



2019 MARYVILLE UNIVERSITY  
DEPARTMENT OF PUBLIC SAFETY

# Annual Security Report Lake St. Louis Campus

Crime Statistics for 2016, 2017 and 2018



MARYVILLE  
UNIVERSITY

ST. LOUIS, MISSOURI

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# **Maryville University - Lake St. Louis**

## **2019 ANNUAL SECURITY REPORT**

### **Introduction**

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

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

This report is prepared by the Director of Public Safety in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Department of Public Safety Buder Commons 635 Maryville University Drive St. Louis, MO 63141 314-529-9500.

The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

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

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

The Maryville University Lake St. Louis campus does not have a campus security or police department. This campus is under the jurisdiction of the Lake St. Louis Police Department for public safety and law enforcement services.

The University does not have any written "memorandum of understanding" (MOU) agreements with local and state law enforcement agencies for response to or investigation of crimes, we maintain a strong working relationship with the Lake St. Louis Police Department as well as the St. Charles County Police, Missouri Highway Patrol, and local federal authorities.

## **Campus Security Authorities**

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

- Department of Public Safety at 314-529-9500
- Title IX Coordinator at 314-529-9476
- Dean of Students at 314-529-9362
- Director of Student Involvement at 314-529-9388
- Assistant Dean of Diversity and Inclusion at 314-529-9434
- Director of Academic Success at 314-529-6303

## **Reporting a Crime or Emergency**

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

To help provide a safe and secure environment, all members of the Maryville University-Lake Saint Louis Community, including visitors, are requested and encouraged to report any criminal activity or emergency they observe. Reporting criminal activity or threatening situations may be accomplished by contacting the Lake Saint Louis Police Department directly at 636.625.8018. In the event of an emergency requiring police, fire or medical, please call 911 from a campus phone.

Crimes and suspicious activities can also be reported to one of the University administrators listed above.

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.

## **Confidential Reporting**

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

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.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

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

The university encourages an open environment with limited constraints to ensure reasonable protection of all members of the community. The academic and administrative building is open, at a minimum, during normal business hours. This facility has individual hours, and the hours may vary at different times of the year based on the academic class schedule. Access to some of the building is controlled by key access after normal business hours. This academic and administrative building does not have a public safety officer assigned to it. Department of Public Safety does have security cameras installed into the areas and ability to monitor the leased space from the main campus to assist the local police agency.

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

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

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

Security measures used in the maintenance of the facility which include, but not limited to, areas such as lighting and other hazards, involve consultation with the building lessor and Maryville administration. Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and visitors.

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

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

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".

The programs described above are available to all Maryville community members from all campuses.

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

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

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

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

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

### **Drug and Alcohol Policy**

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 local law enforcement and/or disciplinary sanctions by the university.

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.

Maryville University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Drug and Alcohol Abuse Prevention Program**

In compliance with the Drug-Free Schools and Communities Act, the University has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. It also sends an annual notification to students and employees related to drugs and alcohol that contains the Alcohol and Controlled Substances Policy. For more information, see below.

- Alcohol and Controlled Substances Policy: <https://www.maryville.edu/policies/alcohol-and-controlled-substances-policy>
- Alcohol eCHECKUP TO GO webpage: <https://interwork.sdsu.edu/echeckup/usa/alc/coll/index.php?id=MARYVILLE>
- Biennial review of the University's drug and alcohol abuse prevention program: **Copies can be obtained through the Health and Wellness Office located in the University Library, 610 Maryville University Drive, St. Louis, MO 63141.**

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

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. Toward that end, Maryville University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Sexual Harassment Policy: <https://www.maryville.edu/policies/sexual-harassment-policy/>

