



**Ozarks Technical Community College**

**TABLE ROCK CAMPUS**

**2018 REPORTING YEAR**

**ANNUAL SECURITY REPORT**

Prepared by:  
Ozarks Technical Community College  
Safety and Security Department  
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Springfield, MO 65802  
417-447-6911

Published September 25, 2019

## Message From the Vice Chancellor for Administrative Services

At Ozarks Technical Community College, we are committed to offering a personalized learning experience to prepare every student for life after graduation.

No matter what future endeavor a student is pursuing, it is important that we foster a campus community where everyone feels safe and welcome.

A safe campus community can only be achieved through the cooperation of everyone. The most important thing faculty, staff and students can do to keep our campus safe is to work together to be active and informed. This Annual Security Report serves to provide you with information, not only about relevant statistics, but also about the multitude of safety-related services available on campus, information on emergency messaging and emergency preparedness, and key policies and procedures.

For more information, please visit our OTC Safety & Security Department web page at [www.otc.edu/security](http://www.otc.edu/security). The site is an invaluable tool to help every member of our campus community join in our efforts to ensure that all of our OTC locations provide a safe and secure living, learning and working environment.

Sincerely,

Rob Rector  
Vice Chancellor for Administrative Services

Dear Community Member,

I am pleased to introduce the 2018 Annual Security Report for the 2018 calendar year for the Ozarks Technical Community College. Ozarks Technical Community College is committed to providing the members of the campus community and visitors with the safest and most secure environment possible; however, even the most extensive initiatives cannot succeed without the awareness and cooperation of the community members who study and work on campus.

In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965* (HEA). This act required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. In 1998, the law was renamed the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of Jeanne Clery, a student who was slain in her college dorm room in 1986. It is generally referred to as the *Clery Act*.

On March 7, 2013, the *Violence Against Women Reauthorization Act of 2013* (VAWA) (Public Law 113-14) was signed into law. VAWA includes amendments to the *Clery Act*.

The *Clery Act* requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data is collected, reported and disseminated to the campus community and are also submitted to the Department of Education. The act is intended to provide students and their families, as higher education consumers, with accurate, complete and timely information about safety on campus so that they can make informed decisions. To learn more about Jeanne Clery and the Clery Act, please visit: [Jeanne Clery Act](#).

In compliance with this act, the Ozarks Technical Community College, Safety and Security Department has produced this "Annual Security Report", which contains the aforementioned information. In addition to campus crime statistics, this report also is a resource guide for campus safety services and crime prevention strategies. Inquiries about this report may be directed to Scott Leven, College Director of Safety & Security, at 417-447-6911 or by electronic mail: [levens@otc.edu](mailto:levens@otc.edu)

We hope this publication proves helpful, informative, and provides an opportunity for communication between the OTC Safety and Security Department and the campus community, which we serve.

Sincerely,

*Scott Leven*

College Director of Safety and Security  
Ozarks Technical Community College

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This report is published annually in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)). All currently registered students as well as employees are directly mailed (via college email) a notice by October 1 of each year that includes a statement of the report's availability, the electronic address at which it is posted, a brief description of the contents, and a notice that a copy will be provided upon request. The electronic version is available online at <http://www.otc.edu/security>.

Printed copies may be requested by calling 417-447-6911, or by requesting a copy in person or by written request at the following location:

Ozarks Technical Community College  
Safety & Security Department  
1001 E. Chestnut Expressway, Room IC208  
Springfield, MO 65802

## **MISSION STATEMENT**

**of the**

### **Ozarks Technical Community College Safety and Security Department**

The mission of the Ozarks Technical Community College Safety and Security Department is to strive to ensure a safe and secure environment for students, faculty, staff, and visitors in partnership with all members of the campus community.

## **MISSION STATEMENT**

**of the**

### **Ozarks Technical Community College**

The College mission is to provide accessible, high quality, and affordable learning opportunities that transform lives and strengthen the communities we serve.

#### **Vision Statement**

The College vision is to serve our communities by expanding opportunities for personal and professional growth through our commitment to excellence and innovation.

#### **Core Values**

- Quality
- Accessibility
- Diversity
- Community
- Integrity
- Opportunity
- Learning
- Innovation
- Respect
- Personal Growth

# ANNUAL SECURITY REPORT

Ozarks Technical Community College is responsible for preparing an Annual Security Report and disclosing crime statistics in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act). The Annual Security Report includes campus security policy statements and campus crime statistics for the previous three calendar years, so current and potential families, students, and employees can be knowledgeable about the safety of college campuses. The Annual Security Report is reviewed and updated annually as a cohesive document and submitted to the U.S. Department of Education by October 1 of each year. The statistical information gathered by the Department of Education is available to the public through the ED website.

The College Director of Safety & Security is the designated Campus Security Survey Administrator and is responsible for collecting and reporting the annual crime statistics. The Annual Security Report is prepared in cooperation with the Office of Student Affairs, the Dean of Students, Office of Equity and Compliance and the Title IX Coordinator, who provide updated information on the College's educational programs and policy disclosures. Crime statistics are compiled from requests made to local law enforcement agencies surrounding each campus, a review of OTC Safety & Security Department Crime Logs and crime statistics reported to CSAs during the previous calendar year, January 1 to December 31.

An additional purpose of the Annual Security Report is to serve as a mechanism for the Safety & Security Department to fulfill its role of informing the campus community of crimes reported to the department, crime prevention tips, victim/witness services, reporting procedures, mass notification procedures, important contact information, and additional information from the department.

The Annual Security Report is available annually through publications, or computer network to all enrolled students and current faculty and staff. The College Director of Safety & Security distributes an e-mail notification, to all enrolled students, faculty and staff, informing them of the appropriate web site address to access the Annual Security Report by October 1st of each year. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting any OTC Safety & Security Department office, calling 417-447-6911, or visiting <http://www.otc.edu/security>.

## OTC SAFETY & SECURITY DEPARTMENT

Developing a safe and secure environment at an academic institution is the responsibility of the entire community, security personnel, students, faculty, and staff. Within our community, the OTC Safety & Security Department is assigned the primary responsibility of identifying programs, methods, and approaches to help the institution maintain a reasonably safe and secure environment.

The Safety & Security Department at the Table Rock Campus is located at 10698 Historic Highway 165, Hollister, Missouri, in the Robert W. Plaster, Room 207 and can be reached by phone at **417-447-8943**; 24 hours a day, seven days a week, 365 days a year. OTC Safety & Security Officers are on call 24/7 for any emergency at all campuses and centers when the College is closed. To report an emergency that requires or may require police, fire, or EMS personnel to respond, please dial **9-911** from any campus phone, **911** from an outside phone system.

OTC Safety & Security Officers are on-duty at the Table Rock Campus Monday - Friday 7:00 a.m. to 10:30 p.m., unless the College is closed.



The OTC Safety & Security Department has approximately 50 security officers and staff serving the campus community at all five OTC Campus/Center locations. Security personnel are responsible for unlocking and locking campus buildings and performing routine laboratory and building inspections for fire and other safety-related problems. Security personnel also patrol buildings, parking lots and campus grounds.

OTC Safety & Security dispatchers monitor telephones and two-way radio communications to provide information and direct response to emergencies. Staff can immediately request fire or emergency medical service and communicate with local and state law enforcement agencies when needed. Dispatchers monitor the National Weather Service radio network for severe weather information.

Some of the services provided by the Safety & Security Department include:

- Parking & Traffic enforcement
- Crime preventive foot and vehicle patrols
- Crime / Accident / Injury investigations
- Escorts
- Lost and found
- Vehicle registration
- Emergency notifications
- First response CPR and AED
- Assistance with jump starting vehicles

# OZARKS TECHNICAL COMMUNITY COLLEGE RESOURCE INFORMATION

**Emergency - Dial 9 to place an outside call from an internal OTC phone, (9-911)**

## **Safety & Security Department**

Springfield Campus.....	417-447-6911
Richwood Valley Campus-Ozark .....	417-447-7861
Table Rock Campus-Hollister.....	417-447-8943
Lebanon Education Center.....	417-447-6899
Waynesville Education Center.....	417-447-6640

## **Law Enforcement Agencies**

Emergency.....	911
Non-Emergency	
Springfield Police Department.....	417-864-1810
Ozark Police Department .....	417-581-6600
Hollister Police Department.....	417-334-6565
Lebanon Police Department.....	417-532-3131
Waynesville Police Department.....	573-774-6305
Greene County Sheriff's Office - Springfield.....	417-868-4040
Christian County Sheriff's Office - Ozark .....	417-581-7915
Taney County Sheriff's Office - Hollister .....	417-546-7250
Laclede County Sheriff's Office - Lebanon.....	417-532-2311
Pulaski County Sheriff's Office - Waynesville.....	573-774-6196
Missouri State Highway Patrol-Troop D .....	417-895-6868
Missouri State Highway Patrol-Troop I.....	417-368-2345
Alcohol Tobacco and Firearms (ATF).....	417-837-2100
Drug Enforcement Administration (DEA).....	417-831-3948
Federal Bureau of Investigations (FBI) .....	417-882-3303
United States Secret Service (USSS) .....	417-864-8340

## **Fire Departments**

Emergency.....	911
Non-Emergency	
Springfield Fire Department .....	417-864-1500
Ozark Rural Fire District .....	417-581-4436
Hollister Fire Department .....	417-334-0843

Lebanon Rural Fire District .....417-532-7678  
 Waynesville Fire Department .....573-774-2050

**Hospitals & Ambulance Services**

Emergency Dispatch ..... 911  
 Cox Health Systems - Main Line .....417-269-3000  
 Ambulance Services  
     Emergency.....417-269-3773  
     Non-Emergency .....417-269-8103  
 Mercy Hospital - Main Line.....417-885-2000  
 Ambulance Service .....417-820-2300  
     Lebanon – Mercy Hospital.....417-533-6100  
     Lebanon – Ambulance Service .....417-532-2311  
 Phelps County Regional Medical Center (Rolla).....573-458-8899

**Health & Environmental**

Greene County Office of Emergency Management.....417-869-6040  
 Christian County Office of Emergency Management.....417-581-2126  
 Taney County Office of Emergency Management .....417-546-7233  
 Laclede County Office of Emergency Management.....417-532-6992  
 Pulaski County Office of Emergency Management .....573-774-6305  
 Greene County Health Department .....417-864-1655  
 Christian County Health Department.....417-581-7285  
 Taney County Health Department .....417-334-4544  
 Laclede County Health Department.....417-532-2134  
 Pulaski County Health Department.....573-736-2217  
 Environmental Protection Agency (EPA).....800-223-0425  
 Missouri Department of Natural Resources (DNR).....417-891-4300  
 Oil/chemical spill reporting.....913-281-0991

**Utilities**

Springfield City Utilities .....417-831-8311  
 Empire Electric.....800-206-2300  
 Hollister City Utilities .....417-348-0891  
 Laclede Electric Cooperative .....417-532-3164  
 Waynesville Utility Department .....573-774-6191

## **National and Statewide Hotlines**

American Red Cross .....	417-832-9500
Poison Control Center .....	800-222-1222
National Suicide Crisis Hotline.....	800-273-8255
Veterans Crisis Line.....	800-273-8255, press 1 or text 838255
Trevor Line (LGBTQ).....	866-488-7386
National Domestic Violence .....	800-799-SAFE (7233)
National Trafficking Hotline.....	888-373-7888
National Center for Victims of Crime.....	855-4-VICTIM (855-484-2846)
State of Missouri Crisis Line for Hearing Impaired.....	888-380-3328

## **Ozarks Technical Community College Administration Offices**

Chancellor of the College.....	417-447-2602
Provost / Vice Chancellor for Academic Affairs .....	417-447-8152
Vice Chancellor for Administrative Services .....	417-447-4852
Vice Chancellor for Advancement-Student Affairs.....	417-447-6914
Vice Chancellor for Finance .....	417-447-4835
President of Richwood Valley Campus .....	417-447-7932
Dean of Academic and Student Affairs .....	417-447-7452
President of Table Rock Campus.....	417-447-2652
Dean of Academic and Student Affairs .....	417-447-8922
Dean of Academic and Student Affairs Lebanon Center.....	417-447-8931
Dean of Academic and Student Affairs Waynesville Center.....	417-447-6632
Dean of Students .....	417-447-6973
College Director of Safety & Security Department .....	417-447-6911
College Director of Facilities & Grounds .....	417-447-4802
College Director of Communications & Marketing.....	417-447-2655
Director of Counseling Services .....	417-447-6973
Coordinator of Environmental Safety & Compliance Office .....	417-447-6607

## **CAMPUS LAW ENFORCEMENT AUTHORITY**

Each OTC campus / center falls under the jurisdiction of the OTC Safety & Security Department, which maintains jurisdiction over all property, including buildings owned, leased, or under the control of the college.

OTC Safety & Security Officers have the authority to enforce College policies and procedures as outlined in the *OTC Student Handbook and the OTC Standards of Student Conduct Policy* (Appendix A). OTC Safety & Security Officers have the authority to ask persons for identification to determine whether individuals have lawful business at OTC. Officers also have the authority to issue citations for parking violations and incidents where the safety and welfare of the campus community may be in question.

Reports written by OTC Safety & Security Officers are maintained by the Safety & Security Department for review and processing. All reports are reviewed for possible criminal or College policy violations and may be forwarded to the Dean of Students who is responsible for administering disciplinary action when necessary. Reports regarding students of concern and policy violations may also be reviewed by Behavioral Intervention Team and referred to the Dean of Students, or, in more serious matters, may be referred to administration and law enforcement.

All reports are public record under Missouri state statute. Information such as names, addresses, etc., and personally identifiable information can be restricted to the extent permissible by law, but the facts of the incident occurring itself cannot be held in confidence. The department maintains statistical data from these reports for appropriate use and the statistical data is available to the public upon request.

OTC Safety & Security Officers do not possess arrest powers. Criminal incidents are referred to the Hollister Police Department who has law enforcement jurisdiction on the campus.

Ozarks Technical Community College does not have a formal written “Memorandum of Understanding” (MOU) with local, county, state or federal law enforcement agencies in regard to the response or investigation of crimes. The OTC Safety & Security Department maintains a close working relationship with the Hollister Police Department, the Taney County Sheriff’s Office, the Missouri State Highway Patrol and local federal authorities.

All crime victims and witnesses are strongly encouraged to immediately report any crime to the OTC Safety & Security Department at **417-447-8943** and the Hollister Police Department at **911**. Prompt reporting will assure Timely Warning notices on campus and timely disclosure of crime statistics.

## **WORKING RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES**

OTC Safety & Security Department maintains a very close working relationship with Federal, State, County and Local Law Enforcement agencies to provide proactive security and law enforcement services to the OTC campus community.

The Hollister Police Department investigates all crimes committed on campus with the assistance of the OTC Safety & Security Department. The prosecution of criminal offenses are handled by the Hollister Municipal Prosecuting Attorney’s Office or the Taney County Prosecuting Attorney’s Office.

In cases involving minor offenses by students, the Safety & Security Department may also refer the individual to the Dean of Students. Through coordination with local law enforcement agencies, criminal offenses by students at off campus locations may be reported to the Dean of Students for any action or follow-up that may be required.

## **ACCESS TO AND SECURITY OF CAMPUS FACILITIES**

Ozarks Technical Community College is a public institution and with the exception of restricted and high security areas, is accessible to the public, students, faculty and staff during normal business hours (time, place, and manner restrictions may apply). With the exception of essential personnel and services and others as designated, the buildings are locked and access is permitted only with the proper authorization and identification after normal building hours. During non-business hours, access to all College facilities is by key or key card, if issued, or by admittance via the Safety & Security Department personnel. Students must be accompanied by faculty or staff members when in a closed building after regular campus hours. All students, faculty and staff members are issued a college photo identification card that may be requested by any security officer, police officer, or college staff member to identify authorization for access.

OTC Safety & Security Officers begin securing exterior doors of buildings (except those to which access is necessary) after normal business hours. Security Officers walk through selected buildings each evening to ensure office doors are locked and other security related matters.

