

## **Annual Campus Security and Fire Safety Report**

### **October 1, 2025**

Submitted in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Violence Against Women Reauthorization Act of 2013

Greetings,

On behalf of State Technical College of Missouri, I want to thank you for your interest in our annual Security and Fire Safety Report. This report contains valuable information about our campus community and is published each year in compliance with the provisions of the Clery Act.

This report is part of our ongoing effort to inform you of the safety programs and services available and the steps you can take to maintain your safety and the security of others. The safety and well-being of our students, faculty, staff, and visitors are our foremost concerns. The best protections against campus crime are: a strong partnership with local law enforcement; an aware, informed, alert campus community; and a commitment to reporting suspicious activities and being mindful of one's surroundings when carrying out daily activities.

State Tech works diligently to reduce risk and the potential for crime. However, despite our best efforts, crimes may occur. Safety and security is a shared responsibility, and we expect all current and prospective community members to contribute to the safety and security of our campus. If you have any questions or suggestions concerning this publication, please feel free to contact me.

Respectfully,

**Josh Carcopa**

**Dean of Students**  
Student Affairs



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## The Clery Act

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

## Campus Crime Policy

It is the goal of State Tech (State Tech) to involve all members of the College community in a concerted effort to reduce crime. Students, staff and faculty have the right to work, study and learn in an environment free of crime. The prevention of crime is viewed as the collective responsibility of all persons associated with the College. The following procedures are intended to provide tangible evidence of the College's commitment of ensuring a crime free campus.

## Policies for Preparing the Annual Security Report

The Campus Security Survey Administrator prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report is located on State Tech's website at [statetechmo.edu/clery-report/](http://statetechmo.edu/clery-report/).

This report is prepared in cooperation with the local law enforcement agencies surrounding the main campus and alternate sites, the Resident Manager, Facilities Manager, Administration, Business Office and Student Services. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics indicate those reported to the Director of Facilities or VP of Operations; Campus Security Authorities and local law enforcement agencies. With no



campus police force, State Tech works closely with the Osage County Sheriff's Office and Linn Police Department to determine the location of the crime and to provide support to survivors of crime regardless of where the crime occurred.

Each year an e-mail notification is made to all enrolled students that provides the website link to access this report. Faculty and staff receive similar notifications. If you have any questions or comments concerning the information contained in this report or if you would like a hard copy of this report at no cost, please contact the Dean of Students at (573) 897-5201.

## Clery Geography

### Geographic Locations

1. On-campus – Defined as (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence cottages and (2) Any building or property that is within or reasonably contiguous to the area identified in part (1) of this definition, that is owned by the institution but controlled by another person, if frequently used by students and supports institutional purposes (such as a food or retail vendor).
2. Non-Campus Building or Property – Defined as (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
3. Public Property – Defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.
4. On Campus Housing – Defined as any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

State Tech recognizes areas insured by the College to be within the definition of Clery geography. This information can be obtained at the Business Office in the Information Technology Center located on the Main Campus. A campus map noting Clery geography locations can be found in Appendix D.

Statistics in this report include the following State Tech locations:

1. State Tech – Main Campus  
One Technology Drive  
Linn, MO 65051
2. State Tech – President’s Residence (adjacent to Main Campus)  
1995 Highway 50E  
Linn, MO 65051
3. State Tech – Osage View (formerly Osage County Country Club)  
193 County Road 605  
Linn, MO 65051
4. Herndon Hills (took ownership May 15, 2023)  
523 County Road 301  
Linn, MO 65051
5. Morton Property (took ownership May 15, 2023)  
413 County Road 301  
Linn, MO 65051
6. Maasen Property (took ownership May 3, 2023)  
866 Highway CC  
Linn, MO 65051

# Reporting of Criminal Offenses

## Campus Security Authorities

A Campus Security Authority is an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. This also includes those individuals whom a student would reasonably consider to have such authority. Because of the small nature of State Tech's campus and close interaction of all employees with students, State Tech considers all employees to be Campus Security Authorities and are expected to notify the Dean of Students, VP of Operations, or a Counselor within 24 hours of learning of any of the following crimes.

- Murder and non-negligent manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Dating Violence
- Domestic Violence
- Stalking
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- All liquor, drug or weapons law violations resulting in an arrest or for disciplinary referral
- Any hate crime (a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim) for the preceding listed crimes as well as:
  - Larceny-Theft
  - Simple Assault
  - Intimidation
  - Destruction/Damage/Vandalism of Property

The following chart lists the titles of persons or offices to which students and other members of the campus community are to report crimes. If you are in, or know someone in, imminent danger, please call 911 for emergency response. Please notify the College Contact as soon as reasonably possible and safe to do so. All College Crime Incident Reports are forwarded to the Dean of Students for review and potential action.

Campus	College Contact	Phone	Law Enforcement Agency	Phone
Main Campus	Dean of Students	573-897-5201	Linn Police Department (LPD)	911 or non-emergency 573-897-3927
	Director of Facilities	573-897-5323		
	VP of Operations	573-897-5224		

## Voluntary Confidential Reporting

Typically, State Tech students first report crimes to Counseling Services. The Counseling Staff informs students of the procedures to report crimes to the Director of Facilities and/or VP of Operations and local law enforcement on a voluntary, confidential basis. The Counseling Staff asks that an electronic form also be completed by the person reporting the crime. This report is reviewed and a case is created that includes how the crime would be reported (drug law violation, burglary, stalking, etc.) The Campus Safety Survey Administrator is able to create a report from the case management system listing all crimes with numbers of offenses reported in the last calendar year. This report contains no identifying information as to the reporter, perpetrator or victim of the crime.

## Security of and Access to Campus Facilities

State Tech is an open campus, but due to the small nature of the campus, visitors are typically noticed by faculty, staff and students. There is one entrance to campus and all traffic enters and exits at this location. Two buildings, the Information Technology Center and the Activity Center, have front desk staff that monitor those that enter and leave the buildings via the doors by the front desk.

An electronic lock system has been installed in all buildings on campus. Each building has doors that are open to the public during regular business hours each day. The Facilities Department has programmed the doors to open and lock on a schedule each day. All other doors are locked 24 hours a day. The Director of Facilities and maintenance staff are charged with maintaining a program of crime deterrent activities, including a review of all campus entry/exit points, locks, individual window and door security devices, including alarm systems. The maintenance staff reviews campus lighting at regular intervals.

As part of its security measures and to help ensure a safe workplace, State Tech has positioned video cameras to monitor various areas of its facilities. Video cameras will not be used in private areas, such as break rooms, restrooms, etc. Surveillance cameras are positioned at several locations throughout the campus. Cameras are located inside and outside College academic and administrative buildings as well as in parking areas. These cameras are not monitored throughout the day, but if specific request is submitted, the College can review recorded footage to see if proper surveillance footage can be recovered.

Residence halls are locked at all times and only students living in the hall have access to that hallway. The Resident Manager and Resident Assistants monitor each of the nine residence halls as well as the commons area. Security cameras are also in place in and around housing.

## Law Enforcement and Jurisdiction of Policy Statements

State Tech does not employ campus police. The maintenance staff has been charged with monitoring campus for parking violations and securing buildings after hours. State Tech employees do not have the authority to arrest and are expected to notify the Linn Police Department of any incident that may lead to an arrest. A Memorandum of Understanding exists between the College and the Linn Police Department for the investigation of any alleged criminal offenses. (See Appendix A) State Tech has a very good working relationship with the Linn Police Department, Osage County Sheriff's Office, Missouri State Highway Patrol Troopers assigned to the area, and Missouri Department of Conservation Agent for Osage County. State Tech works with these local law enforcement agencies to ensure the safety of students both on and off campus.

Any student, staff, or faculty member of State Tech must report any criminal activity at the earliest possible opportunity (but never to exceed 24 hours) to the Director of Facilities at 573-897-5323 or the VP of Operations at 573-897-5224. In addition, persons who are aware of any criminal activity on campus must report that activity to the appropriate law enforcement agency, the Osage County Sheriff's Department. This policy extends to alleged criminal activity and information concerning criminal activity. Criminal activity is defined as any activity in conflict with local, state, or federal law. Pastoral and Professional Counselors working with students who disclose information regarding crimes, but wish to be kept confidential, may follow the procedures for voluntary confidential reporting outlined above.

## Monitoring and Recording of Criminal Activity

When a State Tech student enrolled at any of the State Tech campuses is involved in an off-campus offense, the Osage County Sheriff's Department, Linn Police Department, or other local law enforcement agency has jurisdiction and college officials may assist with the investigation in cooperation with local, state, or federal law enforcement. These law enforcement agencies

routinely work with and communicate with campus safety officials on any serious incidents occurring on-campus or in the immediate community and business areas surrounding the campuses. None of the State Tech campuses/locations operate off-campus housing or off-campus student organization facilities. However, many students live in off-campus housing in the community surrounding State Tech as well as the other campus sites. While local law enforcement agencies near all of the State Tech campus sites have primary jurisdiction in all areas off campus, State Tech officials can and do respond to student-related incidents that occur in close proximity to these locations. State Tech officials have direct communication with numerous landlords, the city police, county sheriff's department, fire departments and ambulance services to facilitate rapid response in any emergency situation.

## Policies for Timely Warnings

In the event that a crime is reported to any Campus Security Authority that constitutes an ongoing or continuing threat, a campus wide timely warning will be issued by the Director of Facilities, the VP of Operations, the Osage County Sheriff's Office for the Main Campus or the appropriate college official designated in the chart above for other locations. The particular circumstances of the incident will dictate the measures taken to notify the campus community. In situations that pose an immediate threat to the community and individuals, the warning will be issued via text message alerts, telephone to key locations, campus e-mail, website posting, posters at key locations, and other communication systems as deemed appropriate to notify all students, faculty, and staff.

Anyone with information warranting a timely warning should report the circumstances to: Director of Facilities, 573-897-5323, or VP of Operations, 573-897-5224.

## Emergency Notification Policy

In the event of a confirmed emergency situation, including, but not limited to: terrorist attack, active shooter, natural or environmental disaster, inclement weather, etc., an emergency notification will be issued without delay to the entire campus community or only a small portion of campus depending on the specific situation, via text message alerts, telephone to key locations, campus e-mail, website posting, posters at key locations, and other communication systems as deemed appropriate to notify all students, faculty, and staff.

State Tech has deployed a smart phone app for employees called Rave Panic Button in our continued effort to improve the safety and security of our campus. The Rave Panic Button app allows individuals to call 911 and identify the nature of the emergency with the touch of a button, and to receive critical emergency notifications about incidents happening on campus that employees need to be aware of when a colleague activates the app.

## Emergency Response and Evacuation Procedures

The Emergency Operations Plan (EOP) outlines State Tech's approach to an emergency. It provides general guidance for emergency management activities and an overview of State Tech's methods of mitigation, preparedness, response and recovery. The plan describes State Tech's emergency response organization and assigns responsibilities for various emergency tasks. The plan is intended to empower employees in an emergency and to clarify emergency roles and responses. It is also intended to provide a framework for more specific functional annexes that describe in more detail those employees' responsibilities for specific duties under specific circumstances. The plan applies to all State Tech administration, faculty, staff, and students. The primary audience for this document includes the staff tasked within the document or annexes, the Emergency Operations Planning Team, Administration, leaders of local volunteer organizations that support emergency operations and others who may participate in mitigation, preparedness, response and recovery efforts.