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

## Primary Prevention and Awareness Program

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

### Crime Definitions

Crime Type (Missouri Revised Statutes)	Definitions
Dating Violence	The institution has determined, based on good-faith research, which Missouri law does not define the term dating violence.
Domestic Violence	<p>Missouri's protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> <li>• "Domestic violence" is abuse or stalking committed by a family or household member.</li> <li>• "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.</li> </ul> <p>In addition, Missouri criminal statutes include various degrees of the crime "Domestic Assault," as follows:</p> <ul style="list-style-type: none"> <li>• Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002. <ul style="list-style-type: none"> <li>▪ Mo Rev. Stat. § 565.002(6) indicates that a "domestic victim" is a household or family member as the term "family" or "household member" is defined in 455.010, including any child who is a member of the household or family.</li> </ul> </li> <li>• Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002,</li> </ul>

Crime Type (Missouri Revised Statutes)	Definitions
	<p>and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</p> <ul style="list-style-type: none"> <li>• Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002.</li> <li>• Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</li> </ul>
Stalking	<ul style="list-style-type: none"> <li>• Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is</li> </ul>



Crime Type (Missouri Revised Statues)	Definitions
	<p>twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</p> <ul style="list-style-type: none"> <li>• Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> <li>• As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> </ul>
Sexual Assault	<p>The institution has determined, based on good-faith research, that Missouri’s criminal statutes do not define the term sexual assault.</p> <p>However, Missouri’s protective order statutes indicate that “sexual assault” means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person’s consent. (Mo. Rev. Stat. § 455.010(1)(e)).</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape in the First Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>• Rape in the Second Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling.</li> <li>• Incest (Mo. Rev. Stat. § 568.020.1): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2)</li> </ul>

<b>Crime Type</b> <b>(Missouri Revised Statutes)</b>	<b>Definitions</b>
	<p>Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood.</p> <ul style="list-style-type: none"> <li>• Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032.1): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034.1): A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</li> </ul>
Other “sexual assault” crimes	<p>Other crimes under Missouri law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>• Sodomy in the First Degree (Mo. Rev. Stat. § 566.060.1): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>• Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061.1): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062.1): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064.1): A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.</li> <li>• Child Molestation, First Degree (Mo. Rev. Stat. § 566.067.1): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068.1): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of</li> </ul>

<b>Crime Type</b> <b>(Missouri Revised Statutes)</b>	<b>Definitions</b>
	<p>age, subjects the child to sexual contact and the offense is an aggravated sexual offense.</p> <ul style="list-style-type: none"> <li>• Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069.1): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.</li> <li>• Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071.1): A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.</li> <li>• Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083.1): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</li> <li>• Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093.1): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.</li> <li>• Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095.1): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.</li> <li>• Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100.1): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.</li> </ul>

Crime Type (Missouri Revised Statues)	Definitions
	<ul style="list-style-type: none"> <li>Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101.1): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.</li> </ul>
Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))	Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.

### University Definition of Consent

The University uses the following definition of consent in its Sexual Harassment Policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

The expectations of the University Community regarding sexual harassment (including sexual violence/assault) 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, intimidation, threats, and/or physical force are 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.

## 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 cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
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

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<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

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.

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

Maryville 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<sup>3</sup> and new employees and ongoing awareness and prevention campaigns for students. This includes educational postings, programs completed by different Departments on campus, digital media, and other resources distributed.

#### Other Information Covered by the PPAP

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

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

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

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

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the institution. 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. In addition, 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.

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. 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 2017 on our Main campus that Lake St. Louis Students have access to. 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.

1. Violence Awareness Month - including Alcohol & Drug Education: Pamphlets, display table, programs and collaborations with other groups on campus
2. Alcohol Awareness Week - A variety of activities including table information and a trivia night.
3. E-CHUG - online, alcohol awareness learning tool which is anonymous, personalized and required by athletics.
4. 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.
5. 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.
6. 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.
7. Missouri College Health Behavioral Survey was conducted with our undergraduate students to assess their alcohol, tobacco and drug use and the safeguards and consequences of use. Comparison is available with other state of Missouri IHE and 6 other private campuses.
8. 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.
9. 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.
10. Step Up - Bystander training which encourages students to help one another in a variety of situations to reduce harm.
11. Toilet Papers – Bi-monthly 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
12. LIVEengaged Grant CHOICES – Offered grant money to student groups who would like to conduct a learning experience about alcohol, tobacco or other drug focus.
13. 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.
14. Meditation - on-going mediation for students, staff and faculty to improve wellbeing and reduce stress.
15. New Student Orientation – Division for Student Success 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.
16. 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.
17. Ask, Listen, Refer – suicide prevention tool used by faculty/staff and students to help people know how to help someone they suspect is suicidal
18. Circle of 6 Safety App - during promotions with Center for Civic Engagement and Democracy and Men stepping up to prevent domestic/relationship violence