Individual building hours may vary at different times of the year. Emergencies may necessitate changes or alterations to any schedules. During periods of extended closure, the Safety & Security Department will only allow access to individuals with prior written approval to access the facilities.

The Facilities & Grounds Department is the only entity that may make changes, additions, or alterations to College approved or installed mechanical access systems (equipment).

All outside building and maintenance contractors are required to check-in with the Facilities & Grounds Department upon arriving and before working on campus. Access to buildings, offices and rooms by outside contractors is handled by staff escort or through the issuance and assigning of keys based upon need with designed access limitations. For information about the access protocol for a specific building, please contact the OTC Safety & Security Department at **417-447-8943**.

In order to protect the safety and welfare of students, faculty and staff of the College and to protect the property of the College, all persons on property under the jurisdiction of the College behaving in a suspicious or threatening manner may be asked to identify themselves by a College official. A person identifies himself/herself by giving his/her name, complete address, and stating truthfully his/her relationship to the College. A person may be asked to provide proof of identification, which is subject to verification.

If any person refuses or fails upon request to present evidence of his/her identification and proof of his/her authorization to be in the building or on the campus, or if it is determined that the individual has no legitimate reason to be in the building or on campus, the person will be asked to leave and may be removed from the building or campus. The Safety & Security Department is available to assist with this request.

Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities should be reported to the Safety & Security Department.

### ***Security Considerations***

Ozarks Technical Community College is committed to campus safety and security. Proper exterior lighting, landscaping, maintenance and building security are critical parts of that commitment.

Safety & Security Officers periodically inspect alarms, locks, camera placement, appropriate lighting, landscaping and other safety concerns that may be found. Safety & Security Officers, on a scheduled basis, check the College's fire extinguishers, sprinkler valves, alarms, ADA doors, fire doors, first aid kits and AED devices, etc., and document their findings by completing a monthly checklist and reporting any problems they locate while checking the equipment.

The Facilities & Grounds Department maintains the College buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. All members of the campus community are encouraged to report safety hazards, such as broken locks and windows to the Safety & Security Department, the Facilities & Grounds Department, or complete a work order through **eSSETS**, the OTC online work order system.

## **REPORTING CRIMES**

### ***Reporting Crimes and Emergencies***

Preventing campus crime is a shared responsibility between the College and the campus community. Public apathy is a criminal's greatest ally. Do not assume that someone else has reported criminal activity, or an emergency. Community members, students, faculty, staff, and guests are strongly encouraged to report all crimes and public safety related incidents in an accurate and timely manner to the Ozarks Technical Community College Safety & Security Department or local law enforcement. Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate, and assists in compiling accurate crime statistics.

To report an emergency that requires or may require police, fire, or EMS personnel to respond, please dial **9-911** from any campus phone, **911** from an outside phone system.

To report a crime or an emergency on the Ozarks Technical Community College-Table Rock Campus call the Safety & Security Department from any campus phone at extension **8943**, or from an outside phone system, **417-447-8943**. OTC Safety & Security Officers are available 24 hours a day.

Crimes and incidents may be reported in person at the OTC Safety & Security Department at the Table Rock Campus, located in Robert W. Plaster Free Enterprise Center, Room 207, or to any OTC Safety & Security Officer on patrol of the campus.

Persons reporting criminal incidents should provide as much information as available. If possible, this should include the location, nature of injuries, the description of possible criminals, and briefly what happened. If you are unsure what you witnessed or experienced is a crime, please contact the OTC Safety & Security Office, which will assist you with your situation. Sexually based offenses and discrimination incidents may also be reported to the Title IX Coordinator.

## **If you observe a violent criminal act or emergency, call 911 immediately.**

When dialing 911, the initial call will go to the Hollister/Taney County Emergency 911 Emergency Communications Center. They dispatch the Hollister Police and Fire Departments. Please contact OTC Safety & Security as quickly as you can after calling 911, so we can render assistance as well. If medical assistance is needed, you will be transferred immediately to the appropriate hospital EMS ambulance dispatch.

### ***Response to Reports***

The OTC Safety & Security Department responds to all reports of suspicious or criminal acts and emergencies. The Hollister Police Department is the primary law enforcement agency for reporting and investigating all crimes that occur at the Table Rock Campus.

OTC Safety & Security Officers will respond as quickly as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity load and the urgency of the call. Crimes in progress, traffic accidents and medical emergencies have a higher priority than other types of calls. A Safety & Security Officer will meet with you to gather information and prepare an official report. Based on the information you provide, the officer may contact the Hollister Police Department to have you file a crime report with them as well. Your report may be forwarded to the Investigation Unit, where a detective will review the report and evidence (if any) to attempt to determine the cause and perpetrator(s) of the crime.

In all instances of criminal activity, the OTC Safety & Security Department works closely with local law enforcement agencies to determine the exact nature of the crime for the purposes of developing a viable case to be forwarded to the Municipal Prosecutor's Office or the County Prosecutor's Office for prosecution. All Safety & Security Department incident reports involving students are referred to Student Affairs for review and potential disciplinary action through the campus disciplinary process. Statistics for cases forwarded to Student Affairs that are offenses pursuant to the Clery Act will appear in this report.

### ***Campus Security Authorities (CSA)***

Although the College strongly encourages campus community members to immediately report all crimes and other emergencies directly to the OTC Safety & Security Department at 417-447-6911 or 911, the Safety & Security Department also recognizes that some may prefer to report to other individuals or College offices.

The Clery Act recognizes certain College officials and offices as "Campus Security Authorities" (CSAs). Campus Security Authorities are defined as follows:

1. A campus security department or a campus police department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph.
  - (1) such as an individual who is responsible for monitoring entrance into institutional property.
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. 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. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.



**Reporting to Other Campus Security Authorities**

The following meet the criteria for being a Campus Security Authority:

- Provost/Vice Chancellor of Academic Affairs .....417-447-8152
- Vice Chancellor for Student Affairs .....417-447-6914
- Campus President-Richwood Valley .....417-447-7932
- Campus President-Table Rock Campus.....417-447-2652
- Executive Dean of OTC Education Centers-Lebanon & Waynesville .....417-447-8931
- Dean of Center-Waynesville .....417-447-6632
- Dean of Students .....417-447-6973
- Assistant Dean of Students .....417-447-6966
- Dean of Student Development .....417-447-8197
- Office of Equity & Compliance – Title IX Office .....417-447-2686
- Human Resources.....417-447-2632
- Faculty advisors for OTC student organizations
- Victim Advocates
- Members of the Behavioral Intervention Team

Campus Security Authorities serve as a contact for students whom they can report crimes to; look to for guidance if they have been a victim of a crime; or ask for advice as to whether or not they should report an incident. If an individual chooses to report a crime, CSA’s can assist an individual in contacting the OTC Safety & Security Department, or the appropriate law enforcement agency. Campus Security Authorities are not responsible for convincing victims of a crime to contact the OTC Safety & Security Department or law enforcement if victims do not want the agencies contacted.

The CSA’s are not responsible for taking any actions in regards to conducting an investigation, contacting a suspected perpetrator of a crime, or determining whether or not a crime took place.

The CSA’s submit crime information to the OTC Safety & Security Department for inclusion in the crime statistics as required by law under the Clery Act for all institutions of higher education that receive federal financial aid. The statistical information collected for this report will not contain any names or specific locations to maintain the confidentiality of a victim.

**Pastoral and Professional Counselors Reporting Policy**

Ozarks Technical Community College does not employ campus pastoral counselors.

Campus professional counselors, when employed as a counselor and acting within the scope of their employment at the Ozarks Technical Community College, are not considered to be CSA’s and are not required to report crimes for inclusion in the annual disclosure of crime statistics. However, campus professional counselors are encouraged; when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics.

**Pastoral Counselor:** A person who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

**Professional Counselor:** A person whose official responsibilities include providing mental health, counseling to members of the institution’s community and who is functioning within the scope of the counselor’s license or certification.

### ***Voluntary Confidential Reporting System***

Ozarks Technical Community College does not have a voluntary confidential reporting system for annual crime statistics. Confidential reporting often times does not allow for the prosecution of suspects of criminal activity and crimes are not reported promptly.

- Timely notification about certain types of crime may affect the safety of others. These crimes include criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson.
- When you make a report, you assist the OTC Safety & Security Department in maintaining accurate records of the incidence of crime on campus. This information helps to keep the campus safe by providing the most accurate information on criminal activity to members of the campus community.

### ***Monitoring of Crimes at Off-Campus Activities***

Ozarks Technical Community College does not monitor any off-campus activities by students. There are no officially recognized student organizations with off-campus locations.

Criminal activity by students off campus is not officially reported to the college on a regular basis. When an OTC student is involved in an off-campus criminal offense, OTC Safety & Security Officers may assist with the investigation with local, state, or federal law enforcement authorities. Reports of such criminal activity may be shared by/with these agencies.

Several law enforcement agencies routinely work and communicate with the OTC Safety & Security Department regarding any serious incidents occurring on-campus or in the immediate area surrounding the campus. While these law enforcement agencies have primary jurisdiction on and off campus, OTC Safety & Security Officers can and do respond to student-related incidents that occur in close proximity to OTC Campuses.

## **EMERGENCY RESPONSE AND EVACUATION**

Ozarks Technical Community College community members are encouraged to notify the Safety & Security Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate threat to the health and safety of students or employees occurring on campus.

Ozarks Technical Community College has developed a comprehensive Emergency Response Plan (ERP) that includes procedures to be followed in all types of emergencies. The ERP is designed to assist OTC employees to respond appropriately when emergency conditions exist. Emergency guides are posted in each facility giving quick reference procedures for emergency situations; the location of fire extinguishers; first aid kits and as well as maps providing directions to evacuate the building and safer locations within the building to seek shelter.

To ensure emergency plans are appropriate, OTC conducts emergency response exercises annually. These tests are designed to assess and evaluate the emergency plans and capabilities of the College. The OTC Safety & Security Department documents each test of the emergency response procedures to include a description of the exercise, date, time and whether it was announced or unannounced.

### ***How to Report an Emergency***

In the event you observe a significant emergency or dangerous situation that poses an immediate threat to the health and safety of the campus community at any OTC Campus location the situation should be reported immediately by calling **911** and the OTC Safety & Security Department at **417-447-8943**.

### ***Response Procedures for an Emergency or Dangerous Situation***

The OTC Safety & Security Department and the College will coordinate with other first responders, which may include the Hollister Police Department, the Taney County Fire Department, and the Taney County Sheriff's Office. Depending on the nature and magnitude of the incident, other local, state, and federal agencies may be called upon for assistance.

When an emergency or dangerous situation occurs or is imminent, it shall be the responsibility of the OTC Safety & Security Department to set up an appropriate Emergency Operations Center as directed by the College Chancellor or his/her designee. Additionally, a Public Information Center will also be established to aid in the dissemination of information to students, faculty, staff and media outlets.

### ***Confirming a Significant Emergency or Dangerous Situation***

Safety & Security Officers will respond and investigate all reported incidents to determine if the incident poses a significant emergency or dangerous situation to the College community; however, personnel from other campus offices, such as Facilities & Grounds, Environmental Services, etc., may be involved in the confirmation process, depending on the nature of the potential threat. Safety & Security Officers will also determine if additional resources are needed and will summon them as necessary.

OTC Safety & Security Department personnel will relay a situation update to the OTC Operations Center where the incident will be confirmed as a threat and implement procedures to minimize the impact of the incident to the campus community.

The OTC Operations Center is the physical location at which the coordination of information and resources to support campus incident management activities takes place. The OTC Operations Center is the location of the emergency operations center that can deploy College resources to an emergency or dangerous situation. It is also responsible for pushing information to and pulling information from the incident site to local responders and OTC administration. Furthermore, if a large-scale situation exceeds, or is likely to exceed, available campus capabilities and resources, the OTC Operations Center will contact the City of Hollister and Taney County for additional resources.

### ***Emergency Notification of the Campus***

The decision concerning whether to issue a notification will be made on a case-by-case basis using the following criteria:

- Nature of the situation
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

The College, after receiving confirmation from an authorized official, will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The College Director of Safety & Security and the College Director of Communications and Marketing, or designees, will collaborate to determine the content of the notification and will disseminate the emergency

notification information to the campus community, or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

OTC utilizes the OTC Campus Alert emergency notification system. Participation in OTC Campus Alert system is mandatory for all OTC students and employees. To ensure the emergency notification system is functioning appropriately, OTC conducts a test of OTC Campus Alert system at least once each semester.

### ***Notification Methods***

The following methods may be used to notify the campus community of various emergencies that may affect the campus community:

- OTC Campus Alert System
- Campus-wide phone notifications
- Email
- Text message
- Official OTC website
- Social Media
- Press Release
- Local media
- Targeted communication – posters, letters, group meetings, etc.

### ***Procedures for Evacuation in Emergency or Dangerous Situations***

In the event of an emergency or dangerous situation, the Safety & Security Department or the Operations Center will direct students, faculty, staff, and guests to evacuate a building, several buildings, a portion of the campus, or the entire campus. The campus community will be asked to follow building and campus evacuation protocols and to obey directions from OTC and on-scene emergency responders.

Certain events, like a hazardous materials release, may require the OTC community and the general public to shelter-in-place to prevent exposure to harmful elements.

### ***Annual Notification and Testing***

Ozarks Technical Community College will conduct at least two test/drills of the Emergency Response-OTC Campus Alert System per calendar year. These exercises may include, table top exercise or functional exercises. These tests may be announced or unannounced, depending on the type of exercise. The Safety & Security Department will document each test of its emergency response procedures to include: a description of the exercise, date, time and whether it was announced or unannounced.

Campus community members are encouraged to review the College's emergency response plan and evacuation procedures, which are available on the OTC website at [Ozarks Technical Community College Crisis Management Plan](#) or in hard copy from the OTC Safety & Security Department.

Emergency Action Plans that can be reviewed upon request:

- Communications Protocol
- Death on Campus
- Medical Emergencies Policies
- Environmental Emergency Procedures
- Suspicious Mail Procedures
- Workplace Violence Procedures

- Natural Disaster Procedures
- Training & Crisis Drills
- Pandemic Event
- Protests, Public Demonstrations or Political Situations
- External Threat Procedures
- Utility Disruption & Outage Immediate Action Plan

## **TIMELY WARNINGS**

The OTC Safety & Security Department provides timely warnings about reported crimes to the campus community that may pose a serious or continuing threat. Safety & Security Department personnel are responsible for initiating timely warnings.

### ***Initiating Timely Warnings***

The College Director of Safety & Security or designee, in conjunction with various campus offices will distribute timely warning announcements when there appears to be a threat to the safety and security of persons on campus for the following crimes:

- Aggravated assault
- Arson
- Burglary
- Negligent manslaughter
- Motor vehicle theft
- Murder/non-negligent manslaughter
- Robbery
- Sexual offenses
- Domestic violence, dating violence, and stalking
- Any other crime in which the victim was chosen on the basis of race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

### ***Timely Warning Content***

The timely warning contains sufficient information about the nature of the threat to allow members of the campus community to take protective action:

- A brief statement of the incident
- Possible connection to previous incidents if applicable
- Date, time, and location of the warning
- Description of the suspect, if available
- Risk reduction and safety tips

- Other relevant and important information

Timely warnings will not include the names or identifying information about victims involved in the incident. In some cases, the Safety & Security Department may need to keep some facts confidential to avoid compromising an ongoing investigation.

### ***Timely Warning Notification Methods***

The following methods may be used to notify the campus community of various emergencies that may affect the campus community:

- OTC Campus Alert System
- Campus-wide phone notifications
- Email
- Text message
- Official OTC website
- Social Media
- Press Release
- Local media
- Targeted communication – posters, letters, group meetings, etc.

The Safety & Security Department reviews all reports taken/received by the department and/or information provided to the department by Campus Security Authorities or local law enforcement agencies in a timely manner to determine any offenses that are subject to disclosure in the Annual Security Report and represent a serious or continuing threat to the campus community.

The College may distribute Safety Alerts to share safety and security information that the College desires to communicate to the campus community, but does not meet the criteria for distribution of a timely warning notice.