The EOP outlines State Tech's approach to emergency management and operations. It has been developed to protect the faculty, staff, students, and visitors during an emergency situation. This plan takes an all-hazard approach to emergency management and plans for prevention, mitigation, preparedness, response and recovery. The plan is posted at the entrance to each building and at the top of each stairwell.

During an emergency, good communication is of critical importance. In order to keep students, faculty, staff and the community informed about emergencies, State Tech's VP of Operations will follow specific protocol in order to communicate instructions, closures, updates, and other pertinent information. State Tech personnel are likely to be the first on the scene of an emergency situation on the College campus. They will normally take charge until others who have authority to do so assume responsibility. They will seek guidance and direction from local officials and seek technical assistance from state and federal agencies and industry where appropriate. The first on scene should notify the President or VP of Operations as soon as possible.

- The President, VP of Operations, and Marketing Director, or their designees, convene or make contact via phone or email to discuss the specific emergency and State Tech's approach to resolve the problem. If any of these staff members are not available, the order of progression has been listed in Appendix C: Authority in Absence of the President.
- Once a decision has been made, the Public Information Officer, or designee, follows specific protocol to inform the students, faculty, staff and community:
  - The Marketing Department is notified to carry out communications assignments to update the website and Facebook page and post information.

- Emails and or texts are sent to all students, faculty and staff.
- Contacts are made with all local media.

## Emergency Drills, Testing & Evacuation Procedures

State Tech understands the importance of training, drills and exercises in the overall emergency management program. To ensure that State Tech personnel are aware of their duties and responsibilities under the State Tech plan and the most current emergency procedures, the following training, drills and exercise actions will occur as resources permit:

- I. All State Tech personnel will become familiar with the emergency operations plan.
- II. Training and refresher training sessions shall be conducted for all appropriate State Tech personnel. Training shall be held at different times during the school year to allow for maximum attendance.
- III. Information addressed in these sessions will include updated information on plans and/or procedures, revisions to additional material such as annexes and appendices or changes in the duties and responsibilities of plan participants.
- IV. State Tech will plan for at least one drill/exercise/emergency training during the academic year. The types of drills, exercises or training will be determined by the emergency planning committee.
- V. State Tech will encourage key faculty and staff to participate at a minimum in the FEMA Individual Study courses: IS 100.HE and IS700A.
- VI. State Tech representatives will participate in any external drills or exercises sponsored by local emergency response agencies. Availability of College personnel and the nature of the drill or exercise and how it relates to improving the College's ability to respond and deal with emergencies shall govern the degree to which the College will participate.

## Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking Policy Statements

### Policy Statement:

#### I- Introduction

State Tech is committed to maintaining an environment that is free from Sexual Harassment. Consistent with the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (see 34 C.F.R. § 106 et seq.), the College prohibits Sexual Harassment that occurs within its Education Programs or activities.

For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.



The College seeks to create a supportive climate that will encourage individuals to report incidents of Sexual Harassment. Reporting provides the opportunity for the College to provide compassionate, effective intervention, support and remediation, and most importantly, to prevent such incidents from occurring in the future and address any effects of the conduct on the Complainant or the College community.

This policy provides the campus community with the appropriate process for handling reports of Sexual Harassment.

Administrators, faculty members, staff, students, contractors, guests, and other members of the College community who commit Sexual Harassment are subject to the full range of College discipline including verbal reprimand; written reprimand; mandatory training, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; permanent separation from the institution (that is, termination or dismissal); physical restriction from College property; cancellation of contracts; and any combination of the same.

The College will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the College's Education Programs or Activities.

## II- Scope

This policy applies to Sexual Harassment that occurs within the College's Education Programs or Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the College community.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the College's Education Programs or Activities; such sexual misconduct may be prohibited by other College policies and procedures.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the College's Education Programs or Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by other College policies and procedures.

## Educational Programs

State Tech engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary

prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking in federal and state laws in Missouri;
- Defines what behavior and actions constitute consent to sexual activity in the State of Missouri;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

State Tech has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students, participating in and presenting information and materials during new employee orientation, participating in the Spring and Fall Faculty orientation program and presenting programs throughout the year.

## Definitions

For the purposes of this policy, the following definitions shall apply.

**Sexual Harassment** - Conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

1. **Quid Pro Quo Sexual Harassment** is an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual contact.
2. **Hostile Environment Sexual Harassment** is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the College's Education Programs or Activities.

In determining whether a hostile environment exists, the College will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual

has power or authority over the other); the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail, internet, or other electronic use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship

**Sexual Assault** - Sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

**Rape** - The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.

**Sodomy** - Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object** - Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

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

**Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.

**Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent as defined by Missouri law.

**Domestic Violence** - Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

**Dating Violence** - Violence committed by a person:

- I. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- II. Where the existence of such a relationship will be determined based on a consideration of the following factors:
  - a. The length of the relationship;
  - b. The type of relationship; and
  - c. The frequency of interaction between the persons involved in the relationship.

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

- I. Fear for their safety or the safety of others; or
- II. Suffer substantial emotional distress.

**Consent** - Refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent.

- Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. Consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having

cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary psychological or physical disability, and being below the age of consent in the applicable jurisdiction are factors which detract from or make consent impossible.

Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

**Incapacitated** - Refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

- Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- Decision-making ability

- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

**Coercion** - Direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to Coercion for purposes of this policy unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

**Retaliation** - Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, hearing, adjudication, appeal, or proceeding under this policy.

**Complainant** - An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Respondent** - An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Formal Complaint** - A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the College's Education Programs or Activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

**Supportive Measures** - Non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the College's Education Programs or Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties

implicated by a report or the College's education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

**Education Programs or Activities** - All the operations of the College, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes off-campus locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs.

## Bystander Intervention

State Tech has adopted the Step UP! Bystander Intervention Training program ([www.stepupprogram.org](http://www.stepupprogram.org)) to educate students on ways to successfully intervene in high-risk situations that they may face. This training is presented to students in individual classes within department areas.

- **Notice the Event**
  - Bystanders first must notice the incident taking place. Students are encouraged to be aware of their surroundings and investigate further if the situation does not “feel” right.
- **Interpret the Event as a Problem/Emergency**
  - Bystanders also need to evaluate the situation and determine whether it is an emergency—or at least one in which someone needs assistance.
- **Assume Personal Responsibility**
  - Another decision bystanders make is whether they should assume responsibility for giving help. One repeated finding in research studies on helping is that a bystander is less likely to help if there are other bystanders present. When other bystanders are present responsibility for helping is diffused. If a lone bystander is present, he or she is more likely to assume responsibility.
- **Know How to Help**
  - Know resources available to you on and off campus. Think of direct and indirect ways in which you can intervene and enlist the help of others around you.

- **Step UP!**
  - Whether this is to help the person leave the situation, confront a behavior, diffuse a situation, or call for other support/security. The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate. Educate yourself about interpersonal violence AND share this info with friends. Confront friends who make excuses for other people's abusive behavior. Speak up against racist, sexist, and homophobic jokes or remarks.

Tips for intervening in a situation potentially involving sexual assault, relationship violence, or stalking:

- Approach everyone as a friend
- Do not be antagonistic
- Avoid using violence
- Be honest and direct whenever possible
- Recruit help if necessary
- Keep yourself safe
- If things get out of hand or become too serious, contact the police

See "The Bystander Intervention Playbook" for more info on intervening techniques.

(Adapted from information presented by the College of Wisconsin La Crosse)

## Risk Reduction Strategies

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, and how to avoid potential attacks.

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

- Get help by contacting a Campus Counselor and/or the Title IX Coordinator for support services
- Learn how to look for "red flags" in relationships so you can learn to avoid some of those characteristics in future partners
- Consider getting a protective order or stay away order
- Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.



- Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

### Sexual Assault Prevention (From RAINN)

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from un-opened containers or from drinks you have watched being made and poured
- Avoid group drinks like punch bowls
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
- If you suspect you have been drugged, go to a hospital and ask to be tested
- Keep track of how many drinks you have had
- Try to come and leave with a group of people you trust
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

### Traveling around campus (walking)

- Make sure your cell phone is easily accessible and fully charged
- Be aware of open buildings where you can use a phone
- Take major, public paths rather than less populated shortcuts
- Avoid dimly lit places and notify the Reception Desk in the Information Technology Center if lights need to be replaced and/or installed in an area
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone
- Carry a noisemaker (like a whistle) on your keychain
- Carry a small flashlight on your keychain

### Warning Signs of an Abusive Person

This is a list of behaviors that are seen in people who abuse their partners. The first four behaviors (past abuse, threats of violence, breaking objects and any force during an argument) are almost always seen in an abusive person. If someone exhibits more than three of any of these warning signs, there is a strong potential for abuse in the relationship. An abuser may exhibit only a few of these behaviors, but they may be quite exaggerated.

## **Past abuse**

An abuser may say, "I hit someone in the past, but she made me do it." An abusive person who minimizes what happened with a previous partner is likely to be violent with their current partner. Abusive behavior does not just go away; long-term counseling and a sincere desire to change are necessary.

## **Threats of violence or abuse**

Threats can involve anything that is meant to control the victim. For example, "I'll tell your parents about your drug use if you don't do what I want." Healthy relationships do not involve threats, but an abusive person will try to excuse this behavior by saying that "everybody talks like that."

## **Breaking objects**

An abuser may break things, beat on tables or walls or throw objects around or near the victim. This behavior terrorizes the victim and can send the message that physical abuse is the next step.

## **Use of force during an argument**

An abuser may use force during arguments, including holding the victim down, physically restraining the victim from leaving the room, and pushing and shoving. For example, an abuser may hold a victim against the wall and say, "You're going to listen to me."

## **Jealousy**

An abuser will say that jealousy is a sign of love. In reality, jealousy has nothing to do with love. It is a sign of insecurity and possessiveness. An abuser may question the victim about whom they talk to or be jealous of time spent with other people. As the jealousy progresses, the abuser will call the victim frequently, stop by unexpectedly or monitor the victim's activities.

## **Controlling behavior**

An abuser will claim that controlling behavior is out of concern for the victim's welfare. They will be angry if the victim is late and will frequently interrogate the victim. As this behavior gets worse, the abuser will control the victim's appearance and activities.

## **Quick involvement**

An abuser will often pressure someone to make a commitment after a very short amount of time. The abuser comes on quickly, claiming "love at first sight," and will tell the victim flattering things such as "You're the only person I could ever love."

### **Unrealistic expectations**

The abuser is dependent on the victim for everything and expects perfection. The victim is expected to take care of everything for the abuser, particularly all emotional support. The abuser will say things like, "You're the only person I need in my life."

### **Isolation**

The abuser will attempt to diminish and destroy the victim's support system. If a female victim has male friends, she is accused of being a "whore." If she has female friends, she is accused of being a "lesbian." If she is close to her family, she is accused of being "tied to the apron strings." The abuser will accuse people who are close to the victim of "causing trouble."

### **Blames others for problems**

Abusers will rarely admit to the part they play in causing a problem. She will blame the victim for almost anything that goes wrong.

### **Blames others for their feelings**

An abuser will tell the victim, "I hurt you because you made me mad," or "You're hurting me when you don't do what I ask." Blaming the victim is a way of manipulating them and avoiding any responsibility.

### **Hypersensitivity**

An abuser can be easily insulted. The slightest setbacks are seen as personal attacks. An abuser will rage about the everyday difficulties of life as if they are injustices -- such as getting a traffic ticket or not doing well on an exam.