19. Safe Spring break and Safe winter break promotions - about general safety during spring break on Maryville HEROS You Tube.
20. Week of Wellness – sexual safety, drunk driving safety, travel safety, etc.

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

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call 911. At the earliest opportunity, you should also contact the University's Title IX Coordinator at 314-529-9981 or by visiting the Donius University Center, Suite 100.

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

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

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:

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<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</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>

	<ol style="list-style-type: none"> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>10. 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>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
<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 provide the complainant 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 the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>
<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 provide the complainant 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 the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>

<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 the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>
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### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at St. Joseph's Hospital 100 Medical Plaza Lake St. Louis, MO 63367 314-364-3000.

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

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

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

- Lake St. Louis Police Department 200 Civic Center Drive, Lake St. Louis, MO 63367 636-625-8018
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when the incident occurred, where it occurred, and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

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

A protection order may be obtained by filing a petition with the court. Courts can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 15

days, until a court hearing, and (2) Full Orders of Protection, which may be issued for up to one year. Additional information about the orders may be found at:

<http://www.courts.mo.gov/file.jsp?id=69655>.

- A Petition for Order of Protection should be filed for in the Family Court of Saint Louis. The address is: 105 South Central Avenue – Room S16, Clayton, Missouri 63105. The phone number is 314-615-4725. More information is available here: [http://stlcourtscourts.com/DEP\\_Family\\_Court.php](http://stlcourtscourts.com/DEP_Family_Court.php)
- Information about obtaining an Order of Protection in St. Louis County can be found here: <http://www.stlouiscodvcouncil.com/adultabuseorder.pdf>.
- The circuit court clerk's office can provide the necessary forms and may assist in completing the forms. Forms may also be found online at: <http://www.courts.mo.gov/file.jsp?id=537>. A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.

- Advocates from the St. Louis County Order of Protection Assistance (COPA) program may be available Monday through Friday during regular office hours to meet with Petitioners at the time they are filing the petition for Order of Protection. If you need special accommodations, you may want to contact the COPA office at (314) 615-3210 and schedule an appointment to meet with an advocate.
- Advocates are also available at weekly Domestic Violence (DV) Court dockets and through several community domestic violence agencies. <http://www.stlcourtscourts.com/family-court/adult-abuse-domestic-violence-court/>.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

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

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

### **Available Victim Services:**

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

### *University Resources*

- Health & Wellness Center - Provides students with health education, emergency care and treatment of minor illness or injury, referrals and resources for confidential care. University Library 610 Maryville University Dr. 314-529-9520
- Office of Personal Counseling - Personal Counseling and referral to off-campus resources University Library 610 Maryville University Dr. 314-529-9520
- After Hours Counseling Support Line 314-529-9556.
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The University's financial aid website can be found at: <https://www.maryville.edu/admissions/financial-aid/>

### *State/Local Resources*

- St. Joseph's Hospital,  
100 Medical Plaza, Lake St. Louis, MO 63367  
314-364-3000
- St. Luke's Hospital  
232 South Woods Mill Road Chesterfield, MO 63017  
314-434-1500
- Missouri Baptist Hospital  
3015 North Ballas Road Saint Louis, MO 63131  
314-996-5000
- Mercy Hospital  
615 South New Ballas Road Saint Louis, MO 63141  
314-364-3000
- Mercy Hospital Behavioral Health  
615 New Ballas Road Saint Louis, MO 63141  
314-251-4845
- St. Anthony's Behavioral Health  
10010 Kennerly Road Saint Louis, MO 63128  
314-525-4400
- St. Mary's Behavioral Health  
6420 Clayton Road Richmond Heights, MO 63117  
314-344-6700
- CenterPointe Hospital  
763 S. Ballas Road, Suite 130 Saint Louis, MO 63141  
1-800-345-5407