Anyone with information warranting a timely warning should report the circumstances to the Safety & Security Department, by phone 417-447-8943 or in person at the Safety & Security Department office.

## **EMERGENCY PLAN FOR SHELTERING IN-PLACE**

In the event hazardous materials such as chemical, biological or radiological materials are released into the atmosphere, government emergency preparedness agencies may request OTC to Shelter-in-Place. This is a precaution to keep the campus community safe while remaining indoors.

Shelter-in-Place means selecting interior rooms and hallways with no or few windows and taking refuge there. Rooms with mechanical equipment like ventilation blowers or pipes should not be used, because this equipment may not be able to be sealed from the outdoors. If there is a possibility of an outside explosion, rooms with windows should not be used. Interior rooms above ground level are best for shelter, because certain contaminants may be heavier than air; these would settle at ground level and could spread into ground level floors. Emergency information will be provided by local, state or federal authorities on television and radio stations.

If possible there should be a telephone or email access in every room used for shelter. This will allow people can contact their emergency contact person. Staff and students need to have an emergency contact person and know how to contact them at any time. It is best to have a local contact and someone not in the immediate area. Someone not living in the immediate area may not be affected by the same event faced locally. In the event of an emergency the contact person can let others know you are safe and any information you want to pass on to family and friends. Information may be passed by telephone or email.

The person in charge of each building should have someone write down the names of everyone in that building. This information should be provided to the College Director of Communications & Marketing so family members can be informed of staff and students status if necessary.

In the event of an emergency it is best to use hard-wired telephones; cellular telephone equipment may become overwhelmed with numerous people trying to make telephone calls to family members. E-mail may be used if electrical power is available.

All exterior doors on all buildings where people are seeking shelter should be locked. Ventilation systems should be shut off to prevent contamination from the outside. People should remain in the shelter areas until told to leave by proper authority. Radios and televisions should be kept on so everyone can stay as informed as possible.

Remember that instructions to Shelter-in-Place are usually provided for durations of a few hours, not days or weeks. Local authorities on the scene are the best source of information for your particular situation. Following instructions during and after emergencies regarding shelter, food, water and cleanup methods is your safest choice.

A recording should be on telephone number 417-447-7500 stating that OTC is closed, and that staff and students are remaining on campus in their work or class buildings until proper authorities advise it is safe to leave.

## **EMERGENCY EVACUATION OF MOBILITY IMPAIRED INDIVIDUALS**

### ***Students***

Students who are mobility impaired have an important responsibility to assist with arrangements for their own safety, by informing their instructors of their needs in case of an emergency. They should also inform their instructors what assistance they would require in case of an emergency. Students should know the location of fire exits in buildings they have classes. Contact Safety & Security personnel for locations of fire exits.

### ***Faculty***

Faculty members with mobility-impaired students should discuss with the student what assistance they will require in case of an emergency. Faculty should ask for volunteers from the class to assist mobility-impaired students in the event of an emergency. In the event there are no volunteers, the instructor should notify the Safety & Security Department. The College Director of Safety & Security will notify the faculty and student of the arrangements made in case of an emergency. Faculty members should know the location of fire exits in their building. Contact Safety & Security personnel for location of fire exits.

## ***Staff***

Staff who are mobility impaired have an important responsibility to assist with arrangements for their own safety. Staff should inform their supervisor and co-workers of their needs in the event of an emergency. They should also inform their supervisor and co-workers what assistance they would require in case of an emergency. They should know the locations of elevators, stairways and fire exits in their buildings.

## ***Evacuation Procedures***

There should be at least two volunteers to assist each mobility impaired student or staff member. Volunteers should assist the mobility-impaired person out of the building and to safety in the event of an emergency. The person with the impairment will know best what assistance he/she needs. The impaired person will also know to what extent they are able to assist the volunteers with their evacuation.

In the event of a fire and you are not on the ground floor, elevators may be used to evacuate the impaired person, if there is a fire exit separating the elevator from the fire danger area. All major buildings on campus have fire exits. If an elevator is not available, the impaired person can be taken to a stairway. The volunteers and the impaired person should allow people on foot to use the stairway first, so the impaired student does not impede the flow of traffic or get injured by other people evacuating the building. Once the stairway is clear, the impaired person and one volunteer should remain at the top of the staircase and inside the closed fire doors. This will ensure the volunteer and impaired people are in plain view for fire rescue teams. With the fire doors closed, even if the ventilation system does not work, there should be a sufficient supply of oxygen to last until rescued. The other volunteer should exit the building and notify emergency personnel of the location of the mobility-impaired person and volunteer.

There may be a case where the best action is for the impaired person and volunteer to remain in the classroom and wait for rescue. If this is the case, the instructor should notify Safety & Security or emergency personnel of the location and names of people remaining in the classroom or office awaiting rescue.

As a last resort, the volunteers may need to carry the mobility-impaired person down the stairway to safety. This method should be used only as a last resort because of the possibility of injury to the impaired person and volunteers. The impaired person, if possible, should make the decision to be carried to safety or to wait for fire rescue.

## **DAILY CRIME LOG**

The OTC Safety & Security Department maintains a Daily Crime Log of crimes reported to the department. The crime log records the date the crime reported, date crime occurred, nature of the crime and where the crime occurred; on campus building or property, non-campus building or property, on public property, or within the established jurisdiction of the campus and the disposition, if known. The Daily Crime Log may include reports made to law enforcement agencies, if known. All entries are recorded within two business days after the incident is reported to the department.

The OTC Safety & Security Department prepares this report in a timely manner so it is available to the campus community and public. The Daily Crime Log is open for public inspection at the Safety & Security Department office at any OTC Campus during normal business hours.



## SECURITY AWARENESS & PROGRAMS

The OTC Safety & Security Department is committed to protecting the safety and security of the entire campus community. All students, faculty and staff who feel uncomfortable walking during the hours of darkness may contact the department and request a campus security escort. Security Escorts during daylight hours may be provided when documented safety concerns exist. If you wish to request a Security Escort, please contact the OTC Safety & Security Department at **417-447-8943**.

Security surveys are conducted in areas that are identified as problematic. These surveys examine security issues such as alarms, locks, camera placement, landscaping, appropriate lighting and other safety concerns and reports any noted problems to the OTC Facilities & Grounds Department, so repairs or improvements can be made.

Periodically during the academic year the Safety & Security Department, in cooperation with other college organizations and departments, present crime prevention awareness sessions on sexual assault, drug and alcohol abuse, theft, and personal safety to students, faculty and staff. Presentations are also provided during new employee orientation. Student Services also distributes a variety of brochures about the harmful effects of drugs, alcohol, and tobacco.

The Safety & Security Department offers personal safety, sexual assault education and information programs to OTC students and employees upon request. The Sexual Harassment and Rape Prevention (SHARP) program is provided to increase awareness of sexual misconduct, sexual harassment, sexual assault, dating violence, and other forcible and non-forcible sex offenses.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to seminars, information is disseminated to students and employees through crime prevention awareness flyers, security alert posters and displays. When time is of the essence, information is released to the college campus community through security alerts posted prominently throughout campus, through computer memos sent over the college electronic mail system and a voice mail broadcasting system.

### ***Programs provided by OTC Safety and Security Department include:***

- **New Student, Faculty and Staff Orientations** - A presentation on crime, personal safety and security offered to new students, faculty and staff. Annually
- **Adjunct Orientation by the Safety and Security Department** - Prior to each fall semester, the Safety and Security Department briefs adjuncts, faculty and staff on crime prevention, emergency management, and various policies that affect them and their students. Annually
- **Safety and Security Escort Program** - By request, the Safety and Security Department will escort any student, faculty, or staff to and from their vehicle while on campus. Daily
- **Drug Information Seminars** - National Substance Abuse Awareness Week. Annually
- **Responding to Students who are Chemically Impaired** - Training provided by the Safety and Security Department to adjuncts, faculty and staff, assisting in the recognition of persons that may be chemically impaired. Annually

Programs presented upon request.

- **Personal Safety Training** - The Safety and Security Department provides basic overview training to students, faculty and staff on practices designed to mitigate chances of being a victim to crime.

Programs presented upon request.

- Personal Safety Training - The Safety and Security Department provides basic overview training to students, faculty and staff on practices designed to mitigate chances of being a victim to crime.
- Active Shooter / Armed Intruder Training
- ALICE Training - (A.L.I.C.E. – Alert, Lockdown, Inform, Counter, Evacuate)
- Sexual Harassment and Rape Prevention (SHARP) program
- Robbery Prevention
- Theft and Fraud Seminars
- Emergency Follow-ups
- Security Surveys

## **CRIME PREVENTION PROGRAMS**

Crime prevention demands constant interaction and outreach to the campus community. The OTC Safety & Security Department sponsors crime prevention programs to stress community awareness and interaction. The department distributes materials and conducts presentations upon request in order to familiarize students, faculty, and staff with their shared responsibility in reducing criminal opportunity. A common theme of the programs is to encourage students to be aware of their responsibility for their own security and the security of others. Such programs range from crime prevention presentations to on-site inspections and may be requested by contacting the OTC Safety & Security Department at 417-447-6911.

Some crime prevention tips that are provided on a routine basis are as follows:

### ***Know how to contact Safety & Security Department or Police Department***

- Know the emergency telephone number for your campus for Safety & Security or Police department.
- Keep the emergency phone numbers near your phones (stickers, magnets, etc.).
- Program emergency phones numbers into your personal cell phone.
- Ensure that you are subscribed to the campus mass notification system on campus.

### ***When describing a suspect or a vehicle; please note the following***

Date – Time – Location - Direction of Travel – Weapon

#### ***Suspect Information***

Male/Female

Adult/Juvenile/Approximate Age

Race

Height/Weight

Hair Color

Eye Color

Mustache, beard, sideburns or other facial hair

Tattoos, scars or other identifying marks

Gait, limp or amputations

### ***Clothing***

Hat

Glasses

Shirt type/color

Pants type/color

Shoes

### ***Automobile Information***

Color

Year

Make/Model

Body style (2-door, 4-door, convertible, truck, etc.)

License plate number

Distinguishing features (spoiler, racing stripes, tinting, damage, etc.)

## **CRIME PREVENTION TIPS**

### ***On Campus***

- Familiarize yourself with the layout of the campus. Survey the campus while classes are in session and after dark to see that academic buildings, walkways, facilities, and parking lots are adequately secured and well-lighted.
- Plan the safest route to your destination; choose well-lit, busy pathways and streets.
- Share your class schedule with your parents and trusted friends and give them your telephone number.
- Use the Safety & Security Department's Campus Escort Program.
- Stay alert to your surroundings and the people around you.
- If you are being followed, change direction and go to the nearest building, and request that someone call the Police. Note the description of the person following you.
- Carry your purse close to your body and keep a firm grip on it; carry your wallet in an inside coat pocket or your front pant pocket.
- Keep your keys separate from your purse or backpack.
- Do not leave your keys lying around on your desk or in your office.
- Report lost or stolen keys immediately to the Safety & Security Department.
- Do not overload yourself with bags or packages and avoid wearing shoes that restrict your movements.
- If a motorist stops and asks for directions, keep your distance from the car.
- Always lock your door; even if you just go down the hall.
- Do not let unknown individuals "tailgate" by following you in through a door; ask who they are visiting and offer to call the Safety & Security Department.
- Do not prop any exterior doors open to allow unescorted visitors into the buildings.
- Report any malfunctioning locks, doors or windows to the Safety & Security Department.

- Report any suspicious persons or activities on or near the campus to the Safety & Security Department or Police Department.
- Secure your valuables and engrave expensive items with identifying information.
- Do not leave your identification, keys, wallets, checkbooks, or other valuables in open view.

### ***Motor vehicle safety***

- Carry a cell phone.
- Never let fuel level get below ¼ of a tank.
- Service your vehicle regularly to avoid breakdowns.
- Drive on well-traveled streets and keep your car in gear while it is stopped. Allow at least one car length space between your car and the car in front of you so that you can escape should someone try to get into your car.
- Always be aware of your surroundings and check your rear-view mirror often.
- Keep doors locked and windows rolled up.
- If you get lost, do not pull over until you find a well-lit public area, and then call the Police.
- If you suspect you are being followed, drive to a well-lit public area and call the Police.
- Never pick up hitchhikers.
- Beware of people who yell, honk, and point at your car as if something is wrong; if your car breaks down, stay inside and lock the doors. If anyone approaches to help, crack the window and ask them to call the Police. Ask uniformed people to show identification.
- Beware of people who may bump your vehicle from behind; if you think you were bumped intentionally, signal the other person to follow you to the nearest Police Department.
- If a person with a weapon confronts you and wants your vehicle, give it up. No car is worth being injured or losing your life over.
- Park in well-lit areas, where your vehicle is visible; avoid parking next to vans or trucks.
- Keep all items out of sight, especially valuables, place items in the trunk.
- Keep your vehicle locked at all times.
- Have your key ready when you approach your car. Before getting in, check inside and under your car to make sure no one is hiding.
- Do not become distracted by a cell phone, CD players, GPS system, etc.
- If you are followed, either drive to the nearest Police Department or call 911 on your cell phone.

### ***Bicycle safety & protection***

- Obey all traffic laws; you must stop at intersections; pedestrians have the right of way.
- Pay attention to your surroundings; warn pedestrians when you are passing them.
- Take extra care when passing parking lot exits or driving through parking lots.
- Give proper hand signals when turning or stopping.
- Secure your bicycle with a heavy duty U-lock or chain. When possible, lock at least your front wheel and frame to a bike rack or other stationary object.
- Do not park your bicycle in a doorway, on stairs, or blocking any handicapped access. Use a bike rack.
- Take note of your bicycles serial number and record that number if you need it in the future.

### ***Cyber security***

- Never give your password to anyone.
- Change your password frequently. Use random letters and numbers for passwords.
- Do not allow others access to your email account.
- Do not put personal information or photos on your web page and do not give personal information that can identify where you live to social networking sites.
- Never leave your computer/laptop unattended.
- Take note of the make, model and serial number of your computer.
- Shop online only with companies that you know; check with the Better Business Bureau if unsure.
- Use a secure browser that will encrypt or scramble purchase information or pay with a money order or check.
- Update your virus software regularly, or when new versions are available.
- Do not download files sent to you by strangers or click on hyperlinks from people you don't know.
- Make certain that all your personal information is deleted from your computer prior to disposing of it.
- Computer phishing is a crime. Phishers attempt to fraudulently acquire credit card details and other sensitive personal data via bogus emails or pop-up windows. It may look like a legitimate email from a legitimate institution, but beware of unsolicited requests for information.
- Financial or payment institutions will never request that you send them personal sensitive data via email or pop-up windows.
- If you receive a suspicious looking email from any bank, lending, or payment institution, it is best to delete and not respond. If you have an account with the entity mentioned in the email, call your legitimate institution using the number on your physical bill or via the telephone book or through telephone information.
- Do not call the number that may be listed in the bogus email and do not click on any link listed in the bogus email.

### ***Protecting yourself from identity theft***

- Be aware of people loitering around ATMs.
- Prepare your ATM transaction ahead of time. Do not spend much time at the machine.
- Do not give out your Personal Identification Number (PIN) to anyone.
- Destroy private records and statements. Destroy credit card statements, solicitations and other documents that contain any private information. Shred this paperwork using a "cross-cut" shredder so thieves cannot find your data when they rummage through your garbage. Also, do not leave a paper trail; never leave ATM, credit card or gas station receipts behind.
- Secure your mail. Never mail outgoing bill payments and checks from an unsecured mailbox, especially at home. Mail can be stolen from your mailbox and the payee's name changed. Mail bill payments from the post office or another secure location.
- Safeguard your Social Security number.
- Know whom you are dealing with. Whenever you are contacted, either by phone or email, by individuals identifying themselves as banks, credit card or e-commerce companies and asked for private identity or financial information, do not respond.
- Take your name off marketers' hit lists
- Guard your personal information.
- Monitor your credit report.

- Keep track of your billing dates/cycles and follow up with creditors if you do not receive bills/statements on time.

