of the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The notification will include the name and contact information for the individual or office that should be contacted to request the accommodations. The university will make such accommodations, if the victim requests and they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.



Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact Karlla Dozier, Title IX Coordinator, in person by visiting the University Library, room 108c, via phone at 314.529.9981 or via email: [kdozier@maryville.edu](mailto:kdozier@maryville.edu).

After an incident of sexual violence occurs at the Lake St. Louis campus, the victim should consider seeking medical attention as soon as possible at SSM St. Joseph Hospital located at 100 Medical Plaza, Lake St. Louis, MO 63367 or Progress West Hospital at 2 Progress Point Parkway, O'Fallon, MO 63368. In Missouri, evidence may be collected even if you chose not to make a report to law enforcement. The hospital will require you to provide your name and will hold your rape kit indefinitely so that you may decide when and if to report the incident to local police. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to university hearing boards/investigators or police. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The Lake St. Louis Police Department may also be reached directly by calling 636.625.8018 or by visiting them in person at 200 Civic Center Drive, Lake St. Louis, MO 63367. If you require assistance in contacting local police, contact the on-site campus administrator or Campus Public Safety at 314.529.9500.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Karlla Dozier, in person (on the main campus) by visiting the University Library, room 108c, via phone at 314.529.9981 or via email: [kdozier@maryville.edu](mailto:kdozier@maryville.edu) and public safety (if the victim so desires.) The university will provide information regarding resources, on campus and/or off campus, to include medical, counseling, and health, legal assistance, victim advocacy and visa/immigration assistance to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with campus public safety or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the university, below are the procedures that the university will follow as well as a statement of the standard of proof that will be used during any conduct hearing on campus arising from such a report:

Incident Being Reported:	Procedure Maryville Will Follow:	Evidentiary Standard
<b>SEXUAL ASSAULT</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs. delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant and inform complainant on how to preserve evidence</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus counseling/mental health providers, health services, visa/immigration assistance, if needed, legal assistance, victim advocacy, student financial aid and other services for victims, as available.</li> <li>5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties</li> <li>6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> <li>7. Institution will provide written instructions on how to apply for Protective Order</li> <li>8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution (the process from report to resolution normally does not exceed 60 days, although the institution retains the right to exceed 60 days for purposes of conducting a thorough investigation and will inform parties of the reason for the delay.)</li> <li>9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>10. Institution will enforce the anti-retaliation policy and take immediate</li> </ol>	Maryville uses the preponderance of the evidence standard.

	and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation	
<b>STALKING</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide complainant with referrals to on and off campus counseling/mental health providers, health services, visa/immigration assistance, if needed, legal assistance, victim advocacy, student financial aid and other services for victims, as available.</li> <li>5. Institution will provide written information to complainant on how to preserve evidence</li> <li>6. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>	Maryville uses the preponderance of the evidence standard.
<b>DATING VIOLENCE</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> <li>8. Institution will provide complainant with referrals to on and off campus counseling/mental health providers, health services, visa/immigration</li> </ol>	Maryville uses the preponderance of the evidence standard.

	assistance, if needed, legal assistance, victim advocacy, student financial aid and other services for victims, as available.	
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<b>DOMESTIC VIOLENCE</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> <li>9. Institution will provide complainant with referrals to on and off campus counseling/ mental health providers, health services, visa/immigration assistance, if needed, legal assistance, victim advocacy, student financial aid and other services for victims, as available.</li> </ol>	Maryville uses the preponderance of the evidence standard.
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#### **D. Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Further, Maryville University complies with Missouri law in recognizing orders of protection. In Missouri, a complainant can receive an ex parte order, which is a temporary order quickly issued by the court and subsequently, a full order of protection, which is granted after a court hearing is held. Complainants can petition to receive an ex-parte order by going to the St. Charles Circuit Clerk’s Office, 300 North Second Street, Suite 216, St. Charles, MO 63301. Police can also issue a temporary ex-parte order at the police department after hours if needed (see resource chart for police department by campus location.) The university cannot legally apply for a legal order of protection, no contact order, or restraining order for a victim in this jurisdiction. The victim is required to apply directly for these services. Any person who obtains an order of protection from Missouri or any US state should provide a copy to public safety and the Office of the Title IX Coordinator. A complainant may then meet with public safety to develop a Safety Action Plan, which is a plan for

public safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) The university may issue an institutional “No Contact” directive, if deemed appropriate, or at the request of the victim or accused student.