- YWCA Advocacy Group/Rape Crisis Center  
r 3820 West Pine Blvd. Saint Louis, MO 63108  
314-531-7273-Hotline  
314-726-6665
- Legal Services of Eastern Missouri (LSEM)  
4232 Park Forest Avenue St. Louis, MO 63108  
314-534-4200  
1-800-444-0514

#### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN):  
<https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women:  
<https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence:  
<http://www.ncadv.org/>
- National Sexual Violence Resource Center:  
<http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services:  
<https://www.uscis.gov/>
- Immigration Advocates Network:  
<https://www.immigrationadvocates.org/>

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

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

Requests of this nature should be made to the Title IX Coordinator at 314-529-9981 or by visiting the Donius University Center, Suite 100, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

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

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations

- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

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

### **Procedures for Disciplinary Action:**

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.

The complaint resolution procedures are invoked once a complaint is filed to one of the following individuals:

#### **Title IX Coordinator**

Karlla Dozier  
Donius University Center 110  
314-529-9981  
[kdozier@maryville.edu](mailto:kdozier@maryville.edu)

#### **Deputy Title IX Coordinator**

Joseph Fitzpatrick  
Donius University Center 111  
314-529-9476  
[jfitzpatrick@maryville.edu](mailto:jfitzpatrick@maryville.edu)

Maryville's Sexual Harassment policy is available at <https://www.maryville.edu/policies/sexual-harassment-policy/> and provides information including a link to file an OCR report.

Major steps in the policy for Employees (Staff/Faculty):

- A Maryville agent must report with actions described in the policy within 7 day
- Complaint filed with appropriate administrator within a reasonable time

- 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.
- Investigation is commenced by appropriate administrator or designee.
- Interim measures may be implemented.
- Notification of respondent and appropriate officer/supervisor having jurisdiction over respondent. Written report issued by investigator summarizing investigation, identifying findings of fact and stating whether complaint has been substantiated by a preponderance of the evidence.
- Recommendations as to the appropriate disciplinary and remedial action to be taken if prohibited discrimination occurred.
- Report provided to complainant, respondent and officer/supervisor having jurisdiction over the respondent who is responsible for implementing remedial measures.
- Informal resolutions may be used in lieu of formal investigation and determination:
  - Explain University policies and procedures regarding discrimination and harassment.
  - Help individual evaluate a wide variety of options for informally resolving discrimination complaints.
  - Serving as a facilitator between parties.
  - Serving as a mediator.
  - Referring individuals to other campus resources or counseling.
  - The written informal resolution agreement identifies the allegation and remedial measures and is signed by both parties.
  - If determined that a violation occurred, the report will include remedial measures, if any, and disciplinary sanctions imposed.

Major steps in the policy for Students:

- Receipt of complaint
- 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.
- Commence investigation of complaint being made
- Appropriate interim measures taken, if appropriate.
- Investigator will notify the respondent a complaint has been made
- At the conclusion of the investigation, a notice of outcome letter is sent both to the complainant and the responded. Investigator produces a written report determining the complaint.
- The written report is available to the parties and appropriate officer/supervisor of the University having jurisdiction over the respondent.
  - 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.
  - If determined that a violation occurred, the report will include remedial measures, if any, and disciplinary sanctions imposed.
- Informal resolutions may be used in lieu of formal investigation and determination:
  - Explain University policies and procedures regarding discrimination and harassment.
  - Help individual evaluate a wide variety of options for informally resolving discrimination complaints.
  - Serving as a facilitator between parties.
  - Serving as a mediator.
  - Referring individuals to other campus resources or counseling.



- The written informal resolution agreement identifies the allegation and remedial measures and is signed by both parties.