### ***If your identity is stolen***

- Contact the fraud departments of each of the three major credit bureaus. Tell them you are an identity theft victim. Request that a "fraud alert" be placed in your file, along with a victim's statement asking that creditors call you before opening any new accounts or changing your existing accounts.
1. **Equifax** To report fraud: 1-800-525-6285 (P.O. Box 740241, Atlanta, GA 30374-0241)
  2. **Experian** To report fraud: 1-888-EXPERIAN (397-3742) (P.O. Box 9532, Allen, TX 75013)
  3. **TransUnion** To report fraud: 1-800-680-7289 (Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92634)

### ***Safety at work***

- If you are working late, let someone know where you are and how long you expect to be; or better yet, plan in advance to have a co-worker stay with you.
- Keep your purse or wallet locked in a drawer or filing cabinet at all times.
- Politely ask strangers whom they are visiting and offer to help find the person; if you are suspicious of the person contact the Safety & Security Department or the Police.
- Check the identification of any maintenance or repair personnel.
- Keep emergency phone numbers posted near your phone.
- Know your office emergency evacuation plan.
- If possible, employees should wear IDs.
- Be cautious if using restrooms, elevators or stairwells that are isolated or poorly lit; or go with a friend.
- Keep valuable items out of sight.
- Report any suspicious, threatening or alarming behavior of others to your supervisor or Safety & Security Department / Police immediately.

### ***Cell phone protection***

- Carry your phone with you whenever possible and make sure it is in a safe place whenever you leave it behind. If you are leaving your phone in your car, be sure it is hidden from view.
- Turn off your phone when you are not using it, or in class.
- Request a personal identification number.
- Use the "lock" feature on your phone.
- Keep your subscriber agreement, which includes your electronic serial number, in a secure location.

### ***Helping a crime victim***

- Do not blame or judge the victim.
- Let the victim know that you are sorry for what happened.
- Offer the support of a professional counselor.
- Tend to the immediate physical or emotional needs of the victim.
- Do not disturb any crime scenes.
- Offer to support the victim if they decide to contact the police.

- Listen to the victim if they are willing to talk about the crime.
- Help with transportation, babysitting, cooking or other everyday needs.
- Offer to accompany the victim to the police station, hospital or courts.
- Tell the victim you will continue to be there for support and follow up with him/her later.

**REMEMBER; a safe campus is everyone's responsibility!**

## **DRUG AND ALCOHOL PREVENTION POLICY**

The possession, purchase, sale, consumption or furnishing of alcoholic or intoxicating beverages on College property or attending classes under the influence is prohibited by *OTC Drug and Alcohol Prevention Policy* (Appendix B), Hollister Municipal Code and Missouri State Statute. The enforcement of alcohol law violations on campus is the responsibility of the Hollister Police Department, in cooperation with the OTC Safety & Security Department. Violators are subject to College disciplinary action, criminal prosecution, fine and/or imprisonment.

Ozarks Technical Community College has been designated a drug-free workplace, and the unlawful possession, sale, manufacture, distribution or illegal use of any controlled substance is prohibited by OTC policy and is illegal under both Missouri state law and federal laws. These laws are enforced by the Hollister Police Department and violators are subject to College disciplinary action, criminal prosecution, fine and/or imprisonment.

### ***College Sanctions for Violations of Alcoholic Beverages and Illegal Drugs Policy***

Students who violate this policy or the College's Standard of Conduct pertaining to alcohol and illicit drugs will be subject to disciplinary action depending on the seriousness of the offense. Sanctions may range from an informal reprimand to dismissal from the College. Employees who violate this policy will be subject to disciplinary action ranging from an informal reprimand to termination of employment depending upon the seriousness of the offense. If the conduct resulting in discipline also involves a violation of state or federal law then the College will refer the matter to the appropriate authorities for prosecution.

### ***Legal Sanctions for Illegal use of Alcoholic Beverages and Illegal Drugs***

#### **Local sanctions—Hollister Municipal Code**

##### 1. Alcohol offenses:

A. Purchase or possession by any person under 21 years of age of any intoxicating liquor. Hollister City Code – Section 600.160

B. Public Use of Intoxicating Substance - A person commits the offense of public use of an intoxicating substance when he/she shall drink or otherwise consume any alcoholic beverage, intoxicating liquor; or use any controlled substance or narcotic drug in any street, public park or other public place. Hollister City Code – 215.430

##### 2. Illegal Drug offenses:

A. Possession of Marijuana - It is unlawful for any person to possess or have under his/her control a controlled substance. Hollister City Code – 215.440

B. Possession of Drug Paraphernalia - It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance. Hollister City Code – Section 215.445

C. Prohibition of Sale of Methamphetamine Precursor Drugs

(a) It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine or any other methamphetamine precursor drugs except as set forth in the specific exceptions contained in this article.

(b) Exceptions. The below shall be excepted from the provisions of subsection (a) of this section.

(1) Ephedrine, pseudoephedrine or other methamphetamine precursor drugs may be sold by a Missouri licensed pharmacist after being authorized to do so by a written prescription from a physician or other healthcare professional licensed by the State of Missouri to write prescriptions.

(2) Ephedrine, pseudoephedrine or other methamphetamine precursor drugs may be distributed by a licensed physician within the physician's office, clinic, nursing home or other licensed healthcare facility.

(3) This section regulating ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

(4) Any compound, mixture, or preparation, which is in liquid or liquid-filled gel capsule form, containing any detectable quantity of ephedrine, pseudoephedrine, methamphetamine precursor drug.

(c) Prima facie evidence. It shall be prima facie proof that a substance is regulated by this section if the substance is contained in its original packaging and is labeled as being ephedrine, pseudoephedrine or other methamphetamine precursor drugs.

(d) Reporting theft of methamphetamine precursor drugs.

(1) All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall be reported to the police department of the city within 24 hours of discovery.

(2) Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the police department of the city within 24 hours of discovery.

(e) Injunctive relief. The city may seek injunctive relief against any person who is in violation of this section. Hollister City Code – Section 215.475

**State Legal Sanctions--Missouri Statutes**

1. Alcohol offenses:

A. Purchase or possession by a minor. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section RSMo 311.020 or who is visibly in an intoxicated condition as defined in RSMo 577.001, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. A first violation of this section shall be punishable as a class D misdemeanor. A second or subsequent violation of this section shall be punishable as a class A misdemeanor. *RSMo. 311.325*

B. Supply intoxicating liquor to any person less than 21 years of age. Any licensee under this chapter, who shall sell, vend, give away, or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever



except his parent or guardian who shall procure for, sell, give away, or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment. *RSMo. 311.310*

- C. Any person under 21 years of age who is pleads guilty, or is found guilty of any state, county or municipal offense involving the use or possession of alcohol will be required to complete a substance abuse traffic offender program. *RSMo. 302.425*
- D. Any person under 21 years of age who is convicted of any offense involving the possession or use of alcohol, committed while operating a motor vehicle, or any alcohol-related traffic offense, shall, for the first offense, have his or her license suspended for a period of 90 days, or upon a second conviction of any offense involving the possession or use of alcohol while operating a motor vehicle, will lose his or her driver's license for 1 year. *RSMo. 302.400*

*Exemption: RSMo 311.325.4*

- 4. The provisions of this section shall not apply to a student who:
  - (1) Is eighteen years of age or older;
  - (2) Is enrolled in an accredited college or university and is a student in a culinary course;
  - (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
  - (4) Tastes a beverage under subdivision (3) of this subsection only for instructional purposes during classes that are part of the curriculum of the accredited college or university. The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

## 2. Illegal Drug offenses – *RSMo. Chapter 579*

### A. Possession of a controlled substance.

- 1. A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance, except as authorized by chapter 579 or chapter 195.
- 2. The offense of possession of any controlled substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is a class D felony.
- 3. The offense of possession of more than ten grams but thirty-five grams or less of marijuana or any synthetic cannabinoid is a class A misdemeanor.
- 4. The offense of possession of not more than ten grams of marijuana or any synthetic cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws related to controlled substances of this state, or of the United States, or any state,

territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

5. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.
- B. Any person who violates this section with respect to any controlled substance (except 35 grams or less of marijuana) is guilty of a Class C felony, punishable by imprisonment for a term of years not less than three years and not to exceed ten years; a fine of up to \$10,000, or double the amount of the offender's gain from the crime up to \$20,000, or both imprisonment and fine. *RSMo. 558.002, 558.011.*
- C. Any person who violates this section with respect to not more than 35 grams or marijuana is guilty of a Class A misdemeanor, punishable by imprisonment for up to 1 year, or a fine of up to \$2,000, or both imprisonment and fine. *RSMo. 558.002, 558.011.*
- D. Any person under 21 years of age who is convicted of a second offense involving the possession of a controlled substance will have his driver's license revoked for 1 year. *RSMo. 302.400.*
- E. Any person 21 years of age or older, who is determined to have violated any state, county, or municipal law involving the possession or use of a controlled substance, as defined in chapter 195, while operating a motor vehicle shall require the person to surrender to the court all operator's and chauffeur's licenses then held by such person. The court shall forward to the director of revenue the order of revocation of driving privileges and any licenses surrendered. *RSMo. 302.405.*
  - 1). Distribution, delivery, manufacture or production of a controlled substance.
    - (a) It is illegal for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance. *RSMo. 579.055.*
    - (b) Violation of this section, the offense of manufacturing or attempting to manufacture any amount of controlled substance is a class B felony when committed within two thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, community college, college, or university, punishable for a term of years not less than five years and not to exceed fifteen years. It is a class A felony if a person has suffered serious physical injury or has died as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine, punishable for a term not less than ten years and not to exceed thirty years. The offense of manufacturing or attempting to manufacture any amount of a controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C felony, punishable for a term not less than three years and not to exceed ten years, and/or a fine not to exceed \$10,000. The offense of manufacturing thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony, punishable for a term not to exceed four years and/or a fine not to exceed \$10,000. *RSMo. 579.055, 558.002, 558.011.*
  - 2). Unlawful distribution to a minor
    - (a) It is illegal to distribute or deliver any controlled substance to a person less than 17 years of age, who is also two years younger than the person so delivering.

- (b) Violation of this section is a Class C felony, punishable by imprisonment for not less than 3 years and not to exceed ten years and/or a fine not to exceed \$10,000. *RSMo. 579.020, 558.002, 558.011.*
- 3). Distribution of a controlled substance near schools
- (a) It is illegal to distribute or deliver any controlled substance to a person in or on, or within 2,000 feet of, property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university or on any school bus.
- (b) Distribution of a controlled substance within 2000 feet of schools is a Class A felony, punishable by imprisonment for a term of not less than 10 years and not exceeding 30 years, or life imprisonment. *RSMo. 558.011, 579.030.*
- 4). Trafficking drugs, First Degree – *RSMo. 579.065*
- A person commits the offense of trafficking drugs in the first degree if, except as authorized by chapter 579 or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:
- (1) More than 30 grams but less than 90 grams of a mixture or substance containing a detectable amount of heroin;
  - (2) More than 150 grams but less than 450 grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;
  - (3) More than 8 grams but less than 24 grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;
  - (4) More than 500 milligrams but less than 1 gram of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
  - 5) More than 30 grams but less than 90 grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);
  - (6) More than 4 grams but less than 12 grams of phencyclidine;
  - (7) More than 30 kilograms but less than 100 kilograms of a mixture or substance containing marijuana;
  - (8) More than 30 grams but less than 90 grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or
  - (9) More than 30 grams but less than 90 grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.
2. The offense of trafficking drugs in the first degree is a class B felony punishable by a term of imprisonment of not less than 5 years or more than 15 years.
3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is punishable by imprisonment for 10 to 30 years, or life:
- (1) 90 grams or more of a mixture or substance containing a detectable amount of heroin; or
  - (2) 450 grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts,

- isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or
- (3) 24 grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or
  - (4) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or
  - (5) 90 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or
  - (6) 12 grams or more of phencyclidine; or
  - (7) 100 kilograms or more of a mixture or substance containing marijuana; or
  - (8) 90 grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or
  - (9) More than 30 grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within 2,000 feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or
  - (10) 90 grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or
  - (11) More than 30 grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within 2,000 feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests. RSMO 579.065, 558.002, 558.011

5). Trafficking Drugs, Second Degree – *RSMo. 579.068*

A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state:

- (1) More than 30 grams but less than 90 grams of a mixture or substance containing a detectable amount of heroin;
- (2) More than 150 grams but less than 450 grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives,

- their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;
- (3) More than 8 grams but less than 24 grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;
  - (4) More than 500 milligrams but less than 1 gram of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
  - (5) More than 30 grams but less than 90 grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);
  - (6) More than 4 grams but less than 12 grams of phencyclidine;
  - (7) More than 30 kilograms but less than 100 kilograms of a mixture or substance containing marijuana;
  - (8) More than 30 grams but less than 90 grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or
  - (9) More than 30 grams but less than 90 grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.
2. The offense of trafficking drugs in the second degree is a class C felony.
3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is:
- (1) 90 grams or more of a mixture or substance containing a detectable amount of heroin; or
  - (2) 450 grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or
  - (3) 24 grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or
  - (4) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or
  - (5) 90 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or
  - (6) 12 grams or more of phencyclidine; or
  - (7) 100 kilograms or more of a mixture or substance containing marijuana; or
  - (8) More than 500 marijuana plants; or
  - (9) 90 grams or more but less than 450 grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or
  - (10) 90 grams or more but less than 450 grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.
4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is 450 grams or more of any material, compound, mixture or preparation which contains:
- (1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;

- methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or
- (2) Any quantity of 3,4-methylenedioxymethamphetamine.

### **Federal Legal Sanctions--United States Code**

- A. Alcohol offenses: Legal sanctions for the unlawful possession or distribution of alcohol are found primarily in state and local law.
- B. Illegal drug offenses:
- 1) Simple possession. It is illegal for any person to knowingly or intentionally possess a controlled substance unless obtained by a valid prescription. *21 U.S.C. 844.*
  - 2) Violations of this section are punishable by imprisonment for up to 1 year, a minimum fine of \$1,000, or both. After a prior conviction for any drug offense, the violator shall be imprisoned for a term of at least 15 days and not more than 2 years and fined a minimum of \$2,500. A third conviction carries a penalty of imprisonment for at least 90 days but no more than 3 years and a minimum fine of \$5,000. A person convicted under this subsection for the possession of a mixture or substance which contains cocaine base shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of \$1,000, if the conviction is a first conviction under this subsection and the amount of the mixture or substance exceeds 5 grams.
  - 3) Where a person at least 18 years of age distributes a controlled substance to any person under 21 years of age, or where a person possesses with intent to distribute, distributes or manufactures a controlled substance in or on, or within 1000 feet of a public or private elementary, secondary, vocational or public or private college, junior college or university, or playground or housing facility owned by a public housing authority, or within 100 feet of a youth center, public swimming pool or video arcade facility, the punishment shall be twice the maximum punishment provided in *21 U.S.C. 841*, which provides in part 1, such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$4,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both.
  - 4) Any person convicted of a drug offense under these federal laws shall forfeit to the government any property derived from or obtained directly or indirectly as a result of the violation, or any property used to commit or facilitate the violation. *21 U.S.C. 853.*
  - 5) Ineligibility to receive or purchase a firearm. *18 U.S.C. 922(g).*
  - 6) Miscellaneous: Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, are vested within the authority of individual federal agencies.

## **ALCOHOL AND DRUG ABUSE EDUCATION PROGRAMS**

Programs available for students needing assistance with drug, alcohol, or counseling include the following:

**Office of the Dean of Students**, Information Commons West, Room 219, 417-447-6973, serves to administer and uphold the Ozarks Technical Community College, Code of Student Conduct. The Dean of Students Office strives to assist students in understanding the impact of their actions and taking responsibility for those actions by utilizing an educational conduct process. Students who are concerned about their choices in regards to drugs and/or alcohol are encouraged to seek assistance from the Dean of

Students as this office maintains close working relationships with campus and community resources that may be able to assist students who need help. Counseling Services maintains a list of available alcohol and drug education programs offered by the community.

