



**Ozarks Technical Community College**

**WAYNESVILLE EDUCATION CENTER**  
**2021 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

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## 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 Campus Community Member,

I am pleased to introduce the 2021 Annual Security Report for the 2021 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 contacting the Waynesville Center Safety and Security Department at 417-447-6640, 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
- Inclusion
- Accessibility
- Integrity
- Collaboration
- Professional Growth
- Opportunity
- Learning
- Affordability
- 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 their 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 **417-447-6640**, 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 the campus 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 Waynesville Education Center is located at 600 GW Lane Street, Waynesville, Missouri, Room #119D and can be reached by phone at **417-447-6640**; 24 hours a day, seven days a week, 365 days a year. OTC Safety & Security Department 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 **911** from any campus or outside phone system.



OTC Safety & Security Department Officers are normally on-duty at the Waynesville Education Center Monday – Thursday 07:00-10:00, and Friday 7:00 am to 4:30 pm, unless the College is closed.

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

OTC Safety & Security dispatchers and officers 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 patrols on foot, bicycle and vehicle
- Crime / Accident / Injury investigations
- Safety Escorts
- Lost and found
- Vehicle registration
- Emergency notifications
- First aid, CPR, and AED
- Assistance with jump starting vehicles

# OZARKS TECHNICAL COMMUNITY COLLEGE RESOURCE INFORMATION

## Emergency - Dial 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.....	417-447-6689
Waynesville Education Center.....	417-447-6640
Republic Education Center .....	417-447-7418

### 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.....	573-774-2414
Republic Police Department .....	417-732-3900
Greene County Sheriff's Office – Springfield & Republic.....	417-868-4040
Christian County Sheriff's Office - Ozark .....	417-582-5330
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.....	573-368-2345
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 Fire District .....	417-581-4436
Western Taney County Fire Station 1 .....	417-334-3440
Lebanon Rural Fire District .....	417-532-7678
Waynesville Rural Fire Protection District.....	573-774-5449
Republic Fire Department.....	417-732-3800

**Hospitals & Ambulance Services**

Emergency Dispatch .....	911
Cox Health Hospital - Main Line.....	417-269-3000
Ambulance Services	
Emergency.....	417-269-3773
Non-Emergency .....	417-269-8103
Mercy Hospital - Main Line.....	417-820-2000
Ambulance Service .....	417-820-2300
Lebanon – Mercy Hospital.....	417-533-6100
Lebanon – Ambulance Service .....	417-820-2300
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.....	417-582-5400
Taney County Office of Emergency Management .....	417-546-7233
Laclede County Office of Emergency Management.....	417-532-6992
Pulaski County Office of Emergency Management .....	573-774-8943
Greene County Health Department.....	417-864-1655
Christian County Health Department.....	417-581-7285
Taney County Health Department .....	417-546-4725
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).....	800-361-4827
Oil/Chemical Spill Reporting.....	913-281-0991

**Utilities**

Springfield City Utilities .....	417-863-9000
Empire District Electric / Liberty Electric – Ozark, Hollister & Republic.....	800-206-2300

White River Electric - Ozark.....	800-695-0056
Hollister City Utilities .....	417-334-3262
Laclede Electric Cooperative - Lebanon.....	417-532-3164
Waynesville Utility Department .....	573-774-5217 - After hours 573-774-6341

**National and Statewide Hotlines**

American Red Cross .....	417-832-9500
Crisis Text Line.....	Text HOME to 741741
Poison Control Center.....	800-222-1222
Veterans Crisis Line.....	800-273-8255, press 1 or text 838255
Deaf LEAD Institute Video Phone Crisis line for Hearing Impaired .....	800-380-3323
Trevor Line (LGBTQ).....	866-488-7386
Victim Connect Resource Center.....	855-4-VICTIM (855-484-2846)
National Domestic Violence .....	800-799-SAFE (7233)
National Suicide Prevention Lifeline.....	800-273-8255
National Human Trafficking Hotline.....	888-373-7888

**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 Student Affairs .....	417-447-6914
Chief Financial Officer .....	417-447-7603
Chief Human Resources Officer .....	417-447-2631
Chief Media Relations Officer.....	417-447-2655
President of Richwood Valley Campus .....	417-447-2652
Dean of Academic and Student Affairs .....	417-447-7452
President of Table Rock Campus.....	417-447-8922
Dean of Academic and Student Affairs .....	417-447-8922
President of OTC Education Centers .....	417-447-8931
Director of Waynesville and Fort Leonard Wood Education Center.....	417-447-6632
Operations Coordinator of Republic Education Center .....	417-447-2646
Dean of Students .....	417-447-6973
College Director of Safety & Security Department.....	417-447-6911
College Director of Facilities & Grounds .....	417-447-4818
Director of Counseling Services .....	417-447-6981
Coordinator of Environmental Safety & Compliance Office .....	417-447-6996

## **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 Department 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 Department 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 Department 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 Department Officers do not possess arrest powers. Criminal incidents are referred to the Waynesville Police Department who has law enforcement jurisdiction on the campus.