**If determined that a violation occurred, the report will include remedial measures, if any, and disciplinary sanctions imposed.**

Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

### **Appeal:**

The complainant or respondent may appeal the determination of a complaint only on the following grounds: (1) there is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the investigator, would result in a different decision; (2) there was a procedural error significant enough to call the outcome of the investigation into question; (3) there was a clear error in factual findings; (4) there was bias or prejudice on the part of the investigator or the Vice President for Student Life; or (5) the punishment or the corrective action imposed is disproportionate to the offense.

Appeals must be filed with the Vice President for Academic Affairs or a designee, in cases where the complainant is a student or non-faculty University employee, or with the Vice President for Finance and Facilities or a designee, in cases where the complainant is a faculty University employee, ("Appellate Officer"), within 10 University business days of transmission of the written report from the Vice President for Student Life or a designee determining the outcome of the complaint. The appeal must be in writing and contain the following: (1) name of the complainant; (2) name of the respondent; (3) a statement of the determination of the complaint, including corrective action, if any; (4) a detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and (5) requested action, if any.

The appellant may request a meeting with the Appellate Officer, but the decision to grant a meeting is within the Appellate Officer's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

The Appellate Officer will resolve the appeal within a timely manner of receiving the appeal and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The decision of the Appellate Officer is final. The Appellate Officer shall issue a written statement of the resolution of the appeal, including any changes made to the previous written determination. The written statement shall be provided to the complainant and respondent within a timely manner of reaching the resolution.

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

- A prompt, fair and impartial process from the initial investigation to the final result.
  1. A prompt, fair and impartial process is one that is:

- a. Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
  - b. Conducted in a manner that:
    - i. Is consistent with the institution's policies and transparent to the accuser and the accused.
    - ii. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
    - iii. Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings.
  - c. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
- Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. The following conferences and trainings have been attended by University official responsible for implementing the procedures related to the Sexual Harassment Policy:
    - University Wide Legal Update
    - Advanced Title IX Investigator and Coordinator Training
    - Annual Heartland Campus Safety Summit
- The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of the advisor, but may establish limits regarding the extent to which that the advisor may participate in the proceeding, as long as those limits apply equally to both parties.
- Have the outcome determined using the preponderance of the evidence standard.
- Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

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

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

The possible sanctions for employees include: written warning; counseling/education; written documentation in personnel file; suspension with pay\*; suspension without pay\*; reassignment;

demotion; and termination of employment.

*\*An employee may be suspended for any length of time as determined appropriate by the Vice President for Finance & Facilities. Following a suspension, the individual will be required to meet with the Director of Human Resources to discuss re-entry and expectations going forward.*

The possible sanctions for students include: formal warning; conduct probation; restriction or loss of privilege; restriction or removal of guest privileges; education; behavioral contract; housing probation; administrative move; removal from housing; administrative hold on university account; restriction on eligibility to represent the University at any official function or in any intercollegiate competition; interim suspension, suspension, or expulsion.

If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. Following a suspension, the student will be required to meet with the Dean of Students to discuss re-entry and expectations going forward.

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.

### ***University-Initiated Protective Measures***

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measure 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: a University order of no contact, residence hall 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.<sup>4</sup> Violations of the Title IX Coordinator's directives and/or protective measures will constitute related

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<sup>4</sup> Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

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 (INSERT NAME) University.

### ***Range of Protective Measures Available to a Victim Alleging Misconduct***

Maryville University through the Title IX Coordinator and the Title IX office provide protective measures such as interim no contact orders, support persons during interviews and meetings, safety escorts from the Department of Public Safety Office by request, and prohibitions against retaliation.

### **Publicly Available Recordkeeping:**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law. The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

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

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

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

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Public Safety Director at 314-529-9564. State registry of sex offender information may be accessed at the following link:

<http://www.mshp.dps.mo.gov/CJ38/search.jsp>

## **Timely Warnings**

### *Timely Warnings*

In the event of criminal activity occurring on campus that in the judgment of the Director of Public Safety and Vice President of Integrated Marketing & Communications constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

1. Murder/Non-Negligent Manslaughter
2. Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger MU community)
3. Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
4. Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Director of Public Safety, or designee). 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. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
5. Major incidents of Arson
6. Other Clery crimes as determined necessary by the Director of Public Safety, or his or her designee in his or her absence.