**OTC Counseling Services**, Information Commons West, Room 219, 417-447-6974, [counseling@otc.edu](mailto:counseling@otc.edu) or online at [OTC Counseling Services](#) offers services to students who are currently enrolled at Ozarks Technical Community College. Substance abuse referrals for students deemed in need of such services for out-patient or in-patient treatment of chemical dependency or other concerns requiring more specialized services may be made when such a need becomes apparent.

**Alcoholics Anonymous (AA) and Narcotics Anonymous (NA)** groups meet weekly throughout Springfield. Questions regarding meeting days, times, locations, or type of meeting may be obtained from AA at [www.AA.org](http://www.AA.org) or 417-823-7125 and NA at [www.scmoana.org](http://www.scmoana.org) or 417-866-7392.

**Burrell Behavioral Center, Main Center – 417-761-5000**  
1300 E Bradford Parkway, Springfield, MO 65804

**Burrell North Clinic - 417-761-5820**  
1423 N Jefferson Ave Suite D-200, Springfield, MO 65802

**Cox Medical Center North – 417-269-3000**  
1423 N. Jefferson Ave., Springfield, MO 65802

**Cox Center for Addictions, Cox Medical Center North – 417-269-2273**  
1423 N. Jefferson Ave., Springfield, MO 65802

**Mercy Behavioral Health – Springfield – 417-820-2000**  
1235 E. Cherokee, Springfield, MO 65804

**Mercy Marian Center – 417-820-7447**  
1845 Rogers, Springfield, MO 65804

**Southwestern Regional Office, Division of Behavioral Health – 417-895-6328**  
149 Park Central Square, Suite 910, Springfield, MO 65806

**Hotline numbers for counseling services and information include:**  
National Drug & Alcohol Treatment Hotline (800-662-HELP)

**Cocaine Help:** (1-800-COCAINE)

Marijuana Anonymous: (1-800-766-6779)

National Institute for Drug Abuse (NIDA): (301-443-4577)

For additional information on treatment centers located in the Springfield area call the Missouri Department of Mental Health at 573-751-4942

**The Underage Drinking Task Force of Community Partnerships of the Ozarks** offers programs on topics such as wellness, alcohol and other drugs, exercise and fitness, healthy eating and weight management, stress management, sexuality issues, and tobacco cessation.

Additional local programs can be located at Community Partnership of the Ozarks, at 417-888-2020, Community Partnership of the Ozarks.

*Ozarks Technical Community College makes no endorsement with regard to any counseling/treatment facility and assumes no responsibility for the quality of services available.*

### ***Alcohol and Drug Abuse Health Risks***

Serious health risks are associated with the use of illicit drugs and alcohol. Some but not all of the risks are listed below:

**Alcohol and other depressants:** Consumption of alcohol and other depressants causes a number of marked changes in behavior. Even low doses significantly impair judgment and coordination required for safety and care. Use of alcohol and depressant can lead to addiction and accidents as a result of impaired ability and judgment.

**Marijuana:** Use of marijuana can lead to panic reactions, impaired short-term memory, increased risk of lung cancer and emphysema, particularly in cigarette smokers, and impairment of driving ability.

**Cocaine:** Addiction, heart attack, seizures, lung damage, severe depression, paranoia, and psychosis. Similar risks are associated with other stimulants, such as speed and uppers.

**Hallucinogens:** Unpredictable behavior, emotional instability, violent behavior, and organic brain damage in heavy users, convulsions and coma.

**Narcotics (Heroin, Morphine, Codeine, etc.):** Addiction, accidental overdose, risk of hepatitis and AIDS from contaminated needles.

**Inhalants (Gas, aerosols, glue, etc.):** Loss of consciousness, suffocation, damage to the brain and central nervous system, sudden death, nausea and vomiting, nosebleeds and impaired judgment.

### ***Drug and Alcohol Program Biennial Review***

Ozarks Technical Community College will conduct a biennial review of its alcohol and drug abuse awareness program to determine its effectiveness, make changes where necessary, and ensure that it is consistently enforced.

## **PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT**

Ozarks Technical Community College seeks to create and maintain a safe environment in which all members of the college community – students, employees, visitors and other third parties – can learn and work free from sexual discrimination and violence. The College prohibits acts of discrimination, harassment and violence on the basis of sex. (*Sexual Misconduct and Title IX – Appendix C*)



The College also prohibits the crimes of sexual assault, dating violence, domestic violence and stalking as those terms are defined for purposes of the *Clery Act*. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. The College utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving these crimes. These procedures are carried out by officials who receive specific annual training.

In these situations, the College is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The college's process does not preclude adjudication under state law.

The College prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision federal or state law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), and this policy.

This policy applies to all College employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the College's educational programs and activities, including third-party visitors on campus. The College prohibits sex discrimination, sexual harassment, and sexual violence even when the complainant and alleged perpetrator are members of the same sex, and it applies regardless of national origin, immigration status, or citizenship status. The College's prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, housing, and student services.

"Sexual misconduct" is an umbrella term covering sex discrimination, sexual harassment, and sexual violence and this term will be used throughout this policy and the Complaint Resolution Procedures when collectively referring to these types of conduct. Sexual misconduct is a form of discrimination that violates Title VII of the Civil Rights Act of 1964.

Examples of sexual harassment include requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature by any employee, student or campus visitor when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment

### ***Prevention Efforts and Programs***

Ozarks Technical Community College attempts to foster a safe living, learning, and working environment for all members of the campus community. The College considers the educational programming that addresses all aspects of sexual assault, domestic violence, dating violence and stalking; including safety precautions and prevention, emergency management, reporting, medical and counseling services, the OTC discipline systems, academic schedules, etc., the campus response to sexual violence, domestic violence, dating violence, and instances of stalking.

The College develops educational programs concerning sexual assault, domestic violence, dating violence and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues. For additional information about campus educational

programs concerning sexual assault, domestic violence, dating violence and stalking, contact the Title IX Coordinator, Human Resources and the Office of Student Development.

Students, faculty and staff are encouraged to participate in Haven and Green Dot, Title IX and VAWA educational programs that discuss sexual assault and relationship violence prevention training programs. The College continually reviews and modifies its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, etc. For additional safety information, contact OTC Safety & Security Department at 417-447-6911.

### ***Project Heal***

Project HEAL is a coordinated community approach to reduce sexual assault, dating or domestic violence, and stalking on the campuses of Missouri State and Ozarks Technical Community College.

<https://students.otc.edu/projectheal/>



### ***Green Dot***

The Green Dot strategy is a bystander intervention approach for the prevention of power-based personal violence (sexual assault, relationship violence, and stalking) that relies on the power of cultural and peer influence.



### ***HAVEN***

On-line sexual and interpersonal violence prevention training that provides students, faculty, and staff with tools to be an ally to someone who has experienced sexual or interpersonal (relationship) violence or stalking. The three-hour training emphasizes the importance of listening, responding compassionately, and connecting survivors to resources on campus and in the community.

### ***Clothesline Project***

The Clothesline Project, sponsored by the Women's Center, is a visual display of shirts with written messages and illustrations that graphically demonstrate the impact of violence. These shirts are designed by survivors of violence, their families and/or friends. This display exposes students to the effects of violence. Viewing this project provides opportunity for a higher understanding of the effects of violence, the need for social responsibility, as well as compassion for others. This display allows students to bear witness to the survivors as well as victims of violence; to help with the healing process for people who have

lost a loved one or are survivors of violence; to educate; to document; and to raise society's awareness of the extent of the problem of violence within the State of Missouri.



### ***ULifeline***

Ozarks Technical Community College is a member of ULifeline, an anonymous, confidential, online resource center, where college students can be comfortable searching for the information they need and want regarding mental health and suicide prevention. ULifeline includes facts on mental health and wellness topics, suicide prevention, and how to help a friend. You can access self-screening tools and gather information concerning anxiety, depression, eating disorders, drugs and alcohol, and other topics of interest to college students.



### ***Escalation Workshop***

The workshop consists of a 40 minutes of award winning film followed by 40 minutes of guided discussion. The last 10 minutes is activating students to join the One Love Movement. The goals of the Escalation workshop are to raise awareness about relationship violence; to educate students on the warning signs of an abusive relationship; to educate students on how to intervene in their own relationship or a friend's; and to create a safe space for students to discuss the issue of unhealthy relationships, their campus culture, and beliefs about healthy relationships, while inspiring them to continue the conversation.

### ***Adjunct Orientation by Equity and Compliance***

Prior to each fall semester, the Office of Equity and Compliance briefs adjuncts, faculty and staff on Title IX programs offered by Ozarks Technical Community College.

### ***The Sexual Harassment and Rape Prevention (SHARP) Program***

The OTC Safety & Security Department offers personal safety, sexual assault education and information programs to OTC students and employees upon request. The Sexual Harassment and Rape Prevention (SHARP) program is provided to increase awareness of sexual misconduct, sexual harassment, sexual assault, dating violence, and other forcible and non-forcible sex offenses.

### ***Preventing Sexual Harassment Online Program***

Required by all OTC employees prior to employment.

### *OTC Cares*



OTC Cares is an online reporting system that allows students, faculty and staff to recognize, respond, refer, and report ANY behaviors that may impact the campus community.

#### Types of Behaviors to Report:

- Repeated Classroom Disruption (after classroom management techniques have been exhausted)
- Yelling or Being Excessively Loud
- Distracting to Other Students
- Refusing to Leave or Cooperate
- Destruction of Property
- Not Complying with Instructions
- Under the Influence of Substances
- Aggressive, Threatening or Violent Words/Actions
- Threats of Violence - Acts of Physical Aggression
- Expressions of Anger/Agitation/Inability to Cope
- Mention of Violence as a Way to solve Problems
- Hostility, Lack of Empathy
- Aggressive Statements/Threats through Social Media Sites (Facebook, Snapchat, Twitter, etc.)
- Acts Motivated by Hatred or Discrimination
- Harassment or Bullying
- Stalking
- Articulation of Depression, Hopelessness or Harm
- Bringing Weapons to Campus (e.g. gun on person, knife larger than 2.5 inches)
- Writings that Convey Clear Intentions to Harm Self or Others
- Observed Self-injurious Behavior (cutting, burning, etc.)
- Excessive Class Absenteeism
- Paranoia
- Excessive Hygiene Concerns
- Reports of Abuse, Domestic Violence, Sexual Assault
- Extreme Changes in Personality

- Suicidal Behaviors, Including Threats (“I am going to kill myself.”), Gestures (giving away belongings, etc.), Ideation (“I’ve always thought about killing myself.”) and attempts
- Escalating Low-level Behaviors

### ***How to be an Active Bystander***

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved, but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

### **The Bystander Intervention Model**

1. ***Notice that Something is happening***
2. ***Interpret the event as an emergency***
3. ***Take responsibility for providing help***
4. ***Decide how to provide help***
5. ***Take action to provide help***

We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial **911**, or **417-447-6911**. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

### ***Risk Reduction Tips***

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **REPORTING INCIDENTS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING**

- 1. Find a safe location away from the perpetrator.**  
Ask a trusted friend to be with you for moral support.
- 2. Know that what happened was not your fault.**

### **3. Report the attack to law enforcement or OTC Safety & Security immediately.**

Victims of sexual assault are strongly encouraged to contact 911 immediately. If you prefer you can contact the OTC Safety & Security Department at 417-447-8943 and an officer will assist you with notifying law enforcement authorities if you wish. An OTC Safety & Security Officer will offer assistance in reporting the crime and in providing information for counseling support and medical treatment. Victims will be provided with a written copy of their rights, options and services available regardless of if the offense occurred on or off campus.

Ozarks Technical Community College strongly encourages persons who have been the victims of sexual assault, stalking, dating violence or domestic violence to seek assistance and to seek judicial action for their own protection and that of the entire campus community. Filing a report with law enforcement will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Anyone who has been a victim of sexual assault, domestic violence, dating violence or stalking may choose to pursue both criminal prosecution and College disciplinary procedures. OTC also recognizes the victim retains the right not to pursue either criminal prosecution, or a College disciplinary proceeding.

Choosing not to pursue the College's internal procedures or criminal action, however, does not relieve the College of its responsibilities to investigate or to take action, under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

#### ***Alternatives to Immediately Filing a Police Report***

1. Report the crime at a later date.
2. Make a report to a CSA, Title IX Coordinator, or Deputy Title IX Coordinator. Such a report may be used for actions which include, but are not limited to, on-campus administrative proceedings.
3. Make an anonymous report to the Safety & Security Department utilizing OTC Cares (a report that notifies the Safety & Security Department that a sexual assault, domestic violence, dating violence, or stalking incident has occurred, but gives no names or identification).
4. Contact a referral agency for help.
5. Make a report to the Title IX Coordinator. Such a report may be used for actions, which include, but are not limited to, on-campus administrative proceedings.
6. Contact the Title IX Coordinator or a Deputy Title IX Coordinator for more information concerning the administrative process. Faculty and staff may also consult with Human Resources or the Title IX Coordinator.

### **4. Preserve all evidence of the attack.**

To preserve evidence for the option of pursuing criminal prosecution, internal disciplinary processes or an order of protection, a person should report the incident to OTC Safety & Security and law enforcement.

- Do not bathe, use the toilet, wash your hands, brush your teeth, eat, or smoke.
- If you are still in the location, at which the crime occurred, do not clean or straighten up or remove anything.
- Write down all the details you can recall about the attack and the perpetrator.

### **5. Seek medical care as soon as possible.**

Even if you do not have any visible physical injuries, you may be at risk of acquiring a sexually transmitted disease (women may also be at risk for pregnancy).

**Hollister Area:**

Emergency Dispatch	911
Cox Health Systems - Main Line	417-269-3000
Cox Ambulance Services	
Emergency	417-269-3773
Non-Emergency	417-269-8103
Mercy Hospital - Main Line	417-885-2000
Mercy Ambulance Service	417-820-2300

If you are unsure where to go for treatment at a healthcare facility that is equipped to collect forensic evidence, contact the National Sexual Assault Hotline (800-656-HOPE or on-line at [www.rainn.org](http://www.rainn.org)). The hotline will connect you to your local crisis center, which can provide information on the nearest medical facility, and in some instances, send an advocate to accompany you through the evidence collection process. You can receive medical assistance and evidence collection without having to make legal/reporting decisions.

Ask the health care professional to conduct a Sexual Assault Forensic Exam (SAFE). If you suspect you have been drugged, request that a urine sample be collected to preserve evidence.

**6. Recognize that healing from an attack takes time.**

Give yourself the time you need and know that it is never too late to get help. In addition to the support provided by OTC Counseling Services; victims may seek assistance from other agencies such as The Victims Center 24 hour hotline 417-864-7233 or visit [The Victim Center](#) or the Family Violence Center, 417-837-7700

**CRIMINAL DEFINITIONS/MISSOURI STATUTES**

Definitions for numerous terms used by Ozarks Technical Community College policy and procedures, as well as terms referred to in Missouri Revised Statutes are outlined below.

**Sexual Assault**

Sexual Assault means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without their consent. It includes the crimes of rape, sodomy, forcible fondling, incest and statutory rape as defined by the 2013 Violence Against Women Act (VAWA) and the Revised Statutes of the State of Missouri (RSMo) Chapter 566.

**Consent**

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 or to be unable to make a reasonable judgment as to the nature



or harmfulness of the conduct charged to constitute the offense; or (c) it is induced by force, duress, or deception.

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- Warning signs of when a person may be incapacitated due to drug and/or alcohol use include: slurred speech, falling down, passing out, and vomiting.
- If a person is asleep or unconscious, there is no consent.
- If a person is below the minimum age of consent in the applicable jurisdiction, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

#### **Consent - RSMo. 556.061(14)**

Consent or lack of consent may be expressed or implied.

Assent does not constitute consent if:

- (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
- (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- (c) It is induced by force, duress or deception;

#### **Domestic Violence/Dating Violence**

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

#### ***Protective Orders***

The Safety & Security Department can provide information on how victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at: <http://www.courts.mo.gov/page.jsp?id=533>

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

Persons who wish to file for an order of protection can contact the Circuit Court Clerk's office at the courthouse in the county in which they reside to file. The Circuit Court Clerk's office can provide you with the necessary forms to file. Forms may also be found online at: <http://www.courts.mo.gov/file.jsp?id=537>

The filer should be prepared to present documentation and/or other forms of evidence when filing for an order of protection to support the request. Having dates, times and locations of events will help with your request for a protective order. Please note in all cases OTC staff and court staff will not be able to assist you with what to write in the petition, only help in completing the paperwork.