### **Cruelty to animals or children**

An abuser may brutally punish animals or be insensitive to their pain or suffering. Pets can be used to control the victim or to emotionally abuse them.

### **"Playful" use of force during sex**

The abuser may like to hold the victim down during sex. They may want to act out sexual fantasies in which the victim is helpless. An abuser may show little concern about whether the victim wants to have sex and use sulking or anger to manipulate the victim into compliance. They may demand sex or start having sex with the victim when they are sleeping or very intoxicated.

## **Rigid sex roles**

Male abusers often expect women to serve and obey them. They view women as inferior to men and believe that a woman is not a whole person without a relationship with a man.

## **Jekyll-and-Hyde personality**

Explosiveness and mood swings are typical of abusers, and these behaviors are related to other traits such as hypersensitivity. This is not always a sign of mental health problems but may be a way of controlling the victim by being unpredictable.

*Adapted from Wilson, K.J. When Violence Begins at Home: A Comprehensive Guide to Understanding and Ending Domestic Abuse. Alameda, CA: Hunter House Publishers, (1997)*

## **Procedures: Crimes of Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining an order or protection. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, the College recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one's mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred- preserve for law enforcement
- Preserve all forms of electronic communication that occurred before, during, or after the assault
- Contact law enforcement by calling 911.
- Get medical attention - all medical injuries are not immediately apparent. This will also help collect evidence that may be needed in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor or health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.

- Explore this policy and avenues for resolution.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- obtaining Supportive Measures
- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- filing a Formal Complaint
- requesting that no further action be taken

The first priority of a victim of sexual assault or domestic violence is to get to a place of safety, then to obtain necessary medical attention as soon as possible. Although State Tech strongly advocates that a victim of sexual assault or domestic violence, dating violence, or stalking report the incident to the Linn Police Department or Osage County Sheriff in a timely manner, it is the victim's choice to make such a report and the victim has a right to decline involvement with the police. The location of the incident will determine which law enforcement agency has jurisdiction to take the report and investigate.

**Please note that evidence can still be collected by a Sexual Assault Nurse Examiner even if the victim chooses not to make a report to law enforcement.**

### **Reporting an Incident to Osage County Sheriff or Linn Police Department**

To report the incident to Osage County Sheriff, an individual should contact the department by calling (573) 897-2285 or by dialing 911. To report the incident to Linn Police Department, an individual should contact the department at 573-897-4234 or 911.

If a report of an assault has been made to a College official, they will assist in making a report to the Osage County Sheriff or Linn Police Department, if requested. Filing a police report with the Osage County Sheriff or Linn Police Department will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

However, filing a police report will do the following:

- Ensure that a victim of sexual assault, dating violence, or domestic violence receives a safe escort to Capitol Region or St. Mary's Hospital to receive the necessary medical treatment at no expense to the victim (if the victim chooses to do so);
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (see information on preserving evidence above).

### How to File an Order of Protection

The Osage County Courthouse Judicial Circuit Court building located at 1811 US-50, Linn, MO65051. The Missouri Adult Abuse Act requires that court clerks explain how to file all of these necessary forms and documents. In addition, most counties have victim advocates to assist you in the process for filing for an Order of Protection and they may even go with you to court. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from domestic violence or a motion for hearing on violation of any order of protection may be filed with the Osage County Sheriff's office located in the Osage County Courthouse or review the Missouri Courts Forms Adult Abuse page and the "Domestic Violence and the Law: A Practical Guide for Survivors" from the Missouri Bar for more info on Orders of Protection.

The College's Counseling Services team can assist individuals in obtaining an order of protection.

Becca Mehmert, Counselor

(573) 897-5228

[becca.mehmert@statetechmo.edu](mailto:becca.mehmert@statetechmo.edu)

Jason Hoffmeyer, Counselor/VRE

(573) 897-5110

[Jason.hoffmeyer@statetechmo.edu](mailto:Jason.hoffmeyer@statetechmo.edu)

Mandy Adams, Student Wellness Coordinator

(573)897-5244

[Mandy.adams@statetechmo.edu](mailto:Mandy.adams@statetechmo.edu)

### Amnesty

To encourage reporting, individuals who in good faith report Sexual Harassment, either as a Complainant, witness, or bystander, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an education discussion or pursue other educational remedies regarding alcohol or other drugs.

## No Trespass Warnings

If there is enough reason to believe (through investigation) that an individual is likely to cause harm to any member on campus the Title IX Coordinator and/or Osage County Sheriff can issue a No Trespass Warning. Any individual found to be on campus after a No Trespass Warning has been issued against them may be immediately be arrested by the Osage County Sheriff. “No Trespass” warnings can be issued against any member of the State Tech community (students, faculty, or staff) or the public. No Trespass warnings can be issued by Osage County Sheriff for a 5 day period and can be extended to a year.

Retaliation against any member of the State Tech community, acting in good faith, who has made a complaint of threatening or potentially violent behavior, is a violation of the student code of conduct. Any violation of these policies will also result in serious disciplinary action and/or academic suspension or expulsion.

## Confidentiality

State Tech will protect the confidentiality of victims of sexual assaults, domestic violence, dating violence, and stalking to the fullest extent of the law. All programs and offices the student utilizes will cooperatively work together to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal College complaint. Additionally, personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. The College does not publish the name of a crime victim nor specific housing information regarding victims. Victims may request that directory information on file be removed from public sources.

After a sexual assault, domestic violence, dating violence, or stalking incident has been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate temporary or permanent relocation of the victim to safe and secure working location, alternative housing, and/or transfer of classes if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. College personnel working with victims to make these changes to living arrangements or class schedules, will maintain confidentiality to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or protective measures. Please contact the Interim Head of Student Success (573-897-5228) for more information on changing academic, transportation, living and working situations.

## Written Notification

A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options.

State Tech has counselors on staff in the Information Technology Center, rooms 117-122. Counselors can be reached at [counselingservices@statetechmo.edu](mailto:counselingservices@statetechmo.edu). The campus counselors are available during normal office hours on weekdays between 7:30am to 5:00 pm. State Tech students also have access to the VAST Program, counseling services provided through Capital Region Medical Center – Center for Mental Wellness.

Additional counseling and support services available to victims who choose counseling and support outside the College system are listed below.

### External Counseling Services

External Organization	Phone Number
Birthright	(573) 635-8822
Capital Region Medical Center	(573) 632-5560
Pathways Community Health	(573) 634-3000
Planned Parenthood	(573) 635-2882
Rape and Abuse Crisis Service Hotline	(573) 634-4911
St. Mary's Health Center	(573) 634-5303

**Please note that services from external sources can be held confidential and some external sources can be contacted 24 hours a day such as the Rape and Abuse Crisis Service (RACS) Hotline.**

### Online Resources

Organization	Website
Missouri Coalition Against Domestic Assault and Sexual Violence	<a href="http://www.mocadsv.org">http://www.mocadsv.org</a>
US Dept. of Justice Office on Violence Against Women	<a href="http://www.ovw.usdoj.gov">http://www.ovw.usdoj.gov</a>
National Coalition Against Domestic Violence	<a href="http://www.ncadv.org">http://www.ncadv.org</a>
National Sexual Violence Resource Center	<a href="http://www.nsvrc.org">http://www.nsvrc.org</a>
Stalking Resource Center	<a href="http://www.victimsofcrime.org/our-programs/stalking-resource-center">http://www.victimsofcrime.org/our-programs/stalking-resource-center</a>



### Faculty & Staff Specific Counseling Services

The current Employee Assistance Program (EAP) is made available through the Capital Region Medical Center. The College's benefit plans, including hospitalization and salary continuation (to the extent vacation and sick leave annual balances are available), may be used for domestic/dating violence and/or sexual assault counseling as for any other diseases or disabilities. Please contact Human Resources at (573) 897-5108 to obtain more information on counseling services from the current health care provider.

### Registered Sex Offender Policy Statement

Pursuant to 20 U.S.C. §1092(f)(I) and section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), State Tech provides the following information regarding sex offenders. Section 121 (also known as Megan's law) amended 42 U.S.C. § 14071(j) also known as the (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act of 1994).

Pursuant to the afore cited federal laws, persons who are required to register under a state sex offender registry are required to notify the state regarding each post-secondary school at which the offender works or is a student. In the state of Missouri, sex offenders are required to register with the county sheriff's department (589.400 RSMo.). The Missouri State Highway Patrol maintains a statewide sex offender registry. In addition to the state sex offender registry, the U.S. Department of Justice also maintains a nation-wide sex offender registry.

The following is a link to the Missouri State Highway Patrol Sex Offender Registry website.

<https://www.mshp.dps.missouri.gov/CJ38/searchRegistry.jsp>

### Mandatory Reporter Law in Missouri (RSMo. 210)

At various times throughout the year faculty and staff members may be responsible for the supervision of various programs in which minors (individuals under the age of 18) participate on campus. If a faculty or staff member suspects that a minor on campus is a victim of physical or sexual abuse they should notify a campus administrator (i.e. supervisor), and the Children's Division of the Department of Health and Human Services (the Department). State Tech requires all faculty and staff to report all incidents of physical or sexual abuse of students on campus.

By law, a mandatory reporter must notify the Department directly and not just supervisors. All faculty and staff responsible for the supervision of a child for any part of a 24 hour day are considered mandatory reporters under RSMo. 210.110 & 210.115. Responsible employees cannot leave the onus of reporting in the hands of the chain of command of an organization. State Tech shall not impede or inhibit any employee from reporting. No person making a report shall be subject to any sanction, including any adverse employment action, for making such

report. If it is discovered that a mandatory reporter has not notified the department of possible abuse, the individual could be subject to be found guilty of a class A misdemeanor (up to 1 year in jail or \$1000 fine) per RSMo. 210.165.

### How to Make an Official Report

If an individual is not sure it's abuse or neglect, they can call the local Children's Division office to discuss their concerns. They can advise the individual whether or not to call the hotline. They can also give advice that might help you help the family in crisis.

An individual may call the hotline at 1 (800) 392-3738, The Children's Division staff this hotline 24 hours a day, 7 days a week, 365 days a year. They will take information from you and respond to child abuse and neglect. If you live outside Missouri and want to report abuse or neglect of a Missouri child, call (573) 751-3448.

#### **Be sure you have:**

the name of the child  
the name of the parent(s)  
the name of the alleged abuser  
where the child can be located

#### **You will also be asked:**

Is the child in a life-threatening situation now?  
How do you know about the abuse/neglect?  
Did you witness the abuse/neglect?  
Were there other witnesses and how can they be contacted?

## Disciplinary Procedures – Policy Statements

### Reporting Sexual Harassment

The College encourages members of the College Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

Title IX Coordinator:

Josh Carcopa  
Dean of Students  
One Technology Drive  
Linn, MO 65051  
(573) 897-5201  
[title9coordinator@statetechmo.edu](mailto:title9coordinator@statetechmo.edu)

The College has also designated Student Conduct Administrators as resources to report Sexual Harassment. Student Conduct Administrators are private – but not confidential – resources. The designated Student Conduct Administrators are:

Becca Mehmert, Counselor  
(573) 897-5228  
[becca.mehmert@statetechmo.edu](mailto:becca.mehmert@statetechmo.edu)

Jason Hoffmeyer, Counselor/VRE  
(573) 897-5110  
[Jason.hoffmeyer@statetechmo.edu](mailto:Jason.hoffmeyer@statetechmo.edu)

In addition to reporting to the Title IX Coordinator or the Student Conduct Administrators, any person may report Sexual Harassment to any College employee who must promptly forward such report of Sexual Harassment to the Title IX Coordinator.