Timely Warning Notices may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of the Director of Public Safety or his or her designee in his or her absence.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Timely Warning Notices are typically written and distributed by the Director of Public Safety, along with the Vice President of Integrated Marketing & Communications or their designee.

Timely Warning Notices will be issued to the campus community via email blast to all currently enrolled students or active faculty, and staff of MU assigned email accounts. Timely warnings

may also be issued using some or all of the following methods of communication: text messages or emails sent through the University's SAINTS ALERT system.

The institution is not required to issue a Timely Warning with respect to crimes reported to a professional counselor.

Updates to the warnings will be provided as appropriate.

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

- Department of Public Safety, 314-529-9500
  - Director of Public Safety, 314-529-9564
  - Dean of Students, 314-529-9476

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

#### Methods for Issuing Timely Warnings

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

Method	Login
Saints Alert (Text, email, phone message, social media, and digital signage)	To update contact information visit Public Safety's website: <a href="https://www.maryville.edu/publicsafety/saints-alert/">https://www.maryville.edu/publicsafety/saints-alert/</a> .
Blast Email	These emails will be sent to all current, student, faculty, and staff Maryville email accounts
Website	<a href="http://www.maryville.edu">www.maryville.edu</a>

## **Emergency Notifications**

#### Emergency Response & Evacuation Procedures

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. 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 has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Several public safety officers, supervisors and university administrators have received training in Incident Command Systems (ICS) and response to critical incidents on a college 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 to the scene are usually the Maryville University Public Safety Officers and the Town & Country Police and/or the West County Fire & EMS agencies, when their assistance is necessary. These agencies typically respond and work together to manage the incident. Depending on the nature of the incident, other university departments and 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”.

Students, staff and visitors are encouraged to notify the Department of Public Safety at 314-529-9500 of any emergency or potentially dangerous situation.

Public safety 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. In addition, public safety has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. However other departments such as facilities, student health, etc. may be involved in the confirmation process, depending on the nature of the potential threat.

Once the emergency is confirmed and based on its nature, the Director of Public Safety will consult with other appropriate University officials as needed to determine the appropriate segment or segments of the University community to be notified.

If public safety, in conjunction with our other campus officials (facilities, health & wellness, student life, etc.) or local first responders (Town & Country Police, West County 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/or the Vice President of the Integrated Marketing & Communications or designees will initiate our emergency notification protocol. In the event of an emergency/immediate or imminent threat, which may be declared as noted above or by the Office of the President, Office of the Vice President of Student Life (or designee) the

campus community shall be notified immediately or soon as practical. This notification shall inform the community the nature of the incident and what actions should be taken for personal safety.

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 (Maryville Public Safety, Town & Country Police, and West County Fire & EMS, etc.), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

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.

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

At the direction of the Director of Public Safety, the University's Vice President for Integrated Marketing and Communications will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency. 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.

#### Emergency Notifications

Saints Alert (Text, email, phone message, social media, and digital signage) To update contact information visit Public Safety's website: <https://www.maryville.edu/publicsafety/saints-alert/>.

Blast Email These emails will be sent to all current, student, faculty, and staff Maryville email accounts

Website [www.maryville.edu](http://www.maryville.edu)

#### Testing & Documentation



Maryville University will annually test its emergency response and evacuation procedures. 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 tabletop, 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 wish a hard copy of the emergency flip chart, please contact the Public Safety department at 314.529.9500.

The Director of Public Safety maintains a record of these tests and training exercises, including a description of the exercise, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

## **Crime Statistics**

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

	<b>On Campus</b>			<b>Public Property</b>		
<b>Crime</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

\*The University does not have on-campus student housing facilities at this location. The Lk. St. Louis Campus does not have non-campus property to report.

**Hate crimes:**

**2018:** No hate crimes reported.

**2017:** No hate crimes reported.

**2016:** No hate crimes reported.

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

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

**Data from law enforcement agencies:**

- The data on the previous page reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.