Upon filing a petition and with good cause shown in the petition, your petition will be presented to a Judge for review. If approved the court will issue an Ex-Parte Order of Protection. Most court hearings are held within 15 days after filing. If you have been given a court date, you will receive a copy of your paperwork.

If you receive an Ex-Parte or a Full Order of Protection, please provide the Safety & Security Department Office a copy of the order. This will allow the department to contact law enforcement authorities for follow-up if the Order of Protection is violated on campus. Always keep extra copies of the Order of Protection with you in case they are needed by law enforcement.

## **Dating Violence**

Dating Violence means violence committed by a person:

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship.
  - (ii) The type of relationship.
  - (iii) The frequency of interaction between the persons involved in the relationship.

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.

## **Domestic Assault – RSMo. Chapter 565**

\*Dating violence falls under the Domestic Assault statutes.

### **Domestic Assault, first degree – RSMo. 565.072**

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

### **Domestic Assault, second degree – RSMo. 565.073**

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.

**Domestic Assault, third degree – RSMo. 565.074**

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.

**Domestic Assault, fourth degree – RSMo 565.076**

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

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

**Stalking – RSMo. 455.010(14)**

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

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

### **Stalking, first degree - RSMo 565.225**

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, or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case stalking in the first degree is a class D felony.

### **Stalking, second degree - RSMo 565.227**

1. A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.

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, or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case stalking in the second degree is a class E felony.

## **EQUITY & COMPLIANCE OFFICE - TITLE IX**

Ozarks Technical Community College will comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the College's educational programs and activities.

The College has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. Retaliation is taking adverse employment or educational action against a person who files claims, complaints or charges under these procedures, or under applicable local, state or federal statute, who is suspected of having filed such claims, complaints or charges, who has assisted or participated in an investigation or resolution of such claims, complaints or charges, or who has protested practices alleged to be in violation of the non-discrimination policy of the College, or local, state or federal regulation or statute. Retaliation, even in the absence of provable discrimination in the original complaint or charge, constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint or charge.

Examples of retaliation, which are prohibited by this policy, include, but are not limited to:

- Terminating an employee for expressing an intention to file or for filing a charge of discrimination.
- Refusing to hire an employee due to the employee's pursuit of a discrimination charge against a former employer.
- Denying a promotion to an employee for complaining to anyone about alleged discrimination or harassment.
- Refusing tenure to a faculty member for filing a complaint of discrimination or harassment pursuant to the Discrimination Complaint Procedures.
- Issuing an unjustified negative evaluation to an employee for testifying in a legal proceeding concerning a complaint of discrimination, harassment or retaliation.
- Assigning a student an unearned, poor grade for requesting a reasonable course accommodation based on religion.
- Assigning a student an unearned, failing grade for cooperating with an internal investigation of alleged discriminatory practices or a complaint of discrimination or harassment.
- Refusing to admit a student for requesting a reasonable accommodation based on disability in the admission process.

- Refusing to hire a job applicant for requesting a reasonable accommodation based on disability in the application process.

Members of the academic community should not assume that any of the forms of speech described above are protected by the principles of academic freedom or the First Amendment to the United States Constitution.

The College has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

To report sexual misconduct, contact:

Kevin Luebbering  
Title IX Coordinator  
1001 E. Chestnut Expressway  
Springfield, MO 65802  
Phone: 417-447-8188  
Email: Luebberk@otc.edu

The College has also designated the following Deputy Title IX Coordinator to assist the Title IX Coordinator in coordinating Title IX compliance:

Oki Haas  
Deputy Title IX Coordinator  
1001 E. Chestnut Expressway  
Springfield, MO 65802  
Phone: 417-447-2631  
Email: haaso@otc.edu

It is the responsibility of the Title IX Coordinator to: (1) receive complaints under this policy; (2) coordinate dissemination of information and education and training programs; (3) assist members of the College Community in understanding that sexual misconduct is prohibited by this policy; (4) answer questions about this policy; (5) appoint investigators and ensure that they are trained to respond to and investigate complaints of sexual misconduct; (6) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct; and (7) to implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures. The Deputy Title IX Coordinator will assist the Title IX Coordinator in carrying out these responsibilities.

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

### ***Rights Under Title IX***

**You have the right** to learn and work at OTC free from gender-based discrimination.

**You have the right** to file a complaint according to OTC's Sexual Misconduct Policy. You also have the right to request a criminal investigation with law enforcement.

**You have the right** to interim support and reasonable remedial measures to help you continue to learn and work at OTC, for example a change in class section.

**You have the right** to understand that OTC is required to investigate all claims of sexual misconduct in a prompt, thorough and impartial manner.

**You have the right** to request and obtain a No Contact Order and to receive information about other options through OTC's Security Department.

**You have the right** to not be discouraged in your use of resources, process or support and to report to the Title IX Coordinator if your rights have been violated.

**You have the right** to be free from retaliation in exercising your rights.

**You have the right** to access on- and off-campus support.

**You have these rights** regardless of your race, color, gender, national origin, age, marital status, sexual orientation, political affiliation, veteran status, and disabilities that include HIV and AIDS, and medical conditions.

**Anyone with inquiries concerning OTC's sexual harassment policy, or if you are a victim of sexual harassment, please contact the Title IX Coordinator.**

## **SEXUAL MISCONDUCT INVESTIGATIVE PROCESS AND DISCIPLINARY SANCTIONS**

Ozarks Technical Community College will hold perpetrators of sexual assault, stalking, dating violence and domestic violence accountable for their actions through appropriate student conduct and personnel procedures and by working with community agencies and law enforcement personnel where appropriate.

### ***Initial Complaint***

All College employees have a duty to report sexual misconduct when they receive a report of such conduct or witness such conduct. This does not apply to the employees who may maintain confidentiality as outlined in Pastoral and Professional Counselor reporting.

Students, faculty, staff and other persons who wish to report sexual misconduct should file a complaint with the Title IX Coordinator, the Deputy Title IX Coordinator, or online through "OTC Cares" at [www.otc.edu/otccares/otccares.php](http://www.otc.edu/otccares/otccares.php)

### ***Information Provided to Complainant and Respondent***

A complainant who makes a claim of sexual misconduct to the College will be given a copy of the document titled "Explanation of Rights and Options After Filing a Complaint Under the Sexual Misconduct Policy." The document provides information about the College policy and the Complaint Resolution Procedures used to investigate and resolve complaints of sexual misconduct, options for filing complaints with law enforcement, resources that are available on campus and in the community, etc. A person against whom a complaint has been filed will also be given information about the process.

### ***Interim Measures***

The College will take steps to protect the complainant from further discrimination or harassment. This may include separating the parties, placing limitations on contact between the parties, suspension, assisting and allowing the complainant to change his or her academic, living, transportation, or work situation if options to do so are reasonably available and upon request of the complainant. Such changes may be available regardless of whether the victim chooses to report the crime to the Safety & Security Department or local law enforcement.

The College will provide written notification to students and employees about existing counseling, health, mental, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the college and the community.

### ***Amnesty***

The College recognizes that an individual who has been drinking alcohol or using drugs may be hesitant to report sexual misconduct. To encourage reporting, the College will not take disciplinary action for drug or alcohol use against an individual reporting sexual misconduct, either as the complainant or as a witness, provided that these conduct violations did not and do not place the health or safety of any other person at risk. The College may, however, require the reporting individual to attend a course or pursue other educational interventions related to alcohol and drugs. The College's commitment to amnesty in these situations does not prevent action by law enforcement against an individual who has illegally consumed alcohol or drugs.

### ***Confidentiality***

The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints.

### ***Informal Resolution***

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. The complainant may terminate any such informal means at any time. In any event, informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence.

### ***Investigation Process***

All complaints of sexual misconduct will be promptly and thoroughly investigated and the College will take disciplinary action where appropriate. Once a complaint is made, the College will commence an investigation as soon as practicable, but not later than five (5) College business days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not (preponderance of the evidence standard) that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. The College will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it.

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

### ***Support Person/Advisor***

Both the complainant and the respondent may ask a support person/advisor to accompany him or her at all stages of the process. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent may not be actively involved in any proceedings, and he or she must agree to maintain the confidentiality of the process. A support person/advisor may be removed if he or she becomes disruptive or does not abide by the limitations discussed in the previous sentence.

### ***Rights of the Parties***



The complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence.
- Similar and timely access to all information considered by the Investigating Officer.
- Equal opportunity to review any statements or evidence provided by the other party.
- Equal access to review and comment upon any information independently developed by the Investigating Officer.
- Equal opportunity to appeal determinations pursuant to section III-A below.

### ***Resolution***

If a complaint of sexual misconduct is found to be substantiated, the College will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects.

The complainant and the respondent will receive a copy of the Summary of Findings including any remedial measures.

The Findings of the Investigation shall be final subject only to the right of appeal.

### ***Retaliation***

It is a violation of this policy to retaliate against any member of the College Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

### ***Appeals***

All appeals of determinations where a student is the respondent will be addressed pursuant to the Student Discipline and Appeals Process (Policy 5.16).

Appeals must be filed with the Vice Chancellor for Administrative Services within seven (7) College business days of receipt of the written report determining the outcome of the complaint. The Appellate Officer will resolve the appeal within ten (10) College business days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The decision of the Appellate Officer is final.

### ***Disciplinary Sanctions***

Ozarks Technical Community College will hold perpetrators of sexual assault, stalking, dating violence and domestic violence accountable for their actions through appropriate student conduct and personnel procedures and by working with community agencies and law enforcement personnel where appropriate. For students, appropriate disciplinary sanctions for substantiated violations of this policy can range from reprimands up to and including expulsion based upon Section 5 of the Standards of Student Conduct; more than one of the sanctions may be imposed for any single violation to include the following:

- **Censure** – Written reprimand to the student on whom it is imposed, giving official notice that subsequent violations of College policy will carry heavier penalties because of this prior infraction.
- **Probation** – The student may continue to attend classes but may be prohibited from officially representing the College or participating in any extracurricular activities. Probation may be for a designated period of time or indefinite as outlined in the letter to the student. Any further violations of Board policy may lead to suspension or expulsion from the College.
- **Restitution** – Reimbursement by the student for damage to, or misappropriation of property. Reimbursement may include appropriate service to repair or otherwise compensate for damages.

- **No Contact Order** – Requires that one or more involved individuals have no contact through any means of communication with another party. This order remains in effect until rescinded by the Dean of Students or other designated administrator, or by written request from all involved parties.
- **Suspension** – Severs the relationship of the student with the College and College related activities under conditions, which permit and anticipate the student’s eventual return to the College. The conditions for readmission will be stated in the letter of disposition.
- **Expulsion** – Permanent severance from the College. It may be recommended by the Vice Chancellor for Academic Affairs or the Student Grievance Committee and be imposed or rescinded only by the Chancellor.

Any violation by OTC employees will be handled in accordance with OTC’s disciplinary procedures, which begin in Section 3.32 of the Board of Trustees policies. Sanctions that may be imposed include being warned, reprimanded, or suspended by the Chancellor or his/her designee, or dismissed by the Board of Trustees.

***Information For Crime Victims About Disciplinary Proceedings***

Ozarks Technical Community College will, in accordance with Section 487 (a)(26) of the Higher Education Opportunity Act, upon written request, disclose to the alleged victim of any crime of violence (as that term is defined in Section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, Ozarks Technical College will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

**COUNSELING SERVICES AND RESOURCES**

The Office of Student Affairs – Counseling Services offers campus community information and education programs on sexual harassment, sexual violence, date rape and gender equity that are provided upon request. Counseling Services staff provides assistance to students and campus community members in crisis. This assistance includes support and referral for victims of sexual violence. For further information, please call 417-447-6974 or email [counseling@otc.edu](mailto:counseling@otc.edu) or visit [OTC Counseling Services](#).

**OTC Behavioral Intervention Team (BIT)**

417-447-6697

[otccares@otc.edu](mailto:otccares@otc.edu)

**OTC Title IX Team**

417-447-2686

[otccares@otc.edu](mailto:otccares@otc.edu)

**The Victim Center – Springfield**

Main Number for scheduling appointments, general information- 417-863-7273

Local 24 Hour Hotline Number- 417-864-7233 (SAFE) [www.thevictimcenter.org](http://www.thevictimcenter.org)

**The Clery Center for Security on Campus**

[www.clerycenter.org](http://www.clerycenter.org)

**National Domestic Violence Hotline**

800-799-SAFE (7233)

**National Sexual Assault Hotline**

800-656-HOPE (4673)

[www.rainn.org](http://www.rainn.org)**National Teen Dating Abuse Hotline**

866-331-9474

**Stalking Resource Center**

202-467-8700

[www.victimsofcrime.org/src](http://www.victimsofcrime.org/src)**Title IX Information**[www.knowyourix.org](http://www.knowyourix.org)

## REGISTERED SEX OFFENDER INFORMATION

The *Adam Walsh Child Protection and Safety Act of 2000*, which amended the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994*, requires 1974, requires registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus.

In Missouri, convicted sex offenders must register with the Sheriff's Office in the county in which they reside and the sex offender database is maintained by the Missouri State Highway Patrol.

To obtain more information regarding registered sex offenders in the area please contact the following law enforcement agency:

***Missouri State Highway Patrol***888-SOR-MSHP (767-6747) or visit [Missouri Highway Patrol Sex Offender Registry](#)

## BEHAVIORAL INTERVENTION TEAM

The Ozarks Technical Community College Behavioral Intervention Team (BIT) coordinates OTC resources to address the needs of students who are experiencing significant behavioral disturbances. The BIT serves as an early intervention system that aids in maintaining a safe campus for the entire academic community. The BIT provides members of the campus community a vehicle to more easily identify someone who may be in distress and report their concerns in a very simple, confidential manner using an electronic reporting system.

All members of our campus community are asked to report student behaviors of concern using the BIT online [Student Concern/Incident Report](#) so the BIT can effectively and proactively reach out to students in distress. Reporting the issues of concern can assist the BIT in connecting students with the appropriate resources.

The Behavioral Intervention Team can be contacted at: 417-447-6697, email: [otccares@otc.edu](mailto:otccares@otc.edu), or visit [BIT Team](#).

## PREPARATION AND DISCLOSURE OF CRIME STATISTICS

Ozarks Technical Community College is responsible for preparing an Annual Security Report and disclosing crime statistics in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act), 20 U.S.C. Section 1092. The Annual Security Report includes campus security policy statements and campus crime statistics for the previous three calendar years, so current and potential families, students, and employees can be knowledgeable about the safety of college campuses. The Annual Security report is reviewed and updated annually as a cohesive document and submitted to the U.S. Department of Education by October 1 of each year.

The College Director of Safety & Security is designated as the Campus Security Survey Administrator, and is responsible for collecting and reporting the annual crime statistics. The Annual Security Report is prepared in cooperation with the Office of Student Affairs, the Dean of Students, Office of Equity and Compliance and the Title IX Coordinator, who provide updated information on the College's educational programs and policy disclosures. Crime statistics are compiled from requests made to local law enforcement agencies surrounding each campus, a review of OTC Safety & Security Department Crime Logs and crime statistics reported to CSAs during the previous calendar year, January 1 to December 31.

An additional purpose of the Annual Security Report is to serve as a mechanism for the Safety & Security Department to fulfill its role of informing the campus community of crimes reported to the department, crime prevention tips, victim/witness services, reporting procedures, mass notification procedures, important contact information, and additional information from the department.

The Annual Security Report is available annually through publications, or computer network to all enrolled students and current faculty and staff. The College Director of Safety & Security distributes an e-mail notification, to all enrolled students, faculty and staff, informing them of the appropriate web site address to access the Annual Security Report by October 1st of each year. Copies of the report may also be obtained at any OTC Safety & Security Department office or by calling 417-447-6911.