Ozarks Technical Community College has a formal written, “Memorandum of Understanding” (MOU) with the local law enforcement agency in regard to the response or investigation of crimes. The OTC Safety & Security Department maintains a close working relationship with Waynesville Police Department, Pulaski County Sheriff’s Department, Missouri State Highway Patrol and federal authorities.

All crime victims and witnesses are strongly encouraged to immediately report any crime to the OTC Safety & Security Department at **417-447-6640** and the Waynesville 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 Waynesville Police Department investigates all crimes committed on campus with the assistance of the OTC Safety & Security Department. The prosecution of criminal offenses is handled by the Waynesville Prosecuting Attorney’s Office or the Pulaski 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 is accessible to the public, students, faculty, staff and visitors during normal business hours, with the exception of restricted and high security areas. 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. Access to classrooms and offices for students is not permitted unless an instructor is present. 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.

The OTC Safety & Security Department secures exterior doors of buildings (except those to which access is necessary) after normal business hours. Security Officers walk through 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 administrative approval to access the facilities.

The Safety and Security Department and the Facilities & Grounds Department are the only departments that may make changes, additions, or alterations to college approved or installed mechanical access systems (equipment or unlock schedules). An approved contractor may make approved changes, additions, or alterations to college approved or installed mechanical access systems (equipment or unlock schedules).

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 **417-447-6640**.

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.

The Safety & Security Department routinely inspects alarms, locks, camera placement, appropriate lighting, landscaping and other safety concerns that may be found. The Safety & Security Department in conjunction with the Facilities & Grounds Department check the College's fire extinguishers, sprinkler valves, alarms, ADA doors, fire doors, emergency lighting, first aid kits, eye and body shower stations, fire blankets 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 **otc.gofmx.com**, 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 **911** from any campus phone or outside phone system.

To report a crime or an emergency on the Ozarks Technical Community College-Waynesville Education Center call the Safety & Security Department from any campus phone at extension **6640**, or from an outside phone system, **417-447-6640**. OTC Safety & Security Department Officers are available 24 hours a day.

Crimes and incidents may be reported in person at the OTC Safety & Security Department at the Waynesville Education Center, located in Room 119D, 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 Department 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 Waynesville/Pulaski County 911 Emergency Communications Center. They dispatch the Waynesville 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 Waynesville Police Department is the primary law enforcement agency for reporting and investigating all crimes that occur at the Waynesville Education Center.

OTC Safety & Security Department 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 Waynesville 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 **417-447-6640 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 for Academic Affairs .....417-447-8152
- Vice Chancellor for Student Affairs .....417-447-6914
- Chief Human Resources Officer .....417-447-2631
- President of Richwood Valley Campus .....417-447-2652
- President of Table Rock Campus.....417-447-8922
- President of OTC Education Centers .....417-447-8931
- Director of Waynesville and Fort Leonard Wood Education Center.....417-447-6632
- Operations Coordinator of Republic Education Center .....417-447-2646
- Dean of Students .....417-447-6973
- Dean of Academic and Student Affairs – Richwood Valley .....417-447-7452
- Dean of Student Development .....417-447-8197
- College Director of Safety & Security Department .....417-447-6911
- College Director of Facilities & Grounds .....417-447-4818
- Director of Counseling Services .....417-447-6981
- Title IX Coordinator & College Director of Civil Rights Complaints.....417-447-8188
- 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, the OTC Safety & Security Department 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, the OTC Safety & Security Department can and does 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 that includes procedures to be followed in all types of emergencies. The Emergency Response Plan 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 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 **417-447-6640**.

### ***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 Waynesville Police Department, the Waynesville Fire Department, the Pulaski County Sheriff's Office and others. 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***

The Safety & Security Department 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. The Safety & Security Department 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 Waynesville and Pulaski 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 considering 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, may 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. Enrollment in the OTC Campus Alert system is automatic for all OTC students and employees each semester. 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 Web site at [Ozarks Technical Community College Emergency Response Plan](#) or in hard copy from the OTC Safety & Security Department.

Emergency Response 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 & Emergency 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 administrators 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 **417-447-6640** 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 to 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 contacting Disability Support Services to develop a response plan. Informing their instructors of their needs in case of an emergency and what assistance they may require in case of an emergency. Students should know the location of fire exits in buildings where they have classes. Building emergency maps are posted in public areas and in classrooms and labs.

## *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 in consultation with Disability Support Services, 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. Building emergency maps are posted in public areas and in classrooms and labs.

## *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 and 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*

Two volunteers should assist each mobility impaired student or staff member out of the building and to safety in the event of an emergency. The person with the impairment will know best what assistance they need and to what extent they are able to assist the volunteers with their evacuation.

In the event of a fire and not on the ground floor, elevators may be used to evacuate the mobility 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 should be taken to a stairway. The volunteers can use an Evac Chair or Med-Sled to safely lower the mobility impaired person down the stairwell to safety. The volunteers and the mobility impaired person should allow people on foot to use the stairway first, so not to impede the flow of traffic or become injured by other people evacuating the building. Once the stairway is clear, the mobility impaired person and one volunteer should remain at the top of the staircase and inside the closed fire doors, if they cannot be evacuated. This will ensure the volunteer and mobility 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 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 the Safety & Security Department 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 **417-447-6640**.