To the extent of the victim’s cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, a complainant will be notified, in writing, of any changes to academic, living, transportation or working situations that are reasonably available and also will be notified, in writing, of any counseling, health and mental health, victim advocacy, legal assistance, visa and immigration services, student financial aid services and any other services for victims that are available on or off campus. Victims will be notified in writing of their option to notify public safety or local law enforcement, of the availability of assistance in notifying those personnel and of their option to make no such notification. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The university does not publish the name of crime victims nor house identifiable information regarding victims in the public safety departments daily crime log or online. Victims may request that directory information on file be removed from public sources by request. For more information on withholding directory information, please contact Karlla Dozier, Title IX Coordinator, in person by visiting the University Library, Room 108c, via phone at 314.529.9981 or via email: [kdozier@maryville.edu](mailto:kdozier@maryville.edu).

### **Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

**On Campus Resources (Main campus)** -Students and employees at any of the Maryville campuses should use these “On-Campus” resources for assistance and locate the applicable “Off Campus” resources by as noted in the following chart.

<b>ON CAMPUS RESOURCES</b>	<b>TYPE OF SERVICES AVAILABLE</b>	<b>SERVICE PROVIDER</b>	<b>CONTACT INFORMATION</b>
Counseling/Mental Health	Personal counseling and referral to off-campus resources	Office of Personal Counseling	University Library 610 Maryville University Dr. 314-529-9556
Health	Provides students with health education, emergency care and treatment of minor illness or injury, referrals and resources for confidential care.	Health & Wellness Center	University Library 610 Maryville University Drive 314-529-9520
Victim Advocacy	Off Campus (see below)	Off Campus (see below)	Refer to Off Campus Resources

Legal Assistance	Off Campus (see below)	Off Campus (see below)	Refer to Off Campus Resources
Visa and Immigration Assistance	Assist students with Visa and Immigration issues	Student Success Center	University Library 314-529-9649
Student Financial Aid	Assist students with issues involving financial aid, leave of absences, loan repayment terms.	Financial Aid Office	Gander Hall 650 Maryville University Drive 314-529-9361
Title IX	Assist community members with issues pertaining to sexual harassment, including victims of sexual assault, domestic violence, dating violence and stalking.	Title IX Coordinator	University Library 610 Maryville University Drive 314-529-9981
Public Safety	Crime prevention programs, victim services, crime reporting, law enforcement liaison.	Public Safety Department	Buder Commons 635 Maryville University Drive 314-529-9500
Affirmative Action	Affirmative Action Officer. Focus on cultural education, engagement, and development	Office of Diversity & Inclusion	Donius University Center 694 Maryville University Drive 314-529-9684

OFF CAMPUS RESOURCES	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
Counseling/Mental Health	Professional counseling and mental health services	Mercy Hospital Behavioral Health	615 New Ballas Road Saint Louis, MO 63141 314-251-4845
	Professional counseling and mental health services	St. Anthony's Behavioral Health	10010 Kennerly Road Saint Louis, MO 63128 314-525-4400
	Professional counseling and mental health services	St. Mary's Behavioral Health	6420 Clayton Road Richmond Heights, MO 63117 314-344-6700
	Comprehensive care for wide range of psychiatric disorders and provides only adult alcohol and drug abuse treatment program.	CenterPointe Hospital	763 S. Ballas Road, Suite 130 Saint Louis, MO 63141 1-800-345-5407
Health Care	Emergency medical care, Sexual Assault Nurse Examiner available (SANE)*	SSM St. Joseph Hospital West	200 Civic Center Drive Lake St. Louis, MO 63367 636-625-5200

	Emergency medical care, Sexual Assault Nurse Examiner available (SANE)*	Progress West Hospital	2 Progress Point Parkway O'Fallon, MO 63368 314-996-5000
	Emergency medical care, Sexual Assault Nurse Examiner available (SANE)*	St. Luke's Hospital	232 South Woods Mill Road Chesterfield, MO 63017 314-434-1500
	Emergency medical care, Sexual Assault Nurse Examiner available (SANE)*	Missouri Baptist Hospital	3015 North Ballas Road Saint Louis, MO 63131 314-996-5000
	Emergency medical care	Mercy Hospital	615 South New Ballas Road Saint Louis, MO 63141 314-364-3000
Victim Advocacy	Provide support for victims of sexual assault. Provide economic education, childcare, leadership recognition, and transitional housing.	YWCA Advocacy Group/Rape Crisis Center	3820 West Pine Blvd. Saint Louis, MO 63108 314-531-7273-Hotline 314-726-6665
	Virtual resource center at this time. Provides resources and support to the lesbian, gay, bisexual, transgender community in the STL area.	LGBT Center of St. Louis	Currently looking for new residence. 1-888-350-4477
	Info on court procedures, state resources, assists with orders of protection.	St. Louis County Prosecuting Attorney's Victim Services Division	100 S. Central Avenue Clayton, MO 63105 314-615-4872
	Info on court procedures, state resources, assists with orders of protection.	St. Charles Circuit Clerk's Office(OP/Ex Parte)	300 N. Second Street, Suite 216 St. Charles, MO 63301 636.949.7500
	39 bed domestic violence program for abused women and their children.	Kathy J. Weinman Shelter	<a href="http://www.co.stlouis.mo.us/dhs/kjweinmanshelter.html">www.co.stlouis.mo.us/dhs/kjweinmanshelter.html</a> 314-423-1117
	Domestic violence program for abused women and their children.	The Salvation Army	#1 William Booth Drive O'Fallon, MO 636.240.4969
Legal Assistance	Providing legal help to low-income and disadvantaged in Missouri.	Legal Services of Missouri	4232 Forest Park Avenue Saint Louis, MO 63108 314-535-4200
Visa and Immigration Assistance	Government agency that oversees lawful immigration to the United	ISCIS Office	Robert A. Young Federal Building, 1222 Spruce Street, Room 2205 Saint Louis, MO 63103-2815