All prospective students may obtain a copy of this report from the Office of Admissions. All prospective employees may obtain a copy of this report from Human Resources. A partial version of this report is located in the OTC Student Handbook, including the web site address to access the complete report.

## DEFINITIONS OF CRIMINAL OFFENSES

The Clery Act requires that Ozarks Technical Community College to include four general categories of crime statistics: Criminal Offenses, Hate Crimes, VAWA Offenses, and Arrests and Referrals for Disciplinary Action.

The following pages contain crime statistics, which were reported to the OTC Safety & Security Department and local law enforcement occurring in the OTC Clery Geography for the previous three years. The following *FBI Uniform Crime Reporting Standards (UCR) and National Incident Based Reporting System (NIBRS)* definitions were used in determining these crime statistics.

### ***Murder and Non-negligent Manslaughter***

The willful (non-negligent) killing of one human being by another.

### ***Manslaughter by Negligence***

The killing of another person through negligence.

### **Sexual Assault (Sex Offenses)**

- ***Rape***

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. Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded.

- ***Fondling***

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

- ***Incest***

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

- ***Statutory Rape***

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

### ***Robbery***

The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

### ***Aggravated Assault***

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or 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. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

### ***Burglary***

The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

### ***Motor Vehicle Theft***

The theft of a motor vehicle.

### ***Arson***

To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

## **Hate Crimes**

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

- ***Race***

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

- ***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 person or group of persons based on their actual or perceived sexual orientation.

- ***Gender***

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, i.e., 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 nonconforming 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.

- ***National Origin***

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

- ***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.

For an incident to be considered a hate crime, bias must be a component of one of the following crimes: murder, non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, or arson.

**The following crimes are included as a Hate Crime based offense:**

***Larceny-Theft***

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. 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.

***Destruction/Damage/Vandalism of Property***

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

***Intimidation***

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

***Simple Assault***

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

**VAWA Offenses**

Definitions from: Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) and 34 CFR 668.46 (a)

- ***Domestic Violence***

A felony or misdemeanor crime of violence committed—

- (A) By a current or former spouse or intimate partner of the victim;
  - (B) By a person with whom the victim shares a child in common;
  - (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - (D) 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
  - (E) 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.
- (ii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- ***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.

(i) 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.

(ii) For the purposes of this definition—

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

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

(iii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- ***Stalking***

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) *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.

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

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

(iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **Arrests and Disciplinary Referrals for Violation of Weapons, Drug Abuse and Liquor Laws**

Statistics for violations of the law resulting in arrests, or persons being referred for disciplinary action of these laws.

### ***Weapons - Carrying, Possessing, Etc.***

The violation of laws and ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. The manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned will be classified as a Weapons: Carrying, Possessing, ETC. violation.

### ***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 (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).



### ***Liquor Law Violations***

The violation of state laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing or use of alcoholic beverages, not including driving under the influence and drunkenness; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

### **Unfounded Crimes**

The standard for unfounding a reported crime is very high. As such, crimes may be classified as unfounded or baseless, only after a full investigation by sworn or commissioned law enforcement personnel. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

## **GEOGRAPHY**

As specified in the Clery Act, the following property descriptions are used to identify the locations of crimes on and around the Ozarks Technical Community College campus / centers.

### ***On-Campus***

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### ***Non-campus Buildings or Property***

Any building or property owned or controlled by a student organization, such as a fraternity or sorority, that is officially recognized by the institution; or

any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### ***Public Property***

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

The public properties (as defined under the Clery act) for the OTC-Table Rock Campus are:

1. City of Hollister sidewalk/street/sidewalk adjoining the Table Rock campus' contiguous property;

Ozarks Technical Community College crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

## **2018 - 2015 Campus Crime Statistics – Table Rock Campus**

<b>CRIMINAL OFFENSES</b>	<b>On-Campus</b>			<b>Non-Campus</b>			<b>Public</b>			<b>Unfounded Cases</b>		
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses – Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA</b>												
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>												
Illegal weapons possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>DISCIPLINARY REFERRALS</b>												
Illegal weapons possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0

## **Hate Crimes – Table Rock Campus**

There were no Hate Crimes reported for the 2018, 2017 and 2016 reporting periods.

## Appendix A: Ozarks Technical Community College Standards of Student Conduct

### 5.15 – Standards of Conduct for Students and Organizations

#### A. Purpose

To describe the standards of conduct to which students and organizations must adhere.

#### B. Policy

1. The basic standard of behavior requires a student to comply with, observe, and obey state and/or federal laws; the policies, rules, and regulations of the college; and orders of the Chancellor, faculty, administrators, and staff of the institution who are charged with the administration of institutional affairs.
2. A student is not entitled to greater immunities or privileges before the law than those enjoyed by other citizens generally. He/she is expected to obey the civil statutes of the state of Missouri and the federal government, and the Board of Trustees' rules and regulations. He/she may be penalized by the college for violating its standards of conduct even though punished by state or federal authorities for the same act.

#### C. Procedures

##### 1. Inherent Authority

The succeeding regulations describe offenses for which disciplinary proceedings may be initiated. The college expects all students and student organizations to obey the law, to show respect for properly constituted authority, to maintain integrity and high standards of individual honor in scholastic work, and to observe standards of conduct appropriate for a community of scholars. In short, a student enrolled in the college assumes an obligation to conduct himself/herself in a manner compatible with the college's function as an educational institution.

The college reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus and to support the mission of the college. When a college administrator receives a report that a student's or organization's behavior off-campus potentially poses significant danger to the college community, or would otherwise disrupt the campus environment or adversely affect the college, appropriate action as outlined in this code may be taken. Complaints about off-campus behavior will be considered on a case-by-case basis to determine whether they merit review within the Student Conduct system.

To the extent feasible and practical, disciplinary regulations at the college are in writing in order to provide students general notice of prohibited conduct. The regulations are not a criminal code; they should be read broadly and are not designed to define misconduct in exhaustive terms.

##### 2. Enumerated Standards

Violations of the Code of Conduct include but are not limited to:

- a. unauthorized and/or illegal possession, use or distribution of alcoholic beverages or presence on campus while under the influence of such
- b. manufacture, distribution, dispensation, possession or use of controlled substances or presence on campus while under the influence of such

- c. theft of property or services
- d. vandalism or destruction of property
- e. assault and/or battery
- f. conduct that threatens the physical or mental well-being, health or safety of an individual
- g. intimidation or harassment that causes a reasonable person to fear for his or her physical safety or property, and the intimidation or harassment may consist of physical actions, including gestures, or oral, cyber bullying, electronic, or written communications, and any threat of retaliation for reporting any such intimidation or harassment
- h. gender-based or sexual misconduct as defined by policy 4.06
- i. possession, use, sales or purchase of firearms or other weapons
- j. trespassing on college property or other unauthorized use of college property or services
- k. abuse or misuse of college computer, network or other technology system resources, including unauthorized distribution of copyrighted material including through peer-to-peer (P2P) file sharing and other violations of the College's Computer Use Agreement
- l. academic dishonesty, including cheating, plagiarizing or furnishing false information on official documents or other requests from the college
- m. failure to identify oneself to, or comply with the directions of an authorized college employee or representative who is performing his/her duties
- n. any conduct that constitutes a violation of the terms of any discipline imposed in accordance with this procedure, or any form of retaliation towards a complainant or any participant in an investigation or conduct process. Retaliation will not be tolerated
- o. any conduct that constitutes a violation of handbooks, policy, contracts, financial or behavioral agreements specific to college programs or activities
- p. any conduct that constitutes a violation of Federal or State law, local ordinance or college policy or regulation
- q. gambling of any kind on college property, in college facilities or using college resources
- r. forgery, alteration or misuse of any college document, record, key, electronic device or identification cards
- s. hazing – participating in or causing a willful act, occurring on or off campus of the college, directed against a student or a prospective member of an organization operating under the sanction of the college that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm
- t. stalking – purposely and repeatedly engaging in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct
- u. disorderly conduct, which includes, but is not limited to: (i) any conduct which materially and substantially disrupts the education process, college operations, and/or related activities; and (ii) any conduct which aids, abets, or procures another person to materially and substantially disrupt the education process, college operations, and/or related activities.

- v. failure to conform to community standards of safety, good taste and decency. A student's dress, hygiene and appearance shall not be such that it causes disruption, distracts others from the educational process or creates a health or safety problem.

#### D. Responsibilities

1. As delegated by the Vice Chancellor for Student Affairs, the Dean of Students or the designated campus or center administrator will administer the day-to-day proceedings in dealing with alleged violations of college standards of conduct in a manner consistent with procedural due process.
2. The Vice Chancellor for Student Affairs, or other designated campus or center administrators, will receive student appeals and facilitate appeal proceedings as outlined in policy 5.16 Student Discipline and Appeal Procedures.

#### E. Definitions

1. "Vice Chancellor for Student Affairs" means the Vice Chancellor for Student Affairs, his/her designee(s), or his/her representative(s).
2. "Dean of Students" means the Dean of Students, his/her designee(s), or his/her representative(s).
3. "Chancellor" means the Chancellor, his/her designee(s) or his/her representative(s).
4. "Student" means all persons taking courses at Ozarks Technical Community College, for college credit or non-credit, for continuing education, personal development, adult education and literacy or professional development, whether or not pursuing any degree or program offered by Ozarks Technical Community College. The college has jurisdiction for disciplinary purposes over a person who was an enrolled student at the time he/she allegedly violated a Board of Trustees policy, college regulation, or administrative rule. Individuals who withdraw after allegedly violating the Standards of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students" under this policy.
5. "Administrator" represents all Vice Chancellors, Vice Chancellors, campus presidents, deans, directors, coordinators, and department chairpersons of the college for the purposes of this code.
6. "Board" means the Board of Trustees of Ozarks Technical Community College.

#### F. Authority

This policy is maintained under the authority of the Vice Chancellor for Student Affairs.

#### G. Related Policies

- 5.16 Student Discipline, Grievance and Appeals Process
- 4.06 Sexual Misconduct

### 3.39 Anti-Harassment, Anti-Discrimination Grievance Procedures

#### H. Implementation

1. Policy approved and adopted by the Board of Trustees on 2/23/98. Revised 7/13/09, 11/10/14.
2. Purpose, procedures, responsibilities and definitions approved and adopted by the Cabinet on 10/28/14, 03/30/2018.

## Appendix B: Ozarks Technical Community College Drug and Alcohol Prevention Policy

### 5.37 – Drug and Alcohol Prevention

#### A. Purpose

Pursuant to the Drug-Free Schools and Communities Act Amendments, Ozarks Technical Community College is required to establish drug and alcohol prevention programming for students and employees.

#### B. Policy

The policy of this college shall be to ensure that all students and employees are notified in writing on an annual basis of the following standards:

- Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the school's property or as any part of college activities.
- Clear statements that the college will impose sanctions for violations of standards of conduct and descriptions of sanctions.
- Description of applicable legal sanctions under state, local, and federal law.
- Description of the associated health risks.
- Description of available counseling, treatment, rehabilitation, or re-entry programs.

In addition, the college will engage in a comprehensive biennial review of its drug and alcohol abuse prevention program(s) to determine its effectiveness, make changes as needed, and ensure sanctions for violations of alcohol and drug policies are consistently enforced.

#### C. Procedures

The annual notification discussed in Section B, above, will include the following information:

##### 1. Standards of Conduct

- a. OTC prohibits the unlawful possession, use, distribution and sale of alcohol and illicit drugs by OTC students and employees on College owned or controlled property and at events sponsored by OTC. In observance of state law, no person under the age of twenty-one (21) may purchase or attempt to purchase, or have in his or her possession, any alcoholic or intoxicating beverage on the College premises or at College sponsored events. OTC complies with all laws related to underage drinking, and any violation of the state's underage drinking laws will be referred to the appropriate authorities. Further, the Standards of Conduct for both students and employees, regardless of age, prohibit the possession of alcohol, illicit drugs and being present on College owned or controlled property while under the influence of such.
- b. Exceptions to this policy include the authorized use of alcohol within approved curricular programs.

##### 2. College Discipline

- a. Students who violate this policy or the College's Standard of Conduct pertaining to alcohol and illicit drugs will be subject to disciplinary action depending on the seriousness of the offense. Sanctions may range from an informal reprimand to dismissal from the College.

- b. Employees who violate this policy will be subject to disciplinary action ranging from an informal reprimand to termination of employment depending upon the seriousness of the offense. If the conduct resulting in discipline also involves a violation of state or federal law then the College will refer the matter to the appropriate authorities for prosecution.

### 3. Legal Sanctions

#### a. Federal Law

- i. Federal law prohibits, among other things, the manufacturing, distributing, selling and possession of controlled substances as outlined in 21 United States Code, Sections 801 through 971. Depending on the amount, first offense maximum penalties for trafficking marijuana range from up to five years' imprisonment and a fine of up to \$250,000 to imprisonment for life and a fine of \$4 million. Depending on the amount, first offense maximum penalties for trafficking other controlled substances (e.g., methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl and fentanyl analogue) range from five years to life imprisonment and fines range from \$2 to \$4 million. First offense penalties and sanctions for the illegal possession of small amounts of controlled substances, including marijuana, range from up to one year in prison or a fine of at least \$1,000. Penalties are more severe for subsequent offenses.
- ii. Convictions for federal drug offenses can also result in a student's loss of eligibility for federal financial aid.

#### b. State and Local Law

- i. State law and local law also provide penalties for violations of laws relating to the unlawful manufacture, sale, use or possession of controlled (and/or imitation of) controlled substances and alcohol. In addition, states and localities have laws relating to underage drinking, driving while intoxicated or under the influence of alcohol and/or illicit drugs. Sanctions for violations may range from local citation to state law felonies. Penalties may range from small fines to prison terms, depending on the violation and past criminal history of the individual.

### 4. Health Risks

- a. Serious health risks are associated with the use of illicit drugs and alcohol. Some but not all of the risks are listed below:
  - i. Alcohol and other depressants: Consumption of alcohol and other depressants causes a number of marked changes in behavior. Even low doses significantly impair judgment and coordination required for safety and care. Use of alcohol and depressant can lead to addiction and accidents as a result of impaired ability and judgment.
  - ii. Marijuana: Use of marijuana can lead to panic reactions, impaired short term memory, increased risk of lung cancer and emphysema, particularly in cigarette smokers, and impairment of driving ability.
  - iii. Cocaine: Addiction, heart attack, seizures, lung damage, severe depression, paranoia, and psychosis. Similar risks are associated with other stimulants, such as speed and uppers.
  - iv. Hallucinogens: Unpredictable behavior, emotion instability, violent behavior, and organic brain damage in heavy users, convulsions and coma.



- v. Narcotics (Heroin, Morphine, Codeine, etc.): Addiction, accidental overdose, risk of hepatitis and AIDS from contaminated needles.
- vi. Inhalants (Gas, aerosols, glue, etc.): Loss of consciousness, suffocation, damage to the brain and central nervous system, sudden death, nausea and vomiting, nosebleeds and impaired judgment.
- b. For more information about the health risks associated with alcohol and particular types of drugs, please visit: <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

#### 5. Resources

- a. If a student or employee is interested in resources available in the community for drug or alcohol counseling, treatment, rehabilitation or re-entry they may contact the OTC Counseling Services Department at [counseling@otc.edu](mailto:counseling@otc.edu) or 417-447-6973. Counseling Services provides educational information on drug and alcohol abuse through the distribution of printed materials, scheduled programming throughout the academic year and a website that includes substance abuse-related resources and links to online screenings.
- b. Other resources are also available, including, but not limited to, the following:
  - i. Substance Abuse and Mental Health Service Administration (SAMSHA) (<https://www.samhsa.gov/>)
  - ii. National Institute on Drug Abuse (<https://www.drugabuse.gov/>)
  - iii. National Institution on Alcohol Abuse and Alcoholism (<https://www.niaaa.nih.gov/>)
  - iv. Alcoholics Anonymous (<https://www.aa.org/>)
  - v. Narcotics Anonymous (<https://www.na.org/>)

D. Responsibilities  
N/A

E. Definitions

F. Authority  
This policy is maintained under the authority of the Vice Chancellor for Student Affairs.

G. Related Policies  
N/A

H. Implementation  
Policy approved and adopted by the Board of Trustees on 11/12/2013. Purpose and Policy revised on 5/14/2018.  
Procedures approved and adopted by the Cabinet on 02/12/2014. Procedures, Responsibilities, Definitions, Authority and Related Policies sections revised on 5/14/2018.