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 report any noted problems to the OTC Facilities & Grounds Department, or an approved contractor, 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, armed intruder response and personal safety topics 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.
- **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 safety and the safety 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 **417-447-6640**.

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

***Know how to contact the Safety & Security Department or Law Enforcement***

- Know the emergency telephone numbers for Safety & Security and the local Police Department or County Sheriff's Office at your campus (911).
- Keep the emergency phone numbers near your phones (stickers, magnets, etc.).

- Program emergency phone numbers into your 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/length

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***

- Plan the safest route to your destination; choose well-lit, busy pathways and streets.
- 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-lit.
- 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 Safety 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, laptop, or personal belongings in public areas, on your desk or in your office unattended.
- Report lost or stolen items 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 vehicle.
- Always lock your door; even if you just go down the hall.
- Do not let unknown individuals "tailgate" you into secure areas by following you through a door; ask who they are visiting and offer to call the Safety & Security Department.
- Do not prop any locked 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, local Police Department or Sheriff's Office.
- 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 while in the vehicle.
- If you get lost, do not pull over until you find a well-lit public area, and then call law enforcement.
- If you suspect you are being followed, drive to a well-lit public area and call law enforcement.
- 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 law enforcement. 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 local law enforcement office.
- 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 when unoccupied.
- 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 local law enforcement office 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.
- 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.

- If you receive unsolicited texts asking you to respond to collect owed money, receive unsolicited discounts, or asking you for personal identifying information, do not respond to the texts, delete them immediately.

### ***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. Inform them you are an identity theft victim. Request 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: 800-525-6285 (P.O. Box 740241, Atlanta, GA 30374-0241)
  2. **Experian** - to report fraud: 888-EXPERIAN (397-3742) (P.O. Box 9532, Allen, TX 75013)
  3. **TransUnion** - to report fraud: 800-680-7289 (Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92634)
  4. **Federal Trade Commission** – to report identity theft. (<https://identitytheft.gov/>)
  5. **Social Security Administration** – to report unauthorized use of your social security number to receive government benefits or take out credit in your name. 1-800-269—0271 (Fraud Hotline)

### ***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 local law enforcement.
- 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 or local law enforcement immediately.

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

- Carry your cell 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 cell 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), Waynesville Municipal Code and Missouri State Statute. The enforcement of alcohol law violations on campus is the responsibility of the Waynesville 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 local ordinances, Missouri state law and federal laws. These laws are enforced by the Waynesville 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 municipal, state or federal law then the College may refer the matter to the appropriate authorities for prosecution.

### ***Medical Marijuana Statement***

In 2018, Missouri voters approved an amendment to the Missouri Constitution (Amendment 2), which, under certain circumstances, authorizes the possession and use of marijuana for medical purposes by people with debilitating medical conditions who obtain a written certification from a physician. Notwithstanding the passage of Amendment 2, because of the College's obligations under Federal law, marijuana, including medical marijuana, will continue to be banned on all OTC campuses and centers. Additionally, health care providers on campus, in accordance with Federal law as well as College policies and regulations, will not prescribe medical marijuana.

Under the Federal Drug Free Workplace Act of 1988, and Drug Free Schools and Communities Act of 1989, "no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any Federally funded or guaranteed student loan program, unless it has adopted and has implemented a program to prevent the use of illicit drugs and abuse of alcohol by students and employees." The Controlled Substances Act prohibits the use, manufacture, distribution, dispensing, or possession of marijuana; it also classifies marijuana as a controlled substance and makes no exception for medical use.

Missouri's Amendment 2 does not change the fact that marijuana remains illegal under Federal law; the College will therefore continue to enforce its current policies prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including medical marijuana, on its property or as part of any of its activities.

In summary, Missouri's Amendment 2 only made possession and use of medical marijuana legal under Missouri law. It did not legalize overall marijuana possession and use. Marijuana remains a controlled substance under Federal law and possession and use of marijuana remains illegal under Federal law, regardless of whether a person has a prescription or is otherwise complying with Amendment 2.

In order to remain eligible to receive Federal grant funding and participate in federally funded student financial aid, the College must require that students, faculty, and staff do not unlawfully possess or use marijuana on campus or as part of any of its activities. As a result, the possession or use of marijuana on campus, even in accordance with the exceptions granted by Amendment 2, is a violation of Federal law and



the College's current policies and regulations. Employees and students who violate these policies will continue to be subject to disciplinary action.