	States.		1-800-375-5283
Student Financial Aid	Student financial aid resource	Department of Education	<a href="https://studentaid.ed.gov/sa/">https://studentaid.ed.gov/sa/</a>
Law Enforcement	Law enforcement services	Lake St. Louis Police Department	200 Civic Center Drive Lake St. Louis, MO 63367 636.625.8018

\*SANE nurses have received specialized training to conduct sexual assault evidentiary exams for rape victims.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- <http://www.rainn.org> – Rape, Abuse and Incest National Network
- <http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice
- <http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

### **Sexual Assault Prevention Programs through Public Safety**

Sexual assaults continue to be a very serious problem facing many campuses today as the crime often goes underreported. The university offers several programs dealing with issues of sexual assault prevention. During orientation, the orientation leaders speak to incoming students about the issues of sexual assault, alcohol abuse, domestic violence, etc. In addition, health & wellness and personal counseling provide several programs throughout the year that deal with sexual assault prevention. The public safety department offers R.A.D. Defense, which is a 12-hour course that discusses issues of sexual assault, acquaintance rape, and other forcible and non-forcible sex offenses and how not to become a victim of these crimes. Several hours are spent teaching women how to be safe and learning basic self-defense techniques to assist them should they be attacked. For more information on programs offered through public safety, contact the public safety department at 314.529.9500.

### **E. Adjudication of Violations**

Whether or not criminal charges are filed, the university or a person may file a complaint under the “Sexual Harassment Policy (includes Sexual Violence/Assault)” alleging that a student (Title IX-Sexual Harassment/Misconduct Policy) or employee (University Policy Against Discrimination and Harassment) violated the university’s policy on sexual misconduct. Maryville University uses these policies to investigate and adjudicate allegations of dating violence, domestic violence, sexual assault or stalking. Reports of all domestic violence, dating violence, sexual assault and stalking made to public safety will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

	<b>STAFF/FACULTY</b>
Name of Applicable Policy	University Policy Against Discrimination and Harassment
Electronic Address to Maryville’s Policy Against Discrimination and Harassment	<a href="https://www.maryville.edu/policies/university-policy-against-discrimination-and-harassment/">https://www.maryville.edu/policies/university-policy-against-discrimination-and-harassment/</a>
How to File a Complaint Under this Policy	Complaints can be filed by notifying any of the following individuals: <ul style="list-style-type: none"> <li>• Karlla Dozier, Title IX Coordinator, 314-529-9981</li> <li>• Kathy Quinn, Deputy Title IX Coordinator, 314-529-9476</li> <li>• Public Safety, 314-529-9500</li> </ul>

The Major Steps in the Policy are:	Major steps in policy: <ul style="list-style-type: none"><li>• Complaint filed with appropriate administrator</li><li>• Investigator consults with Director of Public Safety to determine if there is a serious or continuing threat that may require issuance of a timely warning</li><li>• Immediate and thorough investigation by appropriate administrator or designee (begun within 7 days of complaint and completed within 25 days)</li><li>• Notification of respondent and appropriate officer/supervisor having jurisdiction over respondent</li><li>• Written report issued by investigator summarizing investigation, identifying findings of fact and stating whether complaint has been substantiated by a preponderance of the evidence (within 7 days of the conclusion of the investigation)</li><li>• Recommendations as to the appropriate disciplinary and remedial action to be taken if prohibited discrimination occurred</li><li>• Report provided to complainant, respondent and officer/supervisor having jurisdiction over the respondent who is responsible for implementing remedial measures</li><li>• Informal resolution may be used in lieu of formal investigation and determination (through Ombuds)<ul style="list-style-type: none"><li>• Explain University policies and procedures regarding discrimination and harassment</li><li>• Help individual evaluate a wide variety of options for informally resolving discrimination complaints</li><li>• Serving as a facilitator between parties</li><li>• Serving as mediator</li><li>• Referring individuals to other campus resources or counseling</li></ul></li></ul>				
The anticipated timelines are:	Investigation begun within 7 days, concluded within 25 days and written report issued within 7 days of the conclusion of the investigation				
The decision making process includes:	Investigation by the appropriate administrator or his/her designee familiar with the policy and the appropriate sanctions that might be imposed. The investigator determines whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence.				
Resolution options and how the university decides which process to use:	All allegations involving faculty/staff engaged in Domestic Violence, Dating Violence, Sexual Assault and Stalking will be addressed using this procedure.				
Sanctions		Sexual Assault	Domestic Violence	Dating Violence	Stalking
Written Warning		X	X	X	X
Counseling/Education		X	X	X	X
Written documentation in personnel file		X	X	X	X
Suspension with pay		X	X	X	X
Suspension without pay		X	X	X	X