### Preliminary Assessment

After receiving a report, the Title IX Coordinator will conduct a preliminary assessment to determine:

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

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

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

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

### Contacting the Complainant

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

### Supportive Measures

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

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

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

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

### Interim Removal

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of the College's Education Programs or Activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the

allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

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

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

### Formal Complaint

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

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

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the College if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again.

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

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

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

### Dismissal Prior to Commencement of Investigation

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

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

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

### Notice of Formal Complaint

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

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the

incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);

- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in “Advisor of Choice.”
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in “Access to Evidence.”
- Notifying the Complainant and Respondent of the College’s prohibitions on false statements and retaliation specified in Sections “Bad Faith Complaints and False Information” and “Retaliation.”
- Information about resources that are available on campus and in the community.

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

## Investigation

### Commencement and Timing

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

### Equal Opportunity

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

concerning sexual history of the Complainant, as specified in “Sexual History.” The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

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

#### Documentation of Investigation

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

#### Access to the Evidence

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

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

#### Investigation Report

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



## Adjudication Process Selection

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

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

## Adjudication

### Hearing Process

The default process for adjudicating Formal Complaints is the hearing process specified in this Section. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified in “Adjudication Process Selection.”

### Hearing Officer

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in “Access to Evidence.”

### Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer’s appointment; setting a deadline for the parties to submit any written response to the

investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of this policy. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section.

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

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

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

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

### **Pre-Hearing Conference**

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other

necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

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

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

### **Issuance of Notices of Attendance**

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

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

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

### **Hearing**

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

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary College personnel together in

the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

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

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

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

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

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

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

Subject to the minimum requirements specified in this Section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in

addition to resolving any contemporaneous objections raised by the parties and will explain the rational for any evidentiary rulings.

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

### **Subjection to Questioning**

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

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

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

### **Deliberation and Determination**

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

## **Disclosure of Results of Disciplinary Proceedings Policy Statement**

### **Discipline and Remedies**

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate

College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

### Written Decision

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator as required by “Discipline and Remedies,” the hearing officer will prepare a written decision that will include:

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

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

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

### Administrative Adjudication (Optional)

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX

Coordinator as specified in "Adjudication Process Selection." At any time prior to the issuance of the administrative officer's determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in "Hearing Process."

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

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

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

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

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

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

evidence (that is, “more likely than not”) standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any College official and the Title IX Coordinator, in the manner specified in “Deliberation and Determination” and will prepare and transmit a written decision in the manner as specified in “Written Decision” which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer’s written determination concludes the administrative adjudication, subject to any right of appeal as specified in “Appeal.”

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

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

### Dismissal During Investigation or Adjudication

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

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

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

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the College, as the case may be; or



- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

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

### Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to Keith Kirkpatrick, 573-897-5138, keith.kirkpatrick@statetechmo.edu, Utility Technology Center, One Technology Drive, Linn, MO 65051, who serves as the appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

### Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in "Hearing," the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the College about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section and "Hearing," the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in "Hearing," and requests the College to provide an advisor, the College will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The

College will have sole discretion to select the advisor it provides. The advisor the College provides may be, but is not required to be, an attorney.

The College is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in “Hearing,” and requests that the College provide an advisor.

### Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;
- Unless the College has obtained the party’s voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

### Sexual History

During the investigation and adjudication processes, questioning regarding a Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant’s allegations, may be deemed to have waived the protections of this Section.

### Informal Resolution

At any time after the parties are provided written notice of the Formal Complaint as specified in “Notice of Formal Complaint,” and before the completion of any appeal specified in “Appeal,” the parties may voluntarily consent, with the Title IX Coordinator’s approval, to engage in

mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in "Administrative Adjudication" is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another College official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this Section, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College. Notwithstanding the foregoing if the form of informal resolution is Administrative Adjudication as specified in "Administrative Adjudication," there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in "Administrative

Adjudication,” all other forms of informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

#### Presumption of Non-Responsibility

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

### Possible Sanctions and Protective Measures: Crime of Rape, Date/Acquaintance Rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking

#### Resources

Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through the College. The College encourages any individual who has questions or concerns to seek support of College identified resources. The Title IX Coordinator is available to provide information about the College’s policy and procedure and to provide assistance.

Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by Sexual Harassment, whether as a Complainant, Respondent, witness, or third party, will have equal access to support consistent with the individual’s needs and available College resources. This section provides contact information for College resources, resources in the Linn and Jefferson City, Missouri community, and national resources.

Prompt intervention can do much to mitigate trauma associated with acts of Sexual Harassment and enhance recovery. Reporting parties are encouraged to utilize appropriate resources, whether or not they report the Sexual Harassment to law enforcement or the College. Any campus community member in need of resources or assistance relating to any of the matters covered by this policy is encouraged to contact one of the on-campus or off-campus resources or reporting contacts listed in this policy.

### Emergency Resources

For emergency assistance, reporting parties are strongly encouraged to contact the Osage County Sheriff's Office, the local police department, and emergency medical or counseling services.

### Confidential Resources

State Tech employs a Licensed Professional Counselor (LPC) to serve as a confidential resource. If you would like to speak to additional confidential resources, our Student Wellness Coordinator can direct you to an off-campus organization.

Mandy Adams, Student Wellness Coordinator

(573) 897-5244

[Mandy.adams@statetechmo.edu](mailto:Mandy.adams@statetechmo.edu)

### Campus Resources (private, but not confidential)

The following campus departments can provide resources, guidance and assistance to students. These departments are required to share all reports of Sexual Harassment with the Title IX Coordinator:

Name	Email	Phone
Becca Mehmert, Counselor	<a href="mailto:becca.mehmert@statetechmo.edu">becca.mehmert@statetechmo.edu</a>	573-897-5228
Jason Hoffmeyer, Counselor/VRE	<a href="mailto:Jason.hoffmeyer@statetechmo.edu">Jason.hoffmeyer@statetechmo.edu</a>	573-897-5110
Ash Woods	<a href="mailto:ash.woods@statetechmo.edu">ash.woods@statetechmo.edu</a>	573-897-5165
Amy Ames, VP of Operations	<a href="mailto:amy.ames@statetechmo.edu">amy.ames@statetechmo.edu</a>	573-897-5224
Keith Kirkpatrick, HR	<a href="mailto:keith.kirkpatrick@statetechmo.edu">keith.kirkpatrick@statetechmo.edu</a>	573-897-5138

### Staff and Faculty Resources

The College is concerned with the well-being of its staff members, its faculty, and their families. An Employee Assistance Program ("EAP") is a benefit set up by State Tech to provide assistance to employees for themselves and their immediate family members in dealing with personal concerns. Assessment, short-term counseling, and referral services are available for concerns such as domestic violence, anxiety, marital issues, relationship issues, etc. To use the services, contact

- Capital Region Center for Mental Wellness at (573) 632-TALK(8255)
- Amy Ames, VP of Operations, (573) 897-5224, ames@statetechmo.edu, One Technology Drive, Linn, MO 65051

### Online Resources

The following chart outlines national resources available online. These resources may help identify available resources in other communities outside of Linn, Missouri.

Resource	Contact
NotAlone.gov	<a href="http://www.notalone.gov">www.notalone.gov</a>
National Domestic Violence/ Sexual Assault Hotline	1 (800) 799-SAFE (24-hour) <a href="http://www.thehotline.org">www.thehotline.org</a>
Domestic Abuse Helpline for Men and Women	1 (888) 743-5754 <a href="http://www.dahmw.org">www.dahmw.org</a>
Stalking Resource Center	<a href="http://www.victimsofcrime.org/ourprograms/stalking-resource-center">www.victimsofcrime.org/ourprograms/stalking-resource-center</a>
Rape, Abuse, and Incest National Network (RAINN)	1 (800) 656-HOPE (24-hour) <a href="http://www.rainn.org">www.rainn.org</a>

### Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these College officials has a material conflict of interest or material bias must raise the concern promptly so that the College may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in “Appeal,” or otherwise.

### Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the College may evaluate the matter and address it, if appropriate.

### Academic Freedom

The College will construe and apply this policy consistent with the principles of academic freedom. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the principles of academic freedom.

### Relationship With Criminal Process

This policy sets forth the College’s processes for responding to reports and Formal Complaints of Sexual Harassment. The College’s processes are separate, distinct, and independent of any

criminal processes. While the College may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, the College will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

### Recordings

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the College and is considered property of the College, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only the College is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

### Vendors, Contractors and Third Parties

The College does business with various vendors, contractors, and other third-parties who are not students or employees of the College. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the College retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the College retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

### Bad Faith Complaints and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under other College policies.

### Retaliation

The College prohibits any acts of retaliation for reporting violations of this policy or participating in the investigation, hearing, or appeal processes.

Retaliation refers to any adverse action or threats of adverse action, including harassment, threats, intimidation, or force or coercion that would discourage a reasonable person from reporting Sexual Harassment or participating in the investigation or hearing process set forth in this policy. Retaliation also refers to any acts, threats, or attempts to seek retribution against a reporting party, the accused party, or any individual or group of individuals involved in the investigation, and/or determination of responsibility for Sexual Harassment under this policy.



The College will not tolerate retaliation against any student, employee, or third party who makes a report of Sexual Harassment, participates in an investigation related to a report of Sexual Harassment, or participates in a hearing or appeal process relating to such a report. The College retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

### Confidentiality

The College will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. The College will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, the College may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the College's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the College's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

While the College will maintain confidentiality specified in this Section, the College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

Note that certain types of Sexual Harassment are considered crimes for which the College must disclose crime statistics that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

In addition, if a report of a violation of this policy discloses a serious and continuing threat to the campus community as defined in the Clery Act, the College will issue a timely warning notification to the community to protect the health or safety of the community.

### Other Violations of this Policy

Alleged violations of this policy, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under other College policies and procedures.

## Other Forms of Discrimination

This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by the College's [Non-Discrimination Policy](#).

## Signatures and Form of Consent

For purposes of this policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

## Deadlines, Time, Notices, and Method of Transmittal

Where this policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;
- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government;
- Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this policy are subject to modification by the College where, in the College's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with the College's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, administrative officer, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The College officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the College.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

Where this policy refers to notice being given to parties “simultaneously,” notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using College email addresses.

A party is deemed to have received notice upon transmittal of an email to their College email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of the College, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant College officials; approaching holidays or closures; and the number and length of extensions already granted.

## Education

The College will offer students and employees with primary prevention and awareness programming, initiatives, strategies and campaigns that promote awareness of and seek to end Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, retaliation, and Stalking (“awareness programming”). Such awareness programming will include (a) a statement that Sexual Harassment is prohibited, (b) definitions of those offenses, (c) the definition of consent, (d) safe and positive options for bystander intervention to prevent harm or intervene in risky situations, (e) recognition of signs of abusive behavior and how to avoid potential attacks, and (f) ongoing prevention and awareness campaigns.

## Outside Appointments, Dual Appointments, and Delegations

The College retains discretion to retain and appoint suitably qualified persons who are not College employees to fulfill any function of the College under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The College also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given College official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in the College's discretion, be delegated by such College official to any suitably qualified individual and such delegation may be recalled by the College at any time.

### Training

The College will ensure that College officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, College provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

### Recordkeeping

The College will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven (7) years after which point in time they may be destroyed, or continue to be retained, in the College's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

### Definitions

Words used in this policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.