## **Legal Sanctions For Illegal Use Of Alcoholic Beverages And Illegal Drugs**

### **Local Legal Sanctions—Waynesville City Code**

#### **1. Alcohol offenses:**

- A. Possession by persons under 21 years of age of any beer, wine or intoxicating liquor. Municipal Code 720.090
- B. The drinking of alcoholic beverages by any person within one hundred (100) feet of a youth sports event being conducted on any property or premise owned by the City of Waynesville or a City playground shall be prohibited. Municipal Code 210.350

#### **2. Illegal Drug offenses:**

- A. Possession of a controlled substance- 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.
- B. Possession of drug paraphernalia - As used in this Section, the terms "Drug paraphernalia" and "Controlled substance" and "Imitations-controlled substance" shall have the same meaning as prescribed in the Missouri State Statutes, as the same may be amended by the General Assembly of the State of Missouri from time to time. Except as provided herein, it shall be a violation of this Section for any person within the City limits of the City of Waynesville:
  - (1) To use, or to possess with intent to use, any 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.
  - (2) To deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used 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 imitation controlled substance.
  - (3) Lawful use of drug paraphernalia for medical use as defined in the Missouri Constitution shall not be a violation of this Section. Municipal Code 210.330
- C. Possession or sale of synthetic marijuana- Definitions. As used in this Chapter, the following terms shall have these prescribed meanings: **ILLEGAL SMOKING PRODUCT** - Any substance, whether described as tobacco, herbs, incense, spice or any blend thereof, which includes any one (1) or more of the following chemicals:
  - (1) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47,497) and homologues;
  - (2) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol(also known as HU-211 or Dexanabinol);

- (3) 1-Pentyl-3-(1-naphthoyl) indole (also known as JWH-018); or
- (4) Butyl-3-(1-naphthoyl) indole (also known as JWH-073);
- (5) regardless of whether the substance is marketed for the purpose of being smoked. Municipal Code 210.315

D. Possession of marijuana- for any person to have possession of, or openly and publicly consume any quantity of marijuana, except for lawful use for duly licensed medical marijuana facilities. It shall be unlawful for any person within one thousand (1,000) feet of the perimeter of any public or private school to display, transfer or distribute marijuana. Except for duly licensed medical marijuana facilities, it shall also be unlawful for any person to display, transfer or distribute marijuana upon any City-owned street or sidewalk or upon any other property owned by the City. Municipal Code 210.310

The above Waynesville Municipal Code violations are punishable by a fine of up to \$500 or imprisonment up to 90 days, or both fine and imprisonment. Waynesville City Code - Section 600-120.

## **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. Use of a False ID to obtain liquor. Anyone between 17– 21 who represents that she/he is 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. The use of a fake identification is subject to a \$500 fine. *RSMo 311.320*
- C. 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*

- D. 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*
- E. 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*

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. *RSMo 579.015*
- 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. *RSMo 579.015*
- 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. *RSMo 579.015*
- 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. *RSMo 579.015*
- 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. *RSMo 579.015*

- 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 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 of 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, except as authorized by RSMO XIV Section 1. Right to access medical marijuana.*
- D. Any person under 21 years of age and at least 16 years of age who is convicted of a first offense involving the possession of a controlled substance will have his/her driver's license suspended for 90 days. If convicted of a second and subsequent offense under this statute their license will be revoked for 1 year for each additional conviction. *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 (for a period of one year) and any licenses surrendered. *RSMo. 302.405*
- F. Distribution, delivery, manufacture or production of a controlled substance.
1. It is illegal for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce or knowingly possesses a controlled substance with the intent to manufacture, produce, or grow any amount of controlled substance. *RSMo. 579.055*
  2. 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, or life imprisonment. 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*
- G. Unlawful distribution to a minor
1. It is illegal to distribute or deliver or attempt to distribute or deliver or knowingly possess a controlled substance with the intent to distribute or deliver any amount of a controlled substance; or knowingly permits a minor to purchase or transport illegally obtained controlled substances. It is a class C felony except when the controlled substance is thirty-five grams or less of marijuana or synthetic cannabinoid or as otherwise provided under subsection 5 of this section (579.020). The offense of delivery of thirty-five grams or less of marijuana or synthetic

cannabinoid to a person less than 17 years of age, who is also two years younger than the person so delivering is a class C felony. The offense of delivery of a controlled substance is a class B felony if: The delivery or distribution is any amount of a controlled substance except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years of age who is at least two years younger than the defendant; or the person knowingly permits a minor to purchase or transport illegally obtained controlled substances. *RSMo 579.020*

2. 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 or class B felony, punishable by imprisonment for not less than five years and not to exceed fifteen years. *RSMo. 579.020, 558.002, 558.011.*

#### H. Distribution of a controlled substance near schools

1. 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, vocational, or secondary school, community college, college or university, or on any school bus. *RSMo 579.030*
2. 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.*

#### I. Trafficking drugs

1. 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 of a mixture or substance containing a detectable amount of heroin;
- (2) More than 150 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 of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;
- (4) More than 500 milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
- 5) More than 30 grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);
- (6) More than 4 grams of phencyclidine;
- (7) More than 30 kilograms of a mixture or substance containing marijuana;
- (8) 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; or
- (9) More than 30 grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.
- (10) One gram or more of flunitrazepam for the first offense;

- (11) Any amount of gamma-hydroxybutyric acid for the first offense; or
- (12) More than 10 milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil or their optical isomers or analogues.

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.

The offense of trafficking drugs in the first degree is a class A felony punishable by imprisonment for 10 to 30 years, or life 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) 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; or

- (12) 1 gram or more of flunitrazepam for a second or subsequent offense; or
- (13) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or
- (14) 20 milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. 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 of a mixture or substance containing a detectable amount of heroin;
- (2) More than 150 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 of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;
- (4) More than 500 milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
- (5) More than 30 grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);
- (6) More than 4 grams of phencyclidine;
- (7) More than 30 kilograms of a mixture or substance containing marijuana;
- (8) 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; or
- (9) More than 30 grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.
- (10) More than 10 milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

The offense of trafficking drugs in the second degree is a class C felony.