Reassignment	X	X	X	X
Demotion	X	X	X	X
Termination of employment	X	X	X	X
<b>STUDENTS</b>				
Name of Applicable Policy	Title IX-Sexual Harassment/Misconduct Policy			
Electronic Address	<a href="http://www.maryville.edu/policies/sexual-harassment-policy/">http://www.maryville.edu/policies/sexual-harassment-policy/</a>			
How to File a Complaint Under this Policy	Complaints can be filed by notifying any of the following individuals: <ul style="list-style-type: none"> <li>• Karlla Dozier, Title IX Coordinator, 314-529-9981</li> <li>• Kathy Quinn, Deputy Title IX Coordinator, 314-529-9476</li> <li>• Public Safety, 314-529-9500</li> </ul>			
The Major Steps in the Policy are:	<ul style="list-style-type: none"> <li>• Receipt of complaint</li> <li>• Investigator consults with Director of Public Safety to determine if there is a serious or continuing threat that may require issuance of a timely warning</li> <li>• Appropriate Interim measures taken, if appropriate</li> <li>• Commence investigation within 7 days of complaint being made</li> <li>• Investigator with notify the respondent a complaint has been made</li> <li>• Within 7 days of conclusion of the Investigation, investigator issues a written report determining the complaint</li> <li>• The written report is provided to the parties and appropriate officer/supervisor of the University having jurisdiction over the respondent             <ul style="list-style-type: none"> <li>○ The written report summarizes the scope of the investigation, identifying the findings of fact determined by a preponderance of the evidence, and determine whether a violation occurred.</li> <li>○ If determined a violation occurred, the report will include remedial measures, if any, and disciplinary sanctions imposed</li> </ul> </li> </ul>			
The anticipated timelines are:	Investigation begun within 7 days, concluded within 25 days and written report issued within 7 days of the conclusion of the investigation			
The decision making process includes:	Investigation by the appropriate administrator or his/her designee familiar with the policy and the appropriate sanctions that might be imposed. The investigator determines whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence.			
Resolution options and how the university decides which process to use:	Resolutions options will be determined utilizing the Title IX/Sexual Misconduct policy.			
<b>Sanction</b>	<b>Sexual Assault</b>	<b>Domestic Violence</b>	<b>Dating Violence</b>	<b>Stalking</b>
Formal Warning				X
Conduct Probation	X	X	X	X
Restriction or Loss of Privilege	X	X	X	X

Restriction/removal of guest privileges	X	X	X	X
Education	X	X	X	X
Counseling	X	X	X	X
Behavioral Contract	X	X	X	X
Residence hall/apartment probation	X	X	X	X
Administrative move	X	X	X	X
Removal from university housing	X	X	X	X
Limitation on University activities and access	X	X	X	X
Administrative hold on University Account	X	X	X	X
Postponement of activity participation and conferring of honors and degrees	X	X	X	X
Interim suspension	X	X	X	X
Suspension	X	X	X	X
Expulsion	X	X	X	X

The university disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. Investigators and administrators/conduct officers are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The institution will allow for timely and equal access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meetings and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The university provides the accuser and the accused with the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to bring a support person or advisor of their choice, at their expense, at any stage of the process and to be accompanied by that person at any meeting or hearing. The support person or advisor may accompany the complainant or respondent to any meeting or hearing but may not speak on their behalf.
5. The accuser and the accused will be notified simultaneously, in writing, of the outcome of any initial, interim and final results of any disciplinary proceeding arising from an allegation of Domestic Violence, Dating Violence, Sexual Assault and Stalking; and

6. The accuser and the accused will be notified in writing of the procedures to appeal the results of the disciplinary proceeding. Each has the right to appeal the result of the hearing on the following grounds:

### **Confidentiality**

The university will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document. When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the university's ability to respond to the complaint may be limited.

### **Sanctions and Protective Measures**

The University may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking which may include some or all of the following actions: no contact order between the parties, anti-retaliation policy that applies to third parties, change in housing, change in academic settings, change in work space, remote participation (telephone, video conferencing, use of privacy screen, safety escorts, etc., or removal of respondent from campus. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, residence hall/apartment relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Maryville University.