## **Appendix C: Ozarks Technical Community College Sexual Misconduct Policy**

### **4.06 Sexual Misconduct**

#### **I. PURPOSE**

Ozarks Technical Community College System seeks to create and maintain a safe environment in which all members of the College community – students, employees, visitors and other third parties – can learn and work free from sex discrimination and sexual violence. Policy and procedures are established for addressing acts of discrimination, harassment and violence on the basis of sex.

#### **II. POLICY STATEMENT**

Ozarks Technical Community College (the “College”) is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. The College considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated. Sexual harassment, whether verbal, physical, visual, or digital is a form of prohibited sex discrimination. The specific definitions of sexual harassment and sexual violence, including examples of such conduct, are set forth below.

#### **III. IMPLEMENTATION**

1. Policy approved and adopted by the Board of Trustees on 04/13/15. Revised 02/26/15.
2. Purpose, procedures, responsibilities and definitions approved and adopted by the Cabinet on 03/24/15.

#### **IV. SCOPE**

This policy applies to all College employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the College’s educational programs and activities, including third-party visitors on campus (the “College Community”). This policy prohibits sex discrimination, sexual harassment, and sexual violence even when the complainant and alleged perpetrator are members of the same sex, and it applies regardless of national origin, immigration status, or citizenship status. The College’s prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, housing, and student services.

The College has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

#### **V. TITLE IX STATEMENT**

It is the policy of the College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the College’s

educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. The College has designated the following:

Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Kevin Luebbering  
Title IX Coordinator  
1001 E. Chestnut Expressway  
Springfield, MO 65802  
417-447-8188  
luebberk@otc.edu

The College has also designated the following Deputy Title IX Coordinator to assist the Title IX Coordinator in coordinating Title IX compliance when employees are involved and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Ocki Haas  
Deputy Title IX Coordinator  
1001 E. Chestnut Expressway  
Springfield, MO 65802  
417-447-2631  
haaso@otc.edu

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

## VI. SEXUAL MISCONDUCT

### A. Definition of Sexual Misconduct

"Sexual misconduct" is an umbrella term covering sex discrimination, sexual harassment, and sexual violence and this term will be used throughout the remainder of this policy and the Complaint Resolution Procedures when collectively referring to these types of conduct.

### B. Sexual Harassment

#### 1. Definition of Sexual Harassment

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment

## 2. Examples of Sexual Harassment

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, or humor
- Making sexual gestures
- 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 and Internet 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 or text messages
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Sexual violence (as defined below)

### C. Definition of Consent

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- Warning signs of when a person may be incapacitated due to drug and/or alcohol use include: slurred speech, falling down, passing out, and vomiting.
- If a person is asleep or unconscious, there is no consent.
- If a person is below the minimum age of consent in the applicable jurisdiction, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

### D. Sexual Violence

#### 1. Definition of Sexual Violence

Sexual violence is a form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, or because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol.

## 2. Examples of Sexual Violence

Some examples of sexual violence include:

- Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person's vagina or anus with an object
- Use of the "date rape drug" to effect sexual intercourse or some other form of sexual contact with a person
- One partner in a romantic relationship forcing the other to have sexual intercourse without the partner's consent
- Exceeding the scope of consent by engaging in a different form of sexual activity than a person has consented to
- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Coercing someone into having sexual intercourse by threatening to expose their secrets
- Secretly videotaping sexual activity where the other party has not consented
- Prostituting another person

## E. Domestic Violence, Dating Violence, and Stalking

The crime of domestic violence, dating violence and stalking can also constitute sexual misconduct when motivated by a person's sex. These crimes, no matter the motivation behind them, are a violation of this policy.

### 1. Domestic Violence

"Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a 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 or the victim under the domestic or family violence laws of the jurisdiction [...], or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- Missouri's definition of domestic violence can be found at Mo. Rev. Stat. § 455.010.
- Under Missouri law, domestic violence also includes the crime of "domestic assault" which can be found at Mo. Rev. Stat. §§ 565.072-565.074.

### 2. Dating Violence

"Dating violence" means 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 a consideration of the length of the relationship,

the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

- Missouri law does not specifically define dating violence, but conduct of this nature is covered by Missouri’s definitions of domestic violence and domestic assault.

3. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

- Missouri’s definition of stalking can be found at Mo. Rev. Stat. § 455.010 and § 565.225.

## VII. ROLES AND RESPONSIBILITIES

### A. Title IX Coordinator

It is the responsibility of the Title IX Coordinator to: (1) receive complaints under this policy; (2) coordinate dissemination of information and education and training programs; (3) assist members of the College Community in understanding that sexual misconduct is prohibited by this policy; (4) answer questions about this policy; (5) appoint investigators and ensure that they are trained to respond to and investigate complaints of sexual misconduct; (6) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct; and (7) to implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures. The Deputy Title IX Coordinator will assist the Title IX Coordinator in carrying out these responsibilities.

### B. Administrators, Deans, Department Chairs, and Other Managers

It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Work with the Title IX Coordinator to implement education and training programs for employees and students
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

### C. Employees

Throughout this policy, the term “employees” includes all faculty and staff. It is the responsibility of employees to review this policy and comply with it.

### D. Students

It is the responsibility of students to review this policy and comply with it.

### E. The College

When the College is aware that a member of the College Community may have been subjected to or affected by conduct that violates this policy, the College will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sexual misconduct. The College will act in accordance with its Complaint Resolution Procedures.

## VIII. COMPLAINTS

### A. Making a Complaint

### 1. Employees

All College employees have a duty to report sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator when they receive a report of such conduct or witness such conduct. This does not apply to the employees who may maintain confidentiality as described in Section VI.A.4 of this policy.

### 2. Students and Other Persons

Students who wish to report sexual misconduct should file a complaint with the Title IX Coordinator or the Deputy Title IX Coordinator. Students should be aware that all employees at the College, except those who may maintain confidentiality as described in Section VI.A.4 of this policy, have an obligation to report sexual misconduct that they become aware of or witness.

Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in Section III above.

### 3. Reporting an Incident via "OTC Cares"

"OTC Cares" is available at <http://www.otc.edu/otccares/otccares.php> and provides an additional reporting mechanism for sexual misconduct. While this website does allow the anonymous reporting of incidents, College employees may not file an anonymous report of sexual misconduct when they receive a report of such conduct or witness such conduct.

### 4. Confidential Discussions

If a victim desires to talk confidentially about his or her situation, the College's Counseling Services office is available and an appointment can be scheduled by contacting the Office of Counseling Services at (417) 447-6974 or by emailing [counseling@otc.edu](mailto:counseling@otc.edu). Counseling Services is available to assist you and will not report your circumstances to the College for investigation without your permission, unless otherwise required by law (such as when the victim is a minor). Notwithstanding, a non-identifying report may be made to the Title IX Coordinator so that the College can identify any patterns of sexual misconduct on campus and, if the conduct is a crime, it can be included in the College's annual crime statistics disclosure.

### 5. Content of the Complaint

So that the College has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the College may follow up appropriately.

### 6. Information Provided to Complainant and Respondent

A complainant who makes a claim of sexual misconduct to the College will be given a copy of the document titled "Explanation of Rights and Options After Filing a Complaint Under the Sexual Misconduct Policy." This document provides information about this policy and the Complaint Resolution Procedures used to investigate and resolve complaints of sexual misconduct, options for filing complaints with the local police, resources that are available on campus and in the community, etc. A person against whom a complaint has been filed will also be given information about the process.

## 7. Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime—including sexual violence, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

## 8. Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking

If you are the victim of sexual violence, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. When physical violence of a sexual nature has been perpetrated against you, the College recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you are the victim of sexual violence, domestic violence, or dating violence, 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 a protection order. Victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc., rather than evidence of physical contact and violence.

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting that no further action be taken

## 9. Vendors, Contractors, and Third-Parties

This policy applies to the conduct of vendors, contractors, and third parties. Persons who believe they have been subject to sexual misconduct in violation of this policy should make a complaint in the manner set forth in this section.

## 10. Retaliation

It is a violation of this policy to retaliate against any member of the College Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

## 11. Protecting the Complainant



Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, the College will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, living, transportation, or work situation if options to do so are reasonably available and upon request of the complainant. Such changes may be available regardless of whether the victim chooses to report the crime to Campus Safety and Security or local law enforcement. Requests to change an academic, living, transportation, or work situation, or for any other protective measure, should be made to the Title IX Coordinator.

If a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator or Deputy Title IX Coordinator. The College will take all reasonable and legal action to implement the order.

#### 12. Amnesty

The College recognizes that an individual who has been drinking alcohol or using drugs may be hesitant to report sexual misconduct. To encourage reporting, the College will not take disciplinary action for drug or alcohol use against an individual reporting sexual misconduct, either as the complainant or as a witness, provided that these conduct violations did not and do not place the health or safety of any other person at risk. The College may, however, require the reporting individual to attend a course or pursue other educational interventions related to alcohol and drugs.

The College's commitment to amnesty in these situations does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs.

#### B. Timing of Complaints

The College encourages persons to make complaints of sexual misconduct as soon as possible because late reporting may limit the College's ability to investigate and respond.

#### C. Investigation and Confidentiality

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures, and the College will take disciplinary action where appropriate. The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality.

#### D. Resolution

If a complaint of sexual misconduct is found to be substantiated, the College will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects. Students and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, probation, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from College programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant; academic, transportation, work, or living accommodations for the complainant; separation of the parties; and training for the respondent and other persons.

#### E. Bad Faith Complaints

While the College encourages all good faith complaints of sexual misconduct, the College has the responsibility to balance the rights of all parties. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

### IX. ACADEMIC FREEDOM

While the College is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression nor the proper exercise of academic freedom.

### X. EDUCATION

Because the College recognizes that the prevention of sexual misconduct, as well as domestic violence, dating violence, and stalking, is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

### SEXUAL MISCONDUCT COMPLAINT RESOLUTION PROCEDURES

#### XI. GENERAL PRINCIPLES

##### A. Administration

For purposes of these Complaint Resolution Procedures, "Investigating Officer" means the Title IX Coordinator, Deputy Title IX Coordinator, and/or their designee(s). The Investigating Officer shall have responsibility for administering these Complaint Resolution Procedures.

##### B. Promptness, Fairness and Impartiality

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Investigating Officer shall discharge his or her obligations under these Complaint Resolution Procedures fairly and impartially. If the Investigating Officer determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, the Investigating Officer shall designate another appropriate individual to administer these procedures.

##### C. Training

These procedures will be implemented by officials who receive annual training on the issues related to sexual misconduct, domestic violence, dating violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. College personnel implementing the Student Discipline and Appeals Process when sexual misconduct, domestic violence, dating violence, or stalking is alleged will also receive annual training.

## XII. INVESTIGATION AND RESOLUTION OF THE COMPLAINT

### A. Preliminary Matters

#### 1. Timing of the Investigation

The College will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) College business days.

#### 2. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the complainant may terminate any such informal means at any time. In any event, informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence.

#### 3. Interim Measures

At any time during the investigation, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Sexual Misconduct Policy.

#### 4. Support Person/Advisor

During the investigation process, both a complainant and a respondent may ask a support person/advisor to accompany him or her at all stages of the process. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and he or she must agree to maintain the confidentiality of the process. A support person/advisor may be removed if he or she becomes disruptive or does not abide by the limitations discussed in the previous sentence.

#### 5. Pending Criminal Investigation

Some instances of sexual misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. The pendency of a criminal

investigation, however, does not relieve the College of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

#### 6. Rights of the Parties

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence.
- Similar and timely access to all information considered by the Investigating Officer.
- Equal opportunity to review any statements or evidence provided by the other party.
- Equal access to review and comment upon any information independently developed by the Investigating Officer.
- Equal opportunity to appeal determinations pursuant to section III-A below.

#### B. Commencement of the Investigation

Once a complaint is made, the Investigating Officer will commence an investigation of it as soon as practicable, but not later than five (5) College business days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the Investigating Officer may receive counsel from College administrators, the College's attorneys, or other parties as needed.

In certain narrow circumstances, the Investigating Officer may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Investigating Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

#### C. Content of the Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

#### D. Resolution

At the conclusion of the investigation, the Investigating Officer will prepare a written report. The written report will explain the scope of the investigation, identify findings of fact, and state whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence.

If the investigation determines that sexual misconduct occurred, the Investigating Officer shall set forth in a written report those steps necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College Community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom

reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions.

The complainant and the respondent will receive a copy of the Summary of Findings including any remedial measures within three (3) College business days of its completion. If necessary, the version of the Summary of Findings provided to the complainant and/or respondent will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with Title IX, the Family Educational Rights and Privacy Act (“FERPA”), and the Clery Act, as explained by the April 4, 2011, Dear Colleague Letter issued by the U.S. Department of Education, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.

The Findings of the Investigation shall be final subject only to the right of appeal set forth in Section III below.

E. Special Procedure Concerning Complaints Against the Chancellor, a Board Member, the Title IX Coordinator, the Deputy Title IX Coordinator, or Other Administrators Ranked Higher than the Title IX Coordinator.

If a complaint involves alleged conduct on the part of the College’s Chancellor, the College’s Board of Trustees will designate the Investigating Officer. Based on the information gathered by the investigation, the Board of Trustees will prepare and issue the written report determining the complaint. The determination of the Board of Trustees is final and not subject to appeal.

If a complaint involves alleged conduct on the part of a member of the Board of Trustees, the remaining members of the Board of Trustees will designate the Investigating Officer. Based on the information gathered by the investigation, the remaining members of the Board of Trustees will prepare and issue the written report determining the complaint. The determination of the remaining members of the Board of Trustees is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator, Deputy Title IX Coordinator or any administrator ranked higher than the Title IX Coordinator, the College’s Chancellor will designate the Investigating Officer. Based on the information gathered by the investigation, the Chancellor will prepare and issue the written report determining the complaint. The determination of the Chancellor is final and not subject to appeal.

### XIII. APPEALS

#### A. Applicability

This Appeals section applies to all appeals of determinations of complaints made under the Sexual Misconduct Policy when an employee or third party is the respondent. All appeals of determinations where a student is the respondent will be addressed pursuant to the Student Discipline and Appeals Process (Policy 5.16).

#### B. Grounds of Appeal

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer, would result in a different decision;

- There was a procedural error significant enough to call the outcome into question;
- There was a clear error in factual findings;
- There was bias or prejudice on the part of the Investigating Officer; or
- The punishment or the corrective action imposed is disproportionate to the offense.

### C. Method of Appeal

Appeals must be filed with the Vice Chancellor for Administrative Services (“Appellate Officer”) within seven (7) College business days of receipt of the written report determining the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant;
- Name of the respondent;
- A statement of the determination of the complaint, including corrective action if any;
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
- Requested action, if any.

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

### D. Resolution of the Appeal

The Appellate Officer will resolve the appeal within ten (10) College business days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The decision of the Appellate Officer is final. The Appellate Officer shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Investigating Officer’s previous written determination. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) College business days of the resolution.

## XIV. DOCUMENTATION

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, the Deputy Title IX Coordinator and the Appellate Officer as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these Complaint Resolution Procedures, which may include written findings of fact, transcripts, and audio recordings.

## XV. INTERSECTION WITH OTHER PROCEDURES

These Complaint Resolution Procedures are the exclusive means of resolving complaints alleging violations of the Sexual Misconduct Policy, except that the Student Discipline and Appeals Process (Policy 5.16) will be used to resolve appeals when there is a student respondent. To the extent there are any inconsistencies between these Complaint Resolution Procedures (and Policy 5.16, if applicable) and other College grievance, complaint, or discipline procedures, these Complaint Resolution Procedures (and Policy 5.16, if applicable) will control the resolution of complaints alleging violations of the Sexual Misconduct Policy.