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.
  - (11) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues

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.

The offense of drug trafficking in the second degree is a class C felony for the first offense and a class B felony for any second or subsequent offense for the trafficking of less than one gram of flunitrazepam.

Miscellaneous: Possible probation, suspension or revocation of certain state licenses e.g. medical license, respiratory therapist license, peace officers license, physical therapist license, counselors license, nursing license, dental license, teaching, etc. are vested within the authority of individual state agencies.

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

1. **Alcohol offenses:** Legal sanctions for the unlawful possession or distribution of alcohol are found primarily in state and local law.
2. **Illegal drug offenses:**
  - A. Simple possession. It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II. It shall be unlawful for



any person to knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service. *21 U.S.C. 844*

- B. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or both, except that if he commits such offense after a prior conviction under this subchapter or subchapter II, or a prior conviction for any drug, narcotic, or chemical offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500, except, further, that if he commits such offense after two or more prior convictions under this subchapter or subchapter II, or two or more prior convictions for any drug, narcotic, or chemical offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000. Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay. *21 U.S.C. 844*
- C. Where a person at least 18 years of age distributes a controlled substance to any person under 21 years of age (*21 U.S.C. 859*), 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, vocational, or secondary school or a 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 public or private youth center, public swimming pool, or video arcade facility (*21 U.S.C. 860*), the punishment shall be twice the maximum punishment and twice any term of supervised release provided in *21 U.S.C. 841(b)*, or three times the maximum punishment and three times any term of supervised release provided in *21 U.S.C. 841(b)* for a second offense. *21 U.S.C. 841* 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. If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$20,000,000 if the defendant is an individual or \$75,000,000 if the defendant is other than an individual, or both. If any person commits a violation of this

subparagraph or of section 849, 859, 860, or 861 of this title after 2 or more prior convictions for a serious drug felony or serious violent felony have become final, such person shall be sentenced to a term of imprisonment of not less than 25 years and fined in accordance with the preceding sentence. *21 U.S.C. 859; 21 U.S.C. 860; 21 U.S.C. 841*

D. Employing children to distribute drugs near schools or playgrounds

Notwithstanding any other law, any person at least 21 years of age who knowingly and intentionally—

- (1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or
- (2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official, is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 841 of this title. *21 U.S.C. 860*

E. Internet sales of date rape drugs

- (1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—
  - (a) the drug would be used in the commission of criminal sexual conduct; or
  - (b) the person is not an authorized purchaser; shall be fined under this subchapter or imprisoned not more than 20 years, or both.
- (2) As used in this subsection:
  - (a) The term "date rape drug" means—
    - (i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4-butanediol;
    - (ii) ketamine;
    - (iii) flunitrazepam; or
    - (iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, to be used in committing rape or sexual assault. *21 U.S.C. 841*

F. 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 or intended to be used in any manner or part to commit or facilitate the commission of such violation. In lieu of a fine otherwise authorized by this part, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds. *21 U.S.C. 853.*

G. Ineligibility to receive or purchase a firearm. *18 U.S.C. 922(g)*

H. Denial of Federal Benefits. A federal or state felony drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, federal licenses (pilot license), and public housing tenancy, which are vested within the authority of individual federal agencies. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction and up to 10 years for a second conviction, and upon a third or subsequent conviction the offender will be permanently ineligible for all federal benefits. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions. *21 U.S.C. 862*

## 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 the area. 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.

### **Fort Leonard Wood- Army Substance Abuse Program - 573-596-0938**

Bldg. 470, Room 1105, Fort Leonard Wood, MO 65473

<http://www.wood.army.mil/newweb/garrison/dhr/asap.html>

### **Pathways Community Health – 573-774-3121**

704 Route 66 #201, Waynesville, MO 65583

<http://compasshealthnetwork.org/>

### **Woodridge of Missouri LLC DBA Piney Ridge Center-573-774-5353**

1000 Hospital Road, Waynesville, MO. 65583

### **Pathways CBH, Inc. - Waynesville Office - 573-774-3121**

704 West Historic Route 66, Suites 200 201 and 202, Waynesville, MO 65583

### **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 Waynesville 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 HARASSMENT**

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 Harassment and Grievance Procedure* – 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.

### ***Types of Prevention Efforts and Programs***

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 Project HEAL Victim Services Coordinator.

**Prevention Programs:** These are programs to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. They also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

**Awareness Programs:** These are community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander Intervention:** These programs and trainings offer safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. They include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Ongoing Prevention & Awareness Campaigns:** These include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the college/university and including information provided in campus education programs.

**Primary Prevention Programs:** These include programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Risk Reduction Programs:** These programs present options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Students, faculty and staff are encouraged to participate in Safe Colleges 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 **417-447-6640**.

### ***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. Through Project HEAL, free, confidential victim services are provided to OTC students at all campuses and education centers that includes court accompaniment, obtaining an order of protection, obtaining legal services, finding low-cost counseling, victims resources, safety planning, support during law enforcement

interviews and reports, finding transportation, food, clothing, furniture, housing, and emergency pet boarding.