### **Sex Offender Registration**

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes against Children and Sexually Violent Offender Act. Under the Campus Sex Crimes Prevention Act, persons required to register under a state offender registration program must notify the state concerning each post-secondary school at which the offender works or is a student. The State of Missouri has developed a state wide registry list. The Revised Statutes of Missouri, Sections 589.400 to 589.425 and 43.650, RSMo. mandates that the Missouri State Highway Patrol shall maintain a sex offender database and a web site on the Internet that is accessible to the public. The information on the web site refers only to persons who have been convicted of, found guilty of or plead guilty to committing or attempting to commit sexual offenses and may not reflect the entire criminal history of a particular individual. Offenders who are required to register for crimes of kidnapping, felonious restraint or child abuse may not be listed.

### **Adam Walsh Child Protection and Safety Act**

Information regarding registered sex offenders in the State of Missouri under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C 16921) may be obtained by clicking on the State of Missouri Sex Offender Database List at <http://www.mshp.dps.mo.gov/CJ38/search.jsp>. The Revised Statutes of Missouri, Sections 589.400 to 589.425 and 43.650, RSMo, mandates that the Missouri State Highway Patrol shall maintain a sex offender database and a web site on the Internet that is accessible to the public. The information on the web site refers only to persons who have

been convicted of, found guilty of or plead guilty to committing or attempting to commit sexual offenses and may not reflect the entire criminal history of a particular individual.

### **Crime & Fire Log**

Since the facility doesn't have security personnel present there is no requirement to maintain a daily crime or fire log.

### **Missing Students Who Reside in On-Campus Housing**

This requirement applies only to campuses that have residential housing.

### **Annual Fire Report**

This requirement applies only to campuses that have residential housing.

## 2013 Crime Statistics for the Maryville University-Lake St. Louis Facility

This chart includes offenses that were reported to the Maryville University Public Safety Department, Lake Stl PD (LKSTL) Department, St. Charles County Sheriff's Office, Missouri Highway Patrol and university officials. These offenses are compiled using the Uniform Crime Reporting (UCR) definitions in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy Act. **Domestic Violence, Dating Violence, and Stalking is new for 2014 report.**

	All On-Campus Property				Public Property				GRAND TOTAL
	Reported to Public Safety	Reported to Police Agencies	Reported to university Officials	Sub-Total	Reported to Public Safety	Reported to Police Agencies	Reported to university Officials	Sub-Total	
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

<b>Burglary (Total)</b>	0	0	0	0	0	0	0	0	0
Forcible Burglary	0	0	0	0	0	0	0	0	0
Non-Forcible Burglary	0	0	0	0	0	0	0	0	0
<b>Sex Offenses, FORCIBLE (Total)</b>	0	0	0	0	0	0	0	0	0
Forcible Rape	0	0	0	0	0	0	0	0	0
Forcible Sodomy	0	0	0	0	0	0	0	0	0
Sexual Assault w/ Object	0	0	0	0	0	0	0	0	0
Forcible Fondling	0	0	0	0	0	0	0	0	0
<b>Sex Offenses, NON-FORCIBLE (Total)</b>	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0

Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	NA	0	0	0	NA	0	0	0
Drug Arrests	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	NA	0	0	0	NA	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapon Possession Violations Referred for Disciplinary Action	0	NA	0	0	0	NA	0	0	0
Domestic Violence (New)	0	0	0	0	0	0	0	0	0
Dating Violence (New)	0	0	0	0	0	0	0	0	0
Stalking (New)	0	0	0	0	0	0	0	0	0

Note: There are no crime statistics to report for residential halls or non-campus property because there are none associated with this campus site.

## 2014 Crime Statistics for the Maryville University-Lake St. Louis Facility

This chart includes offenses that were reported to the Maryville University Public Safety Department, Lake Stl PD (LKSTL) Department, St. Charles County Sheriff's Office, Missouri Highway Patrol and university officials. These offenses are compiled using the Uniform Crime Reporting (UCR) definitions in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy Act.

	All On-Campus Property				Public Property				GRAND TOTAL	*Unfounded Crimes
	Reported to Public Safety	Reported to Police Agencies	Reported to university Officials	Sub-Total	Reported to Public Safety	Reported to Police Agencies	Reported to university Officials	Sub-Total		
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
<b>SEX OFFENSES</b>										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
<b>SEX OFFENSES-Non-Forcible</b>										
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
<b>ALCOHOL/DRUG/WEAPONS</b>										
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0		0	0	0		0	0	0	0
Drug Arrests	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0		0	0	0		0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0
Illegal Weapon Possession Violations Referred for Disciplinary Action	0		0	0	0		0	0	0	0

Note: There are no crime statistics to report for residential halls or non-campus property because there are none associated with this campus site. \*Unfounded crimes are crimes that are unfounded by a sworn law enforcement agency (new in 2015)



## 2015 Crime Statistics for the Maryville University-Lake St. Louis Facility

This chart includes offenses that were reported to the Maryville University Public Safety Department, Lake Stl PD (LKSTL) Department, St. Charles County Sheriff's Office, Missouri Highway Patrol and university officials. These offenses are compiled using the Uniform Crime Reporting (UCR) definitions in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy Act.