### Discretion in Application

The College retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the College's interpretation or application differs from the interpretation of the parties.

Despite the College's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the College retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy and the Hearing Procedures referenced in "Hearing " are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the College retains discretion to revise this policy and the Hearing Procedures at any time, and for any reason. The College may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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

## Security Awareness Programs Policy Statement

It is the goal of State Tech to involve all members of the College community in a concerted effort to reduce crime. Students, staff and faculty have the right to work, study and learn in an environment free of crime. The prevention of crime is viewed as the collective responsibility of all persons associated with the College. The following procedures are intended to provide tangible evidence of the College's commitment of ensuring a crime free campus.

### Video Surveillance

Surveillance cameras are positioned at several locations throughout the campus to enhance campus safety. Cameras are located inside and outside College academic and administrative buildings as well as in parking areas. These cameras are not monitored throughout the day, but if a specific request is submitted, recorded footage can be reviewed to see if proper surveillance footage can be recovered.

## Crime Prevention Programs Policy Statement

In keeping with the College's philosophy of a collective defense against all criminal activity, the following activities have been established:

1. All incoming freshmen receive written notification concerning campus security procedures and current crime statistics.
2. Crime prevention and awareness topic(s) are discussed at student orientation and faculty/staff orientation.
3. Crime awareness topics will be a formal part of Division and/or Departmental Chair meetings annually.
4. Crime prevention/awareness topics are run on the designated campus cable station, which is broadcast on secure monitors throughout campus.
5. Potential students and employees may access a summary of the Campus Crime Report and Fire Safety Report via State Tech's website [statetechmo.edu/clery-report](http://statetechmo.edu/clery-report).

### Crime Prevention Tips

- Never leave valuables within view in a vehicle
- Secure a parked vehicle with locked doors and windows closed
- Don't leave a parked car running while unoccupied
- Always let friends or family know where you will be

- Avoid unknown locations or new situations at night, especially if alone
- Go in a group and stay with the group - don't leave friends behind
- Lock car doors when traveling
- Don't give out social security numbers
- Don't leave property unattended
- Never leave drinks unattended at a party/social event
- Lock doors at home whether you are there or not
- Don't answer the door if you don't know who it is and never let a stranger into your resident hall room or apartment.
- If you drink, do so responsibly.

## Expressive Activity Policy

State Tech is committed to providing an environment where issues can be openly discussed and explored. The freedom to exchange views is essential to the mission of the college. This policy is in place to provide a community environment in which open discussion can occur without disrupting the academic mission or daily college functions, subject to constitutional time, place, and manner limitations and without unconstitutionally interfering with the rights of others.

All individuals may exercise the right of assembly, free speech, and expression throughout the outdoor areas of campus, when doing so does not disrupt the academic mission or daily college functions, and is consistent with college policy regarding time, place, and manner limitations. Expressive activities will not be limited to any specific outdoor areas on the college campus. However, the right of assembly and expression does not include unlawful activity that endangers the safety of the campus community or that destroys college property. Expressive activities are not to unduly disrupt traffic, either vehicular or pedestrian, or violate other time, place, and manner parameters specified in this policy.

The Information Technology Center on campus is the most appropriate for outdoor forums, rallies, demonstrations, and other similar activities.

Individuals are not restricted to this outdoor location for expressive activities. Priority to use the location will be as follows:

- Members of the college community with a reservation
- Other individuals or groups with a reservation
- Members of the college community without a reservation on a first come, first serve basis
- Other individuals or groups without a reservation on a first come, first serve basis

Any member of the college community or outside the college community may reserve this location through the President's Office at 573-897-5120. The college encourages everyone to coordinate with the President's Office before conducting expressive activity on campus so appropriate arrangements can be made.

This policy will be construed and applied on a content neutral basis. The following is a list of parameters for the time, place, and manner of activities that apply to all expressive activities on campus:

- The activity may not violate local ordinances or state or federal laws.
- The activity may not unduly disrupt traffic, either vehicular or pedestrian, or interfere with the ingress or egress to or from any building.
- The activity may not create unreasonable safety risks.
- Participants in the activity must not carry or bring to the activity the following items: weapons of any kind (including but not limited to those defined in Missouri Revised Statute § 571.010), ammunition, explosives, body armor, helmets, mace/pepper spray, masks, vehicles (including but not limited to motorcycles, automobiles, all-terrain vehicles, golf carts and bicycles), torches, and any other item identified by the university as increasing the risk of injury to event attendees and the campus community, including without limitation, any item identified in
- The activity may not deface or destroy, or create an unreasonable risk of defacing or destroying, college or other property.
- Noise levels are not to interfere with classes, meetings, campus events or operations and activities on campus.
- No event may exceed 8 hours in length in a 24 hour day.
- The location will be left in its original condition at the conclusion of the event, and reasonable charges or deposits may be imposed to enforce this requirement.
- Expression that is obscene, defamatory, or consists of fighting words, threats of physical harm, incites imminent lawless action, or is otherwise not entitled to protection as expression is not permitted.
- Generally, indoor college spaces are not appropriate for forums, rallies, demonstrations, or similar activities; however, such activities may be permitted inside college facilities.
- Are silent demonstrations (e.g., "sit-ins")
- Do not interfere with the reasonable operations of the specific indoor space
- Comply with campus instruction
- Do not extend beyond the business hours of the college's indoor space, or
- Do not otherwise violate any policy of the college.

The College recognizes that individuals or groups may be opposed to certain expressive activities or speakers. Disagreement with different opinions is acceptable; however, use of violence or violation of law or college policy is counter to creating an environment where issues can be openly discussed. An individual or group wishing to protest an event is subject to the same standards as the presenters. Individuals who choose to listen bear the responsibility of recognizing and honoring the right of free speech.

Violations of this policy may result in removal from campus, police arrest, and/or criminal charges. Members of the college community are subject to disciplinary actions. Any police arrest and criminal charges of students, faculty, or staff are separate from college disciplinary actions.

## Drug, Alcohol, and Substance Abuse Policy Statements

### Alcohol Free Campus

State Tech is by law an alcohol-free campus. Regardless of age – being over 21 or not – no student may possess, sell, trade, distribute, manufacture, or use alcohol on any property owned or leased by State Tech or at any activity sponsored by State Tech. Alcohol may not be possessed or used in any vehicle owned or leased by State Tech.

The possession, sale, consumption, or furnishing of alcohol on the State Tech (State Tech) campus or St. Charles location is governed by the State Tech Alcohol Policy and Missouri state laws. Laws regarding the possession, sale, consumption or furnishing of alcohol are controlled by the Missouri Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on campus is the primary responsibility of the Interim Head of Student Success. The State Tech campus has been designated “Alcohol Free” and under no circumstances is the consumption of alcohol permitted.

### Non-Alcoholic Beer or Associated Beverages

In the best interest of the students and the College, non-alcoholic beer and other associated beverages are not permitted on campus or in housing. If a student is found to be in possession of these beverages, he/she will be asked to dispose of or remove them from the campus.

### Drug Free Campus

State Tech is by law a Drug-Free Campus. No student may possess, sell, trade, distribute, manufacture or use drugs on any property owned or leased by State Tech or at any activity sponsored by State Tech. Drugs may not be possessed or used in any vehicle owned or leased by State Tech.

The possession, sale, consumption, or furnishing of drugs on the State Tech (State Tech) campus or St. Charles locations is governed by the State Tech Drug Policy and Missouri state laws. The



enforcement of drug laws on campus is the primary responsibility of the Interim Head of Student Success. The State Tech campus has been designated “Drug Free” and under no circumstances is the consumption/use of drugs permitted.

State Tech regulations prohibit the unlawful possession, use, distribution and sale of illicit drugs by students, employees and visitors on College-owned or controlled property and at College-sponsored or supervised activities. Each employee engaging in the performance of work supported by a federal grant or contract, as a condition of employment, must notify the College of any Criminal Drug Statute Conviction for a violation occurring in the workplace no later than five days after each conviction. The College must notify the contracting party within 10 days after receiving notice from the employee or otherwise receiving actual notice of such conviction.

The below links are specific Missouri Revised Statutes for further reference.

[Missouri’s Alcohol Law](#)

[Driving Under the Influence \(DUI\)](#)

[Chemical Tests for Alcohol Content](#)

[Drug Regulations Chapter 195 RSMO](#)

State Tech Drug Screening Program

State Tech drug screens students in Electrical Technology, Aviation Maintenance, Heavy Equipment Operations and Management, and any program requiring commercial driver’s license exam, and programs that require clinical work. Please contact Becca Mehmert, Interim Head of Student Success, at HYPERLINK "mailto:becca.mehmert@statetechmo.edu" [becca.mehmert@statetechmo.edu](mailto:becca.mehmert@statetechmo.edu) or 573-897-5228 for more information about drug screening procedures.

**Substance Abuse Policy**

State Tech strives to maintain a working and learning environment that is free from the effects of alcohol and illegal drugs. The unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance is prohibited while in a college vehicle, in the classroom, on the job while completing a program internship, as an employee of the college, on State Tech property (whether owned, leased, and/or operated by the college) or at school sponsored activities. The term “controlled substance” refers to any illegal substance, to the illegal use of alcohol, and/or to the illegal use of controlled prescription pharmaceutical products.

Students are not to possess or consume alcohol on campus, on any property owned or leased by the college, in or around any vehicle owned or leased by the college, or at a college sanctioned or sponsored activity anywhere or anytime.

## Substance Abuse Violation Notice

As a condition for admission to State Tech and continued enrollment every student shall:

- Abide by the terms of this substance abuse policy.
- Abide by the terms of all applicable state and federal regulations pertaining to drugs and alcohol while in a college vehicle, in the classroom, on the job while completing a program internship, as an employee of the college, on State Tech property (whether owned, leased and/or operated by the college) or at school sponsored activities.
- Sign a statement, as follows: "I certify that, as a condition for admission to State Technical College, I will not engage in unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance during the period of my enrollment at the college."

## Penalties for Substance Abuse Violations

Violations of the State Tech substance abuse policy will result in appropriate disciplinary action (consistent with local, state, and federal law) according to established procedures. Permanent expulsion from school attendance, termination of employment, and/or referral for prosecution may be the consequence of infractions of this policy. Loss of eligibility for financial aid may also result.

Violations of the many state and federal laws governing controlled substances carry varying penalties. Under Missouri law, punishment for possession of controlled substances can range up to 15 years imprisonment, depending on the quantity and type of controlled substance. Punishment for manufacture or distribution of controlled substances can range up to 30 years or life imprisonment, depending on the quantity and type of controlled substance. These statutory ranges of punishment are increased for prior or persistent offenders. Punishment for violations of federal drug laws is set by the Federal Sentencing Guidelines, which establish ranges of punishment after consideration of a variety of sentencing factors. The Board of Regents' approved policies are filed in the President's Office.

**Notice to Students Concerning Penalties for Drug Violations per HEOA section 488(g) section 485(k), effective date August 14, 2008.** The Higher Education Opportunity Act (HEOA) under new subsection (k) of section 485 of the HEA requires institutions to provide to every student upon enrollment a separate, clear and conspicuous written notice with information on the penalties associated with drug-related offenses under existing section 484(r) of the HEA. It also requires an institution to provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance. The Higher Education Opportunity Act requires a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA.