<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.



### ***Safe Colleges***

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 **417-447-6640**. 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 cash 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 **911** 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 **911** in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- 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 417-447-6640 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.
7. Contact the Project HEAL Victim Services Coordinator for additional on and off campus resources and support and to learn more about your reporting options.

#### **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).

**Waynesville Area:**  
Emergency Dispatch

911

\*Waynesville does not have a local hospital. Patients may be transported to the General Leonard Wood Army Community, Lebanon or Rolla Hospitals.

General Leonard Wood Army Community Hospital	573-596-0131
PRMC-Waynesville	573-842-4000
Mercy Clinic (Saint Robert)	573-336-5100
Mercy Hospital (Lebanon)	417-533-5413
Phelps County Regional Medical Center (Rolla)	573-458-8899
Pulaski County Ambulance Service	573-774-5413

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, Harmony House, 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.

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: [Missouri Courts - Orders of Protection](https://www.courts.mo.gov/page.jsp?id=533).

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: <https://www.courts.mo.gov/page.jsp?id=533>

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, acts in which the stalker directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to a person by any action, method, or device.



**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.

**Incest – RSMo. 568.020**

1. A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her:
  - (1) Ancestor or descendant by blood or adoption; or
  - (2) Stepchild, while the marriage creating that relationship exists; or
  - (3) Brother or sister of the whole or half-blood; or
  - (4) Uncle, aunt, nephew or niece of the whole blood.
2. The offense of incest is a class E felony.
3. The court shall not grant probation to a person who has previously been found guilty of an offense under this section.

**Statutory rape and attempt to commit, first degree – RSMo. 566.032**

1. A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.
2. The offense of statutory rape in the first degree or an attempt to commit statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:
  - (1) The offense is an aggravated sexual offense, or the victim is less than twelve years of age in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or
  - (2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section.

**Statutory rape, second degree – RSMo. 566.034**

1. A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.
2. The offense of statutory rape in the second degree is a class D felony.

**Sodomy in the first degree – RSMo. 566.060**

1. A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered

without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:
  - (1) The offense is an aggravated sexual offense, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years;
  - (2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section;
  - (3) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy in the first degree is described under subdivision (4) of this subsection; or
  - (4) The victim is a child less than twelve years of age and such sodomy in the first degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.
3. Subsection 4 of section 558.019 (calculations for determining the minimum prison term to be served) shall not apply to the sentence of a person who has been found guilty of sodomy in the first degree or an attempt to commit sodomy in the first degree when the victim is less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.
4. No person found guilty of sodomy in the first degree or an attempt to commit sodomy in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence.

**Sodomy in the second degree – RSMo. 566.061**

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

**Statutory sodomy and attempt to commit, first degree – RSMo. 566.062**

1. A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.
2. The offense of statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:
  - (1) The offense is an aggravated sexual offense or the victim is less than twelve years of age, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or
  - (2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section.

**Statutory sodomy, second degree – RSMo. 566.064**

1. A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.
2. The offense of statutory sodomy in the second degree is a class D felony.

**Child molestation, first degree – RSMo. 566.067**

1. A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense.
2. The offense of child molestation in the first degree is a class A felony and, if the victim is a child less than twelve years of age, the person shall serve his or her term of imprisonment without eligibility for probation, parole, or conditional release.

**Child molestation, second degree – RSMo. 566.068**

1. A person commits the offense of child molestation in the second degree if he or she:
  - (1) Subjects a child who is less than twelve years of age to sexual contact; or
  - (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.
2. The offense of child molestation in the second degree is a class B felony.

**Child molestation, third degree – RSMo. 566.069**

1. A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.
2. The offense of child molestation in the third degree is a class C felony, unless committed by the use of forcible compulsion, in which case it is a class B felony.

**Child molestation, fourth degree – RSMo. 566.071**

1. A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.
2. The offense of child molestation in the fourth degree is a class E felony.

**Sexual misconduct involving a child – RSMo. 566.083**

1. A person commits the offense of sexual misconduct involving a child if such person:
  - (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;
  - (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child;
  - (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or
  - (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates this section in person or via the internet or other electronic means.
3. It is not a defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.
4. The offense of sexual misconduct involving a child is a class E felony unless the person has previously been found guilty of an offense under this chapter or the person has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter, in which case it is a class D felony.

**Sexual misconduct, first degree – RSMo. 566.093**

1. A person commits the offense of sexual misconduct in the first degree if such person:
  - (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;
  - (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or
  - (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.
2. The offense of sexual misconduct in the first degree is a class B misdemeanor unless the person has previously been found guilty of an offense under this chapter, or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter, in which case it is a class A misdemeanor.

**Sexual misconduct, second degree – RSMo. 566.095**

1. A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.
2. The offense of sexual misconduct in the second degree is a class C misdemeanor.

**Sexual abuse in the first degree – RSMo. 566.100**

1. A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.
2. The offense of sexual abuse in the first degree is a class C felony unless the victim is less than fourteen years of age, or it is an aggravated sexual offense, in which case it is a class B felony.