	All On-Campus Property				Public Property				GRAND TOTAL	*Unfounded Crimes
	Reported to Public Safety	Reported to Police Agencies	Reported to university Officials	Sub-Total	Reported to Public Safety	Reported to Police Agencies	Reported to university Officials	Sub-Total		
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
<b>SEX OFFENSES</b>										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
<b>SEX OFFENSES-Non-Forcible</b>										
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
<b>ALCOHOL/DRUG/WEAPONS</b>										
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0		0	0	0		0	0	0	0
Drug Arrests	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0		0	0	0		0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0
Illegal Weapon Possession Violations Referred for Disciplinary Action	0		0	0	0		0	0	0	0

Note: There are no crime statistics to report for residential halls or non-campus property because there are none associated with this campus site. \*Unfounded crimes are crimes that are unfounded by a sworn law enforcement agency only (new in 2015)

Hate Crimes Reported at the Maryville University-Lake St. Louis Location from 2013-2015

- No hate crimes were reported during the calendar year of 2013
- No hate crimes were reported during the calendar year of 2014
- No hate crimes were reported during the calendar year of 2015



## **Alcohol and Controlled Substances Policy**

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### **I. Introduction**

The fundamental purpose of Maryville University of Saint Louis is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. That environment is damaged by illegal drug use and alcohol abuse. Therefore, all members of the academic community, students, faculty members, administrators and other university employees, share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

### **II. Illegal Drug Policy**

Students and faculty members, administrators and other employees are responsible as citizens for knowing about and complying with the provisions of the Revised Statutes of Missouri (Sec. 195.214) which indicate that the manufacture, possession, sale, distribution, and use of illicit drugs is prohibited. Maryville University of Saint Louis will not tolerate the use, possession, sale, delivery and/or manufacture of illicit drugs on campus.

### **II. Alcohol Policy**

**Maryville community members are expected to observe and obey Missouri State Liquor Control Law (Sec. 311.325 RSMo) stating that any person under the age of 21 cannot purchase, attempt to purchase, possess, or be served any intoxicating beverage.**

Maryville University of Saint Louis permits alcohol to be consumed by anyone twenty-one years and older, in the privacy of university living areas or at registered or university sanctioned events when hosted by our liquor license holder or designee. There is no intent to encourage the use of alcoholic beverages or to force its consumption upon those who object to the use of alcohol on moral, ethical or religious grounds. This policy is designed to promote responsible, healthy behavior regarding alcohol use. University policies concerning

the possession and consumption of alcoholic beverages do not contravene federal, state or municipal law regarding their purchase, possession or consumption.

- Missouri Alcoholic Beverage Control Laws make it illegal for any person less than 21 years of age to purchase, possess or consume, or for anyone to aid or abet such a person in purchasing or consuming any alcoholic beverages. Proof of age may be required when purchasing alcohol.
- The use of alcoholic beverages at a campus event shall be subject to approval and supervision by the University approved third party liquor license holder or designee.
- Containers of alcohol larger than one gallon are not permitted in University living areas.
- Empty and/or filled kegs and all its paraphernalia (e.g. tapper) are not allowed in any form or function and may be confiscated by university personnel and become the property of the university.
- Brewing and/or distilling alcoholic beverages is not permitted.
- Any person found consuming alcoholic beverages on-campus is required to have proof of age available if requested.
- It is unlawful for any person to drink alcoholic beverages or to offer a drink to another person or persons, whether accepted or not, on any public road or street, parking lot, sidewalk or other publicly owned or leased University property without working with our third party liquor license holder or designee.
- Possessing and using devices designed or intended to be used for the rapid consumption of alcohol (i.e., funnels, beer bongs, etc.) and/or engaging in behaviors intended to intoxicate (i.e., races, games, beer pong, etc.) are prohibited and will be considered aggravating circumstances when considering appropriate sanctions regardless of age.
- Consuming and/or possessing alcoholic beverages in any public area is prohibited without working with our third party liquor license holder or designee. Public areas includes but is not limited to any public road or street, parking lots, sidewalks or other publicly owned or leased University property, or public areas within the academic and residential facilities.
- Student organization budgets, financial aid or board plan cannot be used to purchase alcoholic beverages.
- Sanctioned events at which alcoholic beverages may be consumed can be held only under circumstances in which the host demonstrates reasonable means of insuring the safety of participants and adherence to state law.
- Non-alcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
- Alcohol service will be discontinued a minimum of one-half hour before the event ends.
- The Drug-Free Workplace Act requires that an employee notify his/her employer of any criminal drug conviction for a violation occurring in the

workplace no later than 5 days after such conviction. The employer must notify appropriate government authorities within 10 days after receiving the conviction notice from either the employee or agency charging said conviction.