**Regaining Eligibility after a Drug Conviction per HEOA sections 485(a)(7)(C) and (a)(9) HEA sections 484(r)(2)(B) and (t), effective date July 1, 2010.** The Higher Education Opportunity Act (HEOA) adds a new provision at section 484(r)(2)(B) of the HEA that allows a student whose eligibility has been suspended due to a drug conviction to resume eligibility if the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with criteria established by the Secretary. The HEOA adds a new section 484(t) of the HEA that now requires the Secretary, by August 14, 2009, to analyze data from the FAFSA for students denied Federal assistance based on a drug conviction while receiving Federal aid. The results from the analysis must be made available continuously on the Department's website and the Digest of Education Statistics. Each fiscal year, the results must also be provided to Congress.

### Drug/Alcohol Screening Procedures ("For Cause" basis)

State Tech reserves the right to remove a student from campus for suspicion of substance use or abuse (including alcohol). An incident report will be completed by both the reporter and the student. The student will be asked to consent to a "for cause" drug test at a vendor site identified by the College at the student's expense. Given the issue of safety and impairment, all reasonable attempts shall be made to contact someone to provide transportation to assist the student in safe exit from the campus. It is State Tech's intent to complete testing on the same day as the suspected drug or alcohol use/abuse was identified. In all instances of "for cause" testing, written documentation of the student's behavior(s) by a faculty/staff member, will be provided, and a referral made to the Interim Head of Student Success for action in accordance with the College Student Code of Conduct guidelines. Failure to comply with drug and/or alcohol screening procedures "for cause" will result in the student's immediate summary suspension from State Tech.

### Type of Test

The urine analysis is done at the vendor's location with a secure restroom and complete supervision to prevent tampering of urine sample.

### Results

Vendor will submit results to college according to established procedure. If student has a positive (non-negative) rapid screen, they may request a lab analyzed drug screen. If the lab analyzed screen is positive, the student may request to have the results reviewed by a certified Medical Review Officer prior to sending final results to the college. The student is responsible for any costs related to this review or additional testing. An individual with a positive drug screen may be denied enrollment and participation for a minimum of 12 months. After 12 months, the student is eligible to reapply one time to the program and will again be subject to prescreening requirements.

State Tech Students who are found to be using Alcohol or Drugs on-campus may be referred to Mandatory Treatment as an alternative to suspension from the State Tech Community.

#### Allocation of Cost

Each student must individually bear the cost of these requirements.

#### Alcohol and Drug Prevention and Education Programs

State Tech (State Tech) has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and College disciplinary actions. A description of drug and alcohol abuse education programs as required under Section 120(a) through (d) of HEA is available through the Biennial Review at <https://www.statetechmo.edu/drug-free-schools-and-campus-safety-act/>

#### Counseling

Students needing assistance locating professional treatment, alcohol or drug counseling, and/or rehabilitation programs may request information from the Interim Head of Student Success or Counseling Services. Such contacts will be handled with confidentiality. However, volunteering to participate in treatment programs will not, in-and-of-itself, prevent disciplinary action for violation of the substance abuse policy.

Community resources, which are available for counseling and assistance with alcohol and/or substance abuse problems, include:

Resource	Contact
Alcoholics Anonymous	<a href="http://www.aa.org">www.aa.org</a>
Narcotics Anonymous	877-818-3787
Cocaine Helpline	352.771.2700
Substance Abuse and Mental Health Services Administration National Helpline	800-662-4357
National Suicide Prevention Lifeline	988
Valuing and Assisting Students for Tomorrow (VAST)	573-636-8255 or 573-632-5560

State Tech students under age 21 who are found to be using alcohol or drugs are referred to mandatory treatment as an alternative to expulsion from the State Tech community. Other students may request treatment as an option short of expulsion from State Tech.

***NOTE: Parents will be notified of drug and/or alcohol violations.***

Information about additional private counseling resources may also be accessed through Counseling Services. Grief counseling and crisis intervention are also available.

### Tobacco Free Campus

Smoking and use of smokeless tobacco, E-Cigarettes, and other smoking devices are not permitted on college property.

## Missing Student Notification Policy

### Policy

The purpose of this policy is to establish procedures for the College's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This policy applies to students who reside on campus and are deemed missing or absent from State Tech for a period of more than 24 hours of time without any known reason or which may be contrary to usual patterns of behavior. Such circumstances could include, but are not limited to; reports or suspicions of foul play, suicidal thought or actions, drug use, other life threatening situations, or where a student may be with persons who may endanger the welfare of the student.

All reports of missing students shall be directed to the appropriate law enforcement agency, which will conduct an investigation to determine whether the student is missing in accordance with this policy. All students living on campus will have a confidential emergency contact person, whose contact information will be accessible only to authorized campus officials and will not be disclosed, except to law enforcement officials in furtherance of a missing person investigation. The emergency contact person will be notified no later than 24 hours from the time the student was determined to be missing by State Tech. Students who are under 18 and not emancipated, parents will also be contacted within 24 hours of the student being determined missing.

### Procedure

Any and all reports of missing students shall be directed to the appropriate law enforcement agency.

1. The State Tech official receiving the report will document and collect the information at the time of the report:
  - a. The name and relationship of the person making the report.
  - b. The date, time and location the missing student was last seen.
  - c. The general routine or habits of the suspected missing student (ex. Visiting friends that may live off campus, working a job off campus) including any recent changes in behavior or demeanor.
2. The State Tech official receiving the report will contact the Interim Head of Student Success or designee in order to update him/her on the situation and to receive

additional consultation. The Interim Head of Student Success will ascertain if/when other members of the Cabinet or others that need to be contacted.

3. Upon notification from any official that a student is deemed to be missing, State Tech may use any or all of the following resources to resolve the location of the student.
  - a. Call the student's room
  - b. Go to the student's residence hall room
  - c. Talk to the student's Resident Assistant, roommate, and cottage mates to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and/or location the student was last seen.
  - d. Secure a current student ID or photo
  - e. Contact the student's phone or any other student's contact numbers that are kept on record
  - f. Send the student an email
  - g. Check all possible locations mentioned by the parties above including, but not limited to, library, residence cottages and commons, activity center, etc. The office of the Resident Manager and Student Activities may be asked to assist in order to expedite the search process.
  - h. Contact all on and off-campus friends or contacts that are made known. This could include checking a student's social networking sites such as Facebook, Twitter, Instagram, and SnapChat etc.
  - i. Ascertain the student's vehicle make, model, and license plate number, if applicable. A State Tech official will also check the college parking lots for the presence of the student's vehicle.
4. Once all the information is gathered and documented and the Interim Head of Student Success (or Designee) is consulted, State Tech staff may contact the local law authorities to report the information. (If any information described above, foul play is evident or strongly indicated, the law authorities can be contacted immediately.) If it is necessary to contact the law authorities, whether it be local or state, policy procedure and protocol will be followed by State Tech.

## Crime Statistics

Main Campus - One Technology Drive, Linn, MO						
Offense	Year	On Campus	Student Housing	Non-Campus	Public Property	Total
Murder/Non-negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0

	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	2	2	0	0	2
	2023	0	0	0	0	0
	2022	1	0	0	0	1
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Illegal Weapons Possession Arrests	2024	1	0	0	0	1
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	2024	1	0	0	0	1
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Student housing crime statistics are a subset of the On-Campus category, i.e. they are counted in both categories.

1 intimidation (on-campus) classified as hate by sexual orientation/gender in 2024

No hate crimes were reported/classified for 2022 – 2023.

No crimes were unfounded for 2022 – 2024.

Osage View – 193 County Road 605, Linn, MO						
Offense	Year	On Campus	Resident Housing	Non-Campus	Public Property	Total
Murder/Non-negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0



Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0

	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Illegal Weapons Possession Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

There is no student housing at this location.

No hate crimes were reported at Osage View for 2022 – 2024.

No crimes were unfounded in 2022 – 2024.

## Fire Safety Report

The Annual Fire Safety Report is specifically included in this report for student housing at State Tech. Fire alarms, extinguishers and evacuation routes are posted in each room of each building on campus and outlined in the Emergency Operation Plan.

In campus housing, the fire alarms and the fire extinguishers are to be used only in case of fires. Fire safety equipment is the same in each cottage and includes the smoke detector in student rooms and hallways, the sprinkler system, the pull stations in the hallways, and hallway fire extinguishers. These systems are auditory and visual alarm systems.

### Fire Drills

Three planned fire drills were held during the calendar year. One drill was held in each of the three semesters students lived on campus; Fall, Spring, and Summer.

### Candles/Incense/Oil lamps

Students are NOT to burn candles, incense, or oil lamps in their rooms.

### Electrical Cooking Appliances, Heaters, and Smoke Machines Prohibited

UL (Underwriters Laboratories) approved electrical appliances (hair dryers, curling irons, etc.) are allowed in student's rooms. Appliances for cooking are limited to the micro fridge. Electrical cooking appliances are prohibited (i.e. refrigerators, microwave ovens, toasters, toaster ovens, tea pots, coffee pots, George Foreman Grills, roasters, grills or griddles, hot plates, electric warmers, electric burners, electric skillets, deep oil fry cookers, crock pots, steamers or rice cookers.) Halogen lamps and camping stoves or refrigerators that use gas or Coleman fuel, LP gas or fuel oil or any other stoves or refrigerators are prohibited. Personal Heaters of any kind are not allowed in the residence rooms or bathrooms. Smoke machines are prohibited as well. Please do not store your micro-fridge in the bathroom, it is against health codes.

### BBQ Grills

Personal BBQ grills are not allowed to be used anywhere on the housing grounds. Storage of or use of a personal grill inside or outside any housing facility is not allowed. Outdoor BBQ grills are provided in a park area near the Commons and Cottages for student use. Please pick up your trash and clean the grill when finished. Do not store lighter fluid or charcoal inside your room, it must be stored elsewhere.

### Weapons/Explosives/Fireworks

Possession or use of firearms, ammunition, explosives, or lethal weapons of any description are prohibited in the cottages or on the housing grounds. Included in this category are fireworks, crossbows, and arrows, pistols, guns of any type, paintball guns, CO2 guns, air guns, potato guns, rifles, large knives (not including ordinary pocketknives with no blade more than four inches in length), slingshots, swords, and any kind of martial arts weapons. Students in violation of this policy are subject to disciplinary proceedings and legal actions. Weapons are also prohibited for decorative purposes.

### Archery Equipment Policy

Bows and arrows are allowed on campus solely for use at the archery range located in the Activity Center. Bows and arrows are not allowed in any other building on campus except as provided for in this policy or as specifically authorized by the College President for purposes of archery events or tournaments held on the College's campus.

Students living in campus housing units may store their bows in their rooms; however, arrows shall be stored in a separate location provided by the College. Other individuals bringing archery equipment on campus for use at the archery range are expected to either keep their bows and

arrows securely locked in their vehicles when not in use or equipment may be checked and stored at the range.

Visitors to campus found to be in violation of this policy may be prohibited from future use of the archery range.

### Possession of Firearms

Possession of firearms and other weapons on College property may, in specific circumstances, be necessary to fulfill academic and extracurricular activities and in conjunction with law enforcement activities; therefore, the College shall prohibit the unauthorized possession of ammunition, firearms, explosive weapons, and other weapons as defined in Missouri Revised Statutes, on College premises (including, without limitation, academic buildings, administration buildings, residence halls, parking lots and vehicles owned or leased by the College) by members of the College community and guests, except persons outlined below, and that authority to permit possession of such items on College property or College vehicles shall be vested in the President of the College and delegated to such persons as s/he deems appropriate.