**Sexual abuse, second degree – RSMo. 566.101**

1. A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.
2. The offense of sexual abuse in the second degree is a class A misdemeanor, unless it is an aggravated sexual offense, in which case it 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 in the United States. 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:

Ocki 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 formal complaints of sexual harassment and discrimination 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 Safety and 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 HARRASSMENT 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 <http://www.otc.edu/bit/>

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

A complainant who makes a claim of sexual misconduct to the College will be given a copy of a 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 hearing 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 and Hearing 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. The purpose of the investigation is to collect information from both the complainant and respondent for presentation to the Title IX Hearing Officer.

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. Parties will be provided equal access to the evidence collected and the opportunity to comment, rebut, counter, and/or expand on any piece of evidence collected throughout the investigation. An investigative report summarizing evidence and statements of the witnesses will be prepared at the conclusion of the investigation and provided to the parties.

At the conclusion of the investigation, a hearing will be held where the investigator will present an investigative report to an appointed hearing officer who will decide whether a violation of college policy occurred. At this time, both parties will have the opportunity to present their case before the hearing officer and be available for cross-examination from the other party's advisor. No party will be allowed to cross-examine the other directly, but will do so through their advisor. If a party does not have an advisor, one will be appointed for them free of charge by the college.

### ***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 the investigation, 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. The advisor will conduct all cross-examination for the party during the Title IX hearing.

### ***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 cross examine the opposing party and witnesses for credibility;
- 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.

Result: Any initial, interim or final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the college.

### ***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).

All appeals of determinations where an employee is the respondent will be addressed pursuant to the Procedure for Employee Grievances (Policy 3.60).

Appeals may be made on the following grounds:

- New information that alters the finding and was not reasonably available at the time of issuance of the written decision;
- A procedural error that unfairly and materially affected the outcome of the investigation;
- The sanction imposed is excessive or disproportionate to the offense(s); and/or
- Conflict of interest or bias on the part of the person(s) who participates in the preparation and/or completion of the written decision.

### ***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 3.40 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

**OTC Title IX Team**

417-447-2686

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](http://www.victimsofcrime.org)

**Title IX Information**

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

**REGISTERED SEX OFFENDER INFORMATION**

The *Campus Sex Crimes Prevention Act of 2000* requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives.

Registered sex offenders are not allowed onto the property of day care facilities, and are not allowed to loiter within 500 feet of daycare facilities. It also requires jurisdictions (other than federally recognized Indian tribes) to impose a maximum criminal penalty greater than one year for sex offenders who fail to comply with registration requirements.

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 <https://students.otc.edu/bit/> 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 **417-447-6640**.

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 website 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 as required by 32 CFR 668.46.

### **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.

### **Rape**

The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

### **Fondling**

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

### **Incest**

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 into a building or other structure with the intent to commit a felony or a theft.

**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 law enforcement agencies, Safety & Security Department, 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.

For an incident to be considered a hate crime, bias must be a component of one of the crimes listed previously, but also includes Larceny-Theft, Destruction/Damage/Vandalism of Property, Intimidation, and Simple Assault.

**Larceny-Theft**

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

**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.
- 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; and
- (A) 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.
  - (B) For the purposes 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.
  - (C) 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.
- 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.

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. 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 are included offenses. For purposes of Clery Reporting driving under the influence or drunkenness are not included in liquor law violations statistics.

### **Unfounded Crimes**

The standard for 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-Waynesville Education Center are:  
City of Waynesville sidewalk/street/sidewalk adjoining the Waynesville Education Center's 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.

## **2021 - 2019 Campus Crime Statistics – Waynesville Education Center**

<b>CRIMINAL OFFENSES</b>	<b>On-Campus</b>			<b>Non-Campus</b>			<b>Public</b>		
	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
<b>VAWA</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>									
Weapons-Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>DISCIPLINARY REFERRALS</b>									
Weapons-Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0

\*\* Non-Campus property:

Waynesville Career Center, 400 GW Lane, Waynesville MO 65583

Welding Courses are offered on Monday, Tuesday, and Thursdays from 5:30pm-10:30pm

Truman Education Center, Room 23, 4904 Constitution Ave., Fort Leonard Wood, MO 65473

### **Hate Crimes – Waynesville Campus**

There were no Hate Crimes reported for the 2021, 2020 and 2019 reporting periods.

### **Unfounded Crimes – Waynesville Education Center**

There were no Unfounded Crimes reported for the 2021, 2020 and 2019 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 must adhere.

#### **B. Policy**

The basic standard of behavior requires students to comply with, observe and obey state and/or federal laws; the board of trustees' policies and procedures of the college; and orders of the chancellor, faculty, administrators and staff of the institution who are charged with the administration of institutional affairs.

Students are not entitled to greater immunities or privileges before the law than those enjoyed by other citizens generally. Students are expected to obey the civil statutes of the state of Missouri, the federal government and the board of trustees' policies. Students may be penalized by the college for violating its standards of conduct even if they are also punished by state or federal authorities for the same act.

#### **C. Procedures**

##### **Inherent Authority**

The college expects all students 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, students enrolled in the college assume an obligation to conduct themselves in a manner compatible with the college's function as an educational institution, whether on or off campus, in person or online.