- For employees, Drug and Alcohol testing may be required pre-employment, “for cause” when employee appears to be unfit and/or under the influence, post-accident or in violation of University Drug and Alcohol Policy (see Policy for more details).

**Enforcement and Penalties according to State and County ordinances and our University Enforcement:** In seeking to enforce established university policy and State of Missouri Statues, Maryville University of Saint Louis will:

- Not condone the illegal use or abuse of alcohol and/or the use of illicit drugs on campus
- Publicize all alcohol and other drug policies.
- Annually distribute the policy to all students, staff and faculty and make it available on our website and in our student handbook.
- Consistently enforce alcohol and other drug policies.
- Exercise appropriate disciplinary action for alcohol and other drug policy violations.
- **Penalties:**
  1. Any member of the university community who violates the law is subject to prosecution and punishment by the civil authorities and to the University disciplinary proceedings when the alleged conduct is deemed to affect the interest of the University.
  2. Persons convicted in a court of law of these offenses are subject to punishments ranging from fines of \$50 to life imprisonment depending on the type and severity of the conviction.
  3. Penalties imposed by Maryville University will be in accordance with procedures applicable to our code of conduct.
  4. For students see Policies for Smoking and Drug and Alcohol Testing. Sanctions to be imposed by the university may include, but are not limited to any of the following: formal reprimand, community service, education or referral for counseling, restitution, university housing transfer or removal, suspension from specific courses or activities, suspension or expulsion from the university.
  5. Maryville University retains the option to contact parents if a violation of policy has occurred.
  6. Recent changes in the NASFAA (National Association of Student Financial Aid Administrators) state that student eligibility for Title V funds will be suspended for conviction of either drug possession or drug sale. Eligibility for financial aid is suspended from one year to indefinitely depending on the number of convictions a student has acquired.

1. Maryville University will utilize this same formula for student eligibility for receiving university or state funds.
2. These new provisions do include the ability to reestablish eligibility through satisfactory completion of rehabilitation programs that comply with criteria set by State or Federal regulations, which includes two unannounced drug tests. Reestablishment of eligibility will occur if conviction becomes nugatory. Refer to Table of Contents, Student Survival Guide Financial Aid for more detailed information.
3. Employees of Maryville should review the Drug and Alcohol Testing Policy for more detail. Discipline may range from but is not limited to: referral for counseling through our Employee Assistance Program to written warning with probationary status to termination from employment.

## **Education**

- Under the provisions of the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, all schools, colleges and universities must implement and enforce drug and alcohol prevention programs and policies as a condition of eligibility for federal financial assistance.
- The law further requires the annual distribution of written policies to each enrolled student, all staff and faculty.
- Illicit drugs or any controlled substance are listed in Schedules 1 through V of Section 202 of the Federal Controlled Substance Act, Chapter 195 of the Missouri Revised Statutes. A list of Controlled Substances – Uses and Effects is located in the offices of Health & Wellness Services, Office of Personal Counseling, Human Resources, and the Department of Public Safety. On line information is available at: <http://www.goaskalice.com/Cat2.html> or <http://www.nlm.nih.gov/medlineplus/druginformation.html>.
- Maryville University shall take actions necessary (consistent with state and federal law and applicable university policy) to eliminate illegal drugs and controlled substances and the illegal use of alcohol from the university community. To assist in accomplishing this mission the offices of Health & Wellness and Personal Counseling develop educational programs that provide accurate, current information on the health risks and the symptoms of drug and alcohol use and abuse. The university may also
  1. Establish relationships between community groups and agencies and the institution for education, treatment and referral.
  2. Provide awareness programs for students, faculty and other university employees to enable them to detect problems related to drug or alcohol use and abuse, and to refer persons with these problems to appropriate assistance.
  3. Include information about alcohol and drug abuse for students and family members in the student orientation programs.

4. Support and encourage faculty to incorporate education about drugs and alcohol into the curriculum where appropriate.

### **Health Risks of Alcohol and Controlled Substances Use and Abuse and Use of Illicit drugs**

- The use of illicit drugs or controlled substances or alcohol can result in several health problems including drowsiness, respiratory depression, excitation, insomnia or disrupted sleep, increased pulse and blood pressure and addiction, hallucinations, disorientation, psychosis, coma and death. These changes can create health and safety concerns for both self and the community at large.
- Moderate drinking is defined as no more than one drink a day for women and no more than two drinks a day for men. Twelve ounces of regular beer; 5 oz. of wine; or 1.5 oz. of distilled spirits (80 proof) constitutes one drink. Drinking low to moderate amounts can be desirable or undesirable, depending on the individual and the individual's actions and other health conditions (Mayo Clinic web 2005: [www.mayoclinic.com](http://www.mayoclinic.com)) Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including domestic and child abuse, acquaintance rape, homicides and assaults (see over 100 written publications available online through Maryville's library database).
- Research further indicates that the regular consumption of large amounts of alcohol (defined as more than three drinks per day) is undesirable from the standpoint of health for almost all people and moderate to high doses of alcohol cause marked impairments in higher manual functions, severely altering a person's ability to learn and remember information.
- A very high dose of alcohol causes respiratory depression and death. If combined with certain other drugs or depressants of the central nervous system, much lower doses of alcohol will produce the adverse effects of alcohol just described. Repeated use of alcohol can lead to dependence. Alcohol withdrawal can be life threatening. Chronic consumption of alcohol, particularly when combined with poor nutrition, can harm virtually every organ and system in the body, including the brain, liver, immune system, heart, pancreas, and reproductive organs. The consumption of alcohol has also been linked to the development of some cancers, particularly cancers of the upper digestive tract, including the esophagus, mouth, pharynx and larynx. In addition, children of alcoholics are at greater risk for becoming alcoholic. Each year babies are born with physical and intellectual disabilities associated with Fetal Alcohol Syndrome (FAS) or somewhat less serious effects termed, Fetal Alcohol Effects (FAE).
- <http://www.nlm.nih.gov/medlineplus/alcoholconsumption.html>  
*Government Warning: According to the Surgeon General: 1) women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. 2) Consumption of alcoholic beverages impairs one's ability to drive a car or operate*

*heavy machinery, and may cause other health problems. Effective Nov. 1990, a warning is required by federal law on all alcoholic beverage containers.*

## **Counseling and Rehabilitation**

Maryville University provides alcohol and other drug abuse counseling and/or referral to members of the university community. Persons who voluntarily avail themselves of university services can be assured that applicable professional standards of confidentiality will be observed.

- A partial list of off campus resources includes: United Way Information and Referral Department, Edgewood Treatment Center/St. John's Mercy Medical Center, Black Alcohol Drug Service, Alcoholics Anonymous and Narcotics Anonymous, and Al-Anon Family Groups. A more inclusive list of off-campus resources is available in the Counseling office.
- Employees and their families can personally or with the help of the Office of Human Resources contact the Personnel Assistance Services – Employee Assistance Program for assistance in drug and alcohol assessment and care.

## **Assessment**

Maryville University, in its continual effort to assess the campus environment, will consult with the following departments to determine the level of use and abuse of alcohol and illicit drugs and make such report known during our biennial report: Student Life, Residential Life Office, Public Safety; Health & Wellness Services; Personal Counseling and Human Resources.

Policy Revised August 2015

## **Clery Act Crime Definitions**

***Murder/Non-Negligent Manslaughter:*** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

***Negligent Manslaughter:*** the killing of another person through gross negligence.

***Robbery:*** the taking or attempting to take anything from value of 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.

***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 or probably would result in a serious potential injury if the crime were successfully completed.

**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 a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**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 joy riding)

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

*NOTE: The above listed crime definitions from the Uniform Crime Reporting Handbook*

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## **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.

**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, including instances in which the victim is incapable of giving consent.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

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

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

*NOTE: The above listed crime definitions from the Uniform Crime Reporting Handbook, 2013 Revised UCR definition of Rape, as prescribed by 2014 VAWA Negotiated Rulemaking Final Consensus Language.*

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## **HATE CRIMES**

Maryville University is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**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.

**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.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc... the assault is then also classified as a hate/bias crime.

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## **Other Offenses**

***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, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

***Domestic Violence:*** A felony or misdemeanor crime of violence committed:

- (1) By a current or former spouse or intimate partner of the victim.
- (2) By a person with whom the victim shares a child in common.
- (3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
- (4) 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.
- (5) 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.

***Stalking:*** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's safety or the safety of others; or
- (2) Suffer substantial emotional distress.
- (3) For the purpose of this definition, Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- (4) Report the location as where a perpetrator engaged in the stalking course of conduct or where a victim first became aware of the stalking.
- (5) Report any additional behaviors that meet the above definition of Stalking if they

occur or continue to occur after an official intervention has been put in place, including, but not limited to, an institutional disciplinary action or the issuance of a no contact order, restraining order or any warning by the institution or a court.

*NOTE: Additions from 2014 VAWA Negotiated Rulemaking Final Consensus Language*