Notwithstanding the foregoing, persons described in Mo. Rev. Stat. § 571.030.2 (including, without limitation, peace officers, qualified retired peace officers, and civil process servers) are authorized to carry a firearm on property and facilities owned or leased by the University.

Additionally, consistent with Mo. Rev. Stat. § 571.030.6, an employee of the State of Missouri is authorized to have a firearm in the employee's vehicle on property owned or leased by the University provided that (a) the employee is conducting activities within the scope of his or her employment; and (b) the employee's vehicle is locked and the firearm is not visible therein.

### Evacuation in Case of Fire

Students are expected to comply with the directives of college housing staff during evacuation and must leave the building immediately when the alarm has sounded. Evacuation routes are posted in each hall and reviewed with each Resident Assistant (RA) during training. Each RA then reviews evacuation routes with the residents in their respective hall. As all campus housing is ground floor, it is recommended that residents evacuate through the front doors of the building, unless it is unsafe to do so. Students must use their best judgment in the situation. Students should meet at a safe location away from the building and in an area that will not impede emergency personnel.

Students must report any incidents of fire to the Resident Manager at 573-897-5165, the Facilities Manager at 573-897-5323, or the Chief of Staff at 573-897-5224.

The Emergency Operation Plan has been approved by the Cabinet, but is a fluid document with changes and updates made as determined necessary.

### On-Campus Student Housing Fire Drills

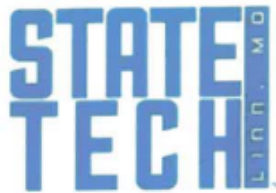
Fire Drills Completed									
Facility	2024			2023			2022		
	FA	SP	SU	FA	SP	SU	FA	SP	SU
Cottage A	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	X	10/24/2022	3/17/2022	X
Cottage B	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	X	10/24/2022	3/17/2022	X
Cottage C	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	X	10/24/2022	3/17/2022	X
Cottage D	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	X	10/24/2022	3/17/2022	X
Cottage E	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	7/18/2023	10/24/2022	3/17/2022	X
Cottage F	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	7/18/2023	10/24/2022	3/17/2022	X
Cottage G	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	X	10/24/2022	3/17/2022	X
Cottage H	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	X	10/24/2022	3/17/2022	X
Cottage I	9/17/2024	5/6/2024	X	9/10/2023	3/19/2023	X	10/24/2022	3/17/2022	X

**X = no students lived in the residence during the time indicated**

## On-Campus Student Housing Fire Statistics

[illegible]

# Appendix A: Memorandum of Understanding Between State Tech and Linn Police Department



## MEMORANDUM OF UNDERSTANDING

State Technical College of Missouri and Linn Police Department

### I. PURPOSE

This agreement will clarify the collaborative roles and responsibilities of the two agencies with respect to crimes, both on campus or off campus in the immediate community and surrounding business areas.

### II. AUTHORITY OR LEGAL STATUS

State Technical College of Missouri does not employ campus police and the Building and Safety personnel do not have law enforcement authority. Security is viewed as the responsibility of the entire College community. The accurate and prompt reporting of all crimes to the appropriate police agencies is defined in the statement of these policies (below).

### III. ROLES AND RESPONSIBILITIES

State Technical College of Missouri will be vigilant in observing and reporting on campus or surrounding areas. The Linn Police Department will respond in a timely manner to all emergency and non-emergency calls.

### IV. GENERAL TERMS AND CONDITIONS

State Technical College of Missouri works closely with the Linn Police Department in areas that may require law enforcement authority. The Linn Police Department and the local ambulance service may be contacted in case of an emergency or criminal activity.

Students and employees, who witness criminal activity or emergency situations are expected to cooperate fully with local law enforcement agencies so appropriate action can be taken in the most expedient manner. This cooperation will aid in prevention of criminal activity and ensure the safety of all students and employees.

This Memorandum of Understanding will be in effect until modified or canceled by either party.

### V. SIGNATURES

  
\_\_\_\_\_  
President, State Technical College of Missouri

Date: 9/27/24

  
\_\_\_\_\_  
Chief, Linn Police Department

Date: 9/20/2024

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## Appendix B: Federal Crime Definitions

### Federal Crime Definitions for Clery Purposes

Murder/Non-Negligent Manslaughter – the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence – the killing of another person through gross negligence.

Sexual Assault (Sex Offenses) – any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape – the penetration, no matter how slight, of the vagina or anus with any body part of object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling – the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.

Incest – sexual intercourse between person who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – sexual intercourse with a person who is under the statutory age of consent.

Robbery – the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or means likely to produce death or great bodily harm.

Burglary – the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – the theft or attempted theft of a motor vehicle.

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

Arrests & Referrals for Disciplinary Action – under the Clery Act institutions must also report arrests and referrals for disciplinary action for liquor law violations, drug abuse violations, and weapons law violations.

Arrest – persons processed by arrest, citation, or summons. Referred for Campus Disciplinary



Action – the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Weapons: Carrying, Possessing, etc. – the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations – the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics – manufactured narcotics which can cause true additions (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedine).

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

Hate Crimes – a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. These bias categories include; disability, ethnicity, gender, gender identity, race, religion, national origin, and sexual orientation. Institutions must compile crime statistics for any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

\*Larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property are only reported if motivated by bias as determined by one of the bias categories (disability, ethnicity, gender, gender identity, race, religion, national origin, and sexual orientation). They are not reported under the general Clery Act crime statistics.

Larceny-theft – the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

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

Intimidation – unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

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

Race – a preformed negative attitude toward a group of persons whom possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc. genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Gender – a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity – a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Religion – a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation – a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Ethnicity – a preformed negative opinion or attitude toward a group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race"

refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

National Origin – a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability – a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury advanced age or illness.

Dating Violence – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship.

By any person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety of others or suffer substantial emotional distress.

- Course of Conduct – two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- Reasonable Person – a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial Emotional Distress – significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### State Tech Title IX Definitions

“Sexual Harassment” is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

“Quid Pro Quo Sexual Harassment” is an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual contact.

“Hostile Environment Sexual Harassment” is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the College’s Education Programs or Activities. In determining whether a hostile environment exists, the College will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant’s position. A person’s adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment. Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail, internet, or other electronic use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person’s breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person’s dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship

“Sexual Assault” includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.[1]

“Rape” is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is “carnal knowledge” if

there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.

“Sodomy” is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.

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

“Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.

“Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Missouri law.

“Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Missouri.

“Dating Violence” is violence committed by a person –

Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

Where the existence of such a relationship will be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

“Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent. Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. Consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive. Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary psychological or physical disability, and being below the age of consent in the applicable jurisdiction are factors which detract from or make consent impossible.

Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

“Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep. Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring. Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- Decision-making ability
- Awareness of consequences

- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

“Coercion” is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person’s words or conduct cannot amount to Coercion for purposes of this policy unless they wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in sexual activity.

“Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, hearing, adjudication, appeal, or proceeding under this policy.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

“Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the College’s Education Programs or Activities. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

“Supportive Measures” are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the College’s Education Programs or Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties

implicated by a report or the College's education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

"Education Programs or Activities" refers to all the operations of the College, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes off-campus locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs.

### Comparison of Missouri and Federal Sexual Assault Definitions

Section 304 of VAWA stipulates that an Institution of Higher Education must provide the local statutory definition of consent for its jurisdiction in its Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy. The Final Rule was promulgated under rulemaking on November 1, 2014 and shall become effective July 2015. The final rule updates can be found in 34 CFR 668.46 & 34 CFR 668 Appendix A. No changes were made to 34 CFR 668.49 Institutional fire safety policies and fire statistics.

Definitions of sexual assault, domestic violence, dating violence, and stalking can be found in section 304 of Public Law 113-4 "The Violence Against Women Act 2013" (VAWA). However, institutions must also abide by the state statutes that reflect the federal definitions.

#### Definitions

Missouri sexual offenses statutes can be found in RSMO. 566 (see 566.010 Definitions of Sexual Offenses for more info).

"Consent" 566.061(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;



(C) It is induced by force, duress or deception;

- “No” means “No”
- “No” can be expressed or implied (it does not have to be spoken)
- “Yes” means “No” if conditions a, b, or c listed above exist

\*Note on consent and age (reason of youth) in regards to sexual activity in Missouri

- If you are 21 or older, 17 is the minimum age of consent.
- If you have sexual contact with an individual and you are more than 4 years older than the individual that is at least 14, you can be charged with Child molestation 4th degree (566.071 RSMO). (based on current Child molestation statutes in 566.067 through 566.103 RSMO, consult your legal counsel for more info)

"Incapacitated" 556.061(28) RSMO, a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

"Sexual contact" 566.010(6) RSMO, any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

"Sexual assault" 455.010(1)(e) RSMO., causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that persons consent;

Sex Offenses (FBI UCR) – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape (FBI UCR) – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim (Definition effective 01/01/13 from FBI UCR). Also see “Frequently Asked Questions about the Change in the UCR Definition of Rape May 20, 2013”

### **Corresponding Missouri Statutes**

Rape (No longer forcible rape in Mo Statute)

566.030 Rape in the first degree, penalties—suspended sentences not granted, when.

566.031 Rape in the second degree, penalties.

(Count statutory rape as rape if it is without consent)

Sodomy - Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Corresponding Missouri Statutes**

566.060 Sodomy 1st Degree, penalties--suspended sentence not granted, when.

566.061 Sodomy 2nd Degree (Formerly Deviate Sexual Assault 566.70), penalties--suspended sentence not granted, when.

566.062 Statutory Sodomy 1st Degree

566.064 Statutory Sodomy 2nd Degree

Sexual Assault with an Object -The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity (Please note that a finger or hand is also considered an object).

**Corresponding Missouri Statutes**

566.060 Sodomy 1st Degree, penalties--suspended sentence not granted, when.

566.061 Sodomy 2nd Degree (Formerly Deviate Sexual Assault 566.70), penalties--suspended sentence not granted, when.

566.062 Statutory Sodomy 1st Degree

566.064 Statutory Sodomy 2nd Degree

34 CFR 668 Appendix A was updated during the 2013 rulemaking process to correspond with the 2013 UCR expanded definition of Rape (which includes the crimes of sodomy and sexual assault with an object).

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

**Corresponding Missouri Statutes**

Sexual Abuse

566.100 Sexual abuse in the first degree, penalties.

566.101 Sexual abuse, second degree, penalties.

566.071 Child Molestation 4th degree

566.068 Child Molestation 2nd degree

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

Corresponding Missouri Statutes

568.020 Incest

Statutory Rape (FBI UCR NIBRS) – Non-forcible sexual intercourse with a person who is under the statutory age of consent (See page 40 of “The National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program 2013 Handbook (NIBRS)”.

**Corresponding Missouri Statutes(Counted only if crime is non-forcible)**

566.032 Statutory Rape 1st Degree (twenty--one years of age or older, that has sexual intercourse with another person who is less than seventeen years of age.)

566.034 Statutory Rape 2nd Degree (Sexual Intercourse with a person who is under the age of 14 in Missouri)

Federal Law Violence Against Women Act (VAWA) Crime Categories Additions

Definitions used in section the Violence Against Women Act of 1994 (42 U.S.C. 13925(a))

After completion of the negotiated federal rule making these definitions will be codified in 34 CFR 668.48(a).

Domestic Violence:

1. A felony or misdemeanor crime of violence committed--

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred,  
or

(v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

2. For the purpose of this definition-

(i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

Stalking:

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

(i) Fear for the person's safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2. For the purpose of this definition –

(i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

(ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Applicable Missouri Laws (Revised Statutes of Missouri (RSMO.)