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 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 these procedures 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 procedures at the college are in writing in order to provide students general notice of prohibited conduct. These procedures are not a criminal code; they should be read broadly and are not designed to define misconduct in exhaustive terms.

The succeeding enumerated violations describe offenses for which disciplinary proceedings may be initiated by the vice chancellor for student affairs, the dean of students or the designated campus or center administrator.

##### **Enumerated Standards**

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

- 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 their physical safety, their property and/or mental wellbeing 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 — Sexual Harassment and Grievance Procedures
- 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 <https://services.otc.edu/technology/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 authorized college employees or representatives who are performing their 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
- 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 policies or procedures
- 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 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. Definitions**

Student – All persons taking courses with 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 persons who were enrolled students at the time they allegedly violated the Standards of Student Conduct. Individuals who withdraw after allegedly violating the Standards of Student 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.

Administrator – the vice chancellor for student affairs, campus president(s), appropriate dean(s), director(s), assistant director(s), coordinator(s), assistant coordinator(s) and department chairperson(s) of the college for the purposes of this policy and these procedures.

#### **E. Authority**

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

#### **F. Related Policies**

- 3.01 Anti-Harassment, Anti-Discrimination
- 3.60 Employee Grievances and Appeal
- 4.06 Sexual Harassment and Grievance Procedures
- 5.16 Student Discipline and Appeals Process
- 5.24 Academic Integrity

#### **G. Implementation**

Policy approved and adopted by the Board of Trustees on 2/23/98. Revised 7/13/09, 11/10/14.

Purpose, Procedures, Definitions, Authority and Related Policies approved and adopted by the Chancellor's Cabinet on 10/28/14, Revised on 03/30/2018 and 12/12/2019.

Set for review in fiscal year 2022-2023



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

### **5.37 – Drug and Alcohol Prevention**

#### **A. Purpose**

To establish drug and alcohol prevention programming for students and employees pursuant to the Drug-Free Schools and Communities Act Amendments.

#### **B. Policy**

The college will establish, enforce and communicate a comprehensive drug and alcohol prevention program to students and employees, which will include the Biennial Review and annual notifications pursuant to the Drug-Free Schools and Communities Act Amendments.

#### **C. Procedures**

OTC's drug and alcohol prevention program (D.A.A.P.P.: Drug and Alcohol Prevention Programming) will include annual, system-wide notifications of the college's standards of conduct, college and legal sanctions for violations, health risks, counseling, treatment, rehabilitation and re-entry programs. The D.A.A.P.P. will also include a comprehensive Biennial Review, which will be evaluated every even numbered year to determine its effectiveness and ensure that sanctions for violations of alcohol and drug policies are being consistently enforced.

The following components must be included in the annual notification to students, faculty and staff and the Biennial Review.

#### **Standards of Conduct**

- OTC prohibits the unlawful possession, use, distribution and sale of alcohol and illicit drugs by the college community on college owned or controlled property and at events sponsored by OTC. In observance of state law, no person under the age of (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.
- Federal law prohibits the possession, use or distribution of marijuana on college premises or at college-sponsored events, including medical marijuana used or possessed under Missouri law.
- Exceptions to this policy include the authorized use of alcohol within approved curricular programs.

#### **College Discipline**

- Students who violate the college's standards pertaining to alcohol and illicit drugs will be subject to disciplinary action. Sanctions may range from an informal reprimand to dismissal from the college. If the conduct resulting in discipline also involves a violation of state or federal law, the college will refer the matter to the appropriate authorities for prosecution.

- Employees who violate this policy will be subject to disciplinary action up to and including termination. If the conduct resulting in discipline also involves a violation of state or federal law, the college will refer the matter to the appropriate authorities for prosecution.
- Vendors and other non-student visitors who violate this policy will be removed from campus. If the conduct resulting in discipline also involves a violation of state or federal law, the college will refer the matter to the appropriate authorities for prosecution.

## **Legal Consequences**

### **Federal Law**

- 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.
- Convictions for federal drug offenses can also result in a student's loss of eligibility for federal financial aid.

### **State and Local Law**

- 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.

### **Health Risks**

Serious health risks are associated with the use of alcohol or other drugs. The use and abuse of alcohol and other drugs may have negative effects on one's school or work performance and personal relationships. Some common health and behavioral risks include addiction, damage to lungs, liver and heart, damage to the brain and central nervous system, loss of consciousness, accidental overdose, risk of hepatitis, violent and unpredictable behavior and death. For more information about the health and behavioral risks associated with particular types of drugs and alcohol, please visit the National Institute on Drug Abuse

### **Resources**

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 417-447-6974. 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 use-related resources and links to online screenings.

Other resources are also available, including, but not limited to, the following:

- National Institute on Drug Abuse (<https://www.drugabuse.gov/>)
- National Institution on Alcohol Abuse and Alcoholism (<https://www.niaaa.nih.gov/>)
- Substance Abuse and Mental Health Service Administration (SAMSHA)(<https://www.samhsa.gov/>)
- Alcoholics Anonymous (<https://www.aa.org/>)
- Narcotics Anonymous (<https