MISSOURI STATUTE DEFINITIONS ON DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING  
(See RSMO. 455 For more info)

Domestic Violence (455.010(5) RSMO.) is “abuse” or “stalking” committed by a “family or household member”

Dating Violence is considered the same as domestic violence under current Missouri law in the definition for domestic assault based on the definition of “Family” or “Household Member”

“Family or Household Member” (455.010(7) RSMO.) "spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;”

"Abuse" (455.010(1) RSMO.) includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

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

- e. "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that persons consent;\*
- f. "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

"Stalking" (455.010(14) RSMO.) is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person, or a person who also resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

- a. "Alarm" means to cause fear of danger of physical harm; and
- b. "Course of conduct" means a pattern of conduct composed of two or more acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact;

#### MISSOURI STATUTE ON CRIMES THAT COVER DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

Domestic Assault (RSMO. 565) (Similar to Domestic Violence in Federal but Domestic Violence includes Dating Violence in definition) (See Missouri Bar Handbook on Domestic violence )

##### 565.072 Domestic assault, first degree--penalty

1. 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.
2. The offense of domestic assault in the first degree is a class B felony unless in the course thereof the person inflicts serious physical injury on the victim, in which case it is a class A felony.

##### 565.073 Domestic assault, second degree--penalty

1. A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she:
  - (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

- (2) Recklessly causes serious physical injury to such domestic victim; or
- (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.

2. The offense of domestic assault in the second degree is a class D felony.

#### 565.074 Domestic assault, third degree--penalty

- 1. 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..
- 2. The offense of domestic assault in the third degree is a class E felony.

#### 565.076 Domestic assault, fourth degree--penalty

- 1. 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.
- 2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of assault of a domestic victim two or more times, in which case it is a class E felony. The offenses described in

this subsection may be against the same domestic victim or against different domestic victims.

565.225 Stalking, first degree, penalty.

1. As used in this section and section 565.227, 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.

2. 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 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.



3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

4. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.

5. The offense of stalking in the first degree is a class E felony, unless the defendant has previously been found guilty of a violation of this section or section 565.227, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.227, in which case stalking in the first degree is a class D felony.

#### 565.227. Stalking, second degree, penalty.

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.

2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.

3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

4. The offense of stalking in the second degree is a class A misdemeanor, unless the defendant has previously been found guilty of a violation of this section or section 565.225, or of any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.225, in which case stalking in the second degree is a class E felony.

#### Other VAWA Crimes Related in Missouri Statute

##### 565.090 Harassment 1st degree (harassment is a precursor to stalking)

A person commits the offense of harassment in the first degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress.

1. The offense of harassment in the first degree is a class E felony.

2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law.

#### 565.091 Harassment 2nd degree

1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

2. The offense of harassment in the second degree is a class A misdemeanor.

#### 565.240 Unlawful Posting Info on Internet

1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person.

2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor.

#### 565.252. Invasion of privacy

1. A person commits the offense of invasion of privacy if he or she knowingly:

(1) Photographs, films, videotapes, produces, or otherwise creates an image of another person, without the person's consent, while the person is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy; or

(2) Photographs, films, videotapes, produces, or otherwise creates an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

2. Invasion of privacy is a class A misdemeanor unless:

(1) A person who creates an image in violation of this section distributes the image to another or transmits the image in a manner that allows access to that image via computer;

(2) A person disseminates or permits the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of this section;

(3) More than one person is viewed, photographed, filmed or videotaped during the same course of conduct; or

(4) The offense was committed by a person who has previously been found guilty of invasion of privacy in which case invasion of privacy is a class E felony.

3. Prior findings of guilt shall be pleaded and proven in the same manner required by the provisions of section 558.021.

4. As used in this section, "same course of conduct" means more than one person has been viewed, photographed, filmed, or videotaped under the same or similar circumstances pursuant to one scheme or course of conduct, whether at the same or different times.

#### 573.110 Non-Consensual Dissemination of Private Sexual Images

See RSMO 573.110 for the complete statute.....

2. A person commits the offense of nonconsensual dissemination of private sexual images if he or she:

1) Intentionally disseminates with the intent to harass, threaten, or coerce an image of another person:

a) Who is at least eighteen years of age;

b) Who is identifiable from the image itself or information displayed in connection with the image; and

c) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part;

2) Obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and

3) Knows or should have known that the person in the image did not consent to the dissemination.

#### 573.112 Threatening the Non-Consensual Dissemination of Private Sexual Images Threatening the nonconsensual dissemination of private sexual images, offense of — elements — penalty.

1. A person commits the offense of threatening the nonconsensual dissemination of private sexual images if he or she gains or attempts to gain anything of value, or coerces or attempts to coerce another person to act or refrain from acting, by threatening to disseminate an image of another person, which was obtained under circumstances in

which a reasonable person would know or understand that the image was to remain private, against the will of such person:

- 1) Who is at least eighteen years of age;
- 2) Who is identifiable from the image itself or information displayed in connection with the image; and
- 3) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part.

2. The offense of threatening the nonconsensual dissemination of private sexual images is a class E felony.

## Appendix C: Authority in Absence of the President Critical Decision

### Authority in the Absence of the President - Critical Decision

When the President is away from campus and unavailable, critical decision making authority will fall to the VP of Operations (573-897-5224) who will consult with a Vice President before rendering a decision.

## Appendix D: Clery Geography Campus Maps

State Tech – Main Campus, One Technology Drive, Linn, MO 65051



Additional properties purchased that are contiguous to main campus



**STATE  
TECH**  
LINN. MO

Campus  
Jurisdictions &  
Clery Map

■ ■ ■ ■ ■  
**Campus Property**

State Tech does not have any property that meets the definition of public property for Clery Act reporting purposes.



**STATE  
TECH**  
LINN. MO

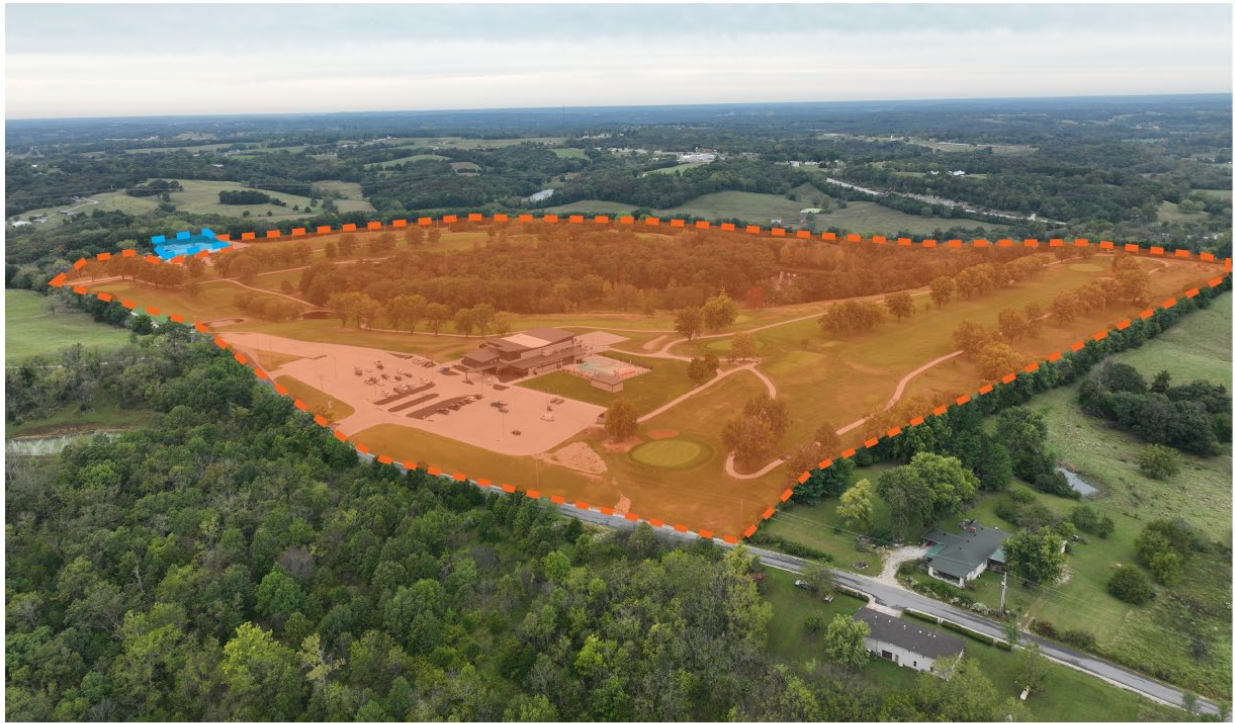
Campus  
Jurisdictions &  
Clery Map

■ ■ ■ ■ ■  
**Campus Property**

State Tech does not have any property that meets the definition of public property for Clery Act reporting purposes.



State Tech – Osage View, 195 County Rd 605, Linn, MO 65051



**STATE  
TECH** L I N N . M O

**Campus  
Jurisdictions &  
Clery Map**

■ ■ ■ ■ **Campus Property**  
■ ■ ■ ■ **On-campus  
Housing**

State Tech does not have any property that meets the definition of public property for Clery Act reporting purposes.



State Tech – Maasen Property, 866 Hwy C, Linn, MO 65051



**STATE  
TECH** COMMUNITY

Campus  
Jurisdictions &  
Clery Map

■■■■■  
**Campus Property**

State Tech does not have any property that meets the definition of public property for Clery Act reporting purposes.

State Tech - Herndon Hills Property, 532 County Rd 301, Linn, MO 65051



**STATE  
TECH** L I N N . M O

Campus  
Jurisdictions &  
Clery Map

■ ■ ■ ■  
**Campus Property**

State Tech does not have any property that meets the definition of public property for Clery Act reporting purposes.

Morton Property, 413 County Road 301, Linn, MO 65051

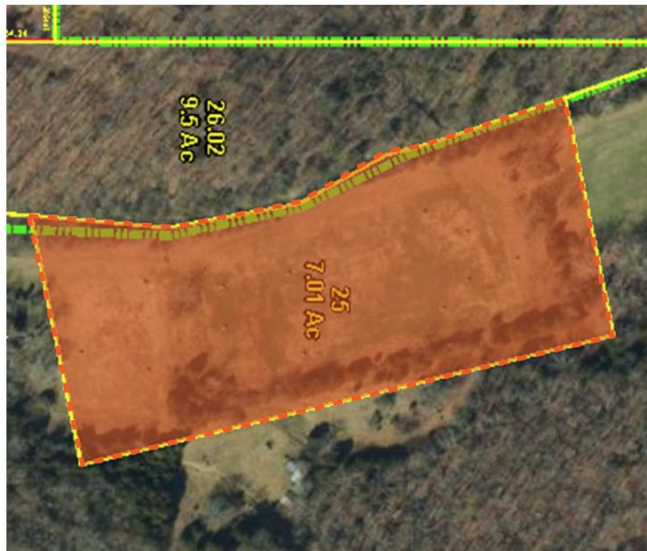


**STATE  
TECH**

Campus  
Jurisdictions &  
Clery Map

■ ■ ■ ■  
**Campus Property**

State Tech does not have  
any property that meets the  
definition of public property  
for Clery Act reporting  
purposes.



**STATE  
TECH**

Campus  
Jurisdictions &  
Clery Map

■ ■ ■ ■  
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for Clery Act reporting  
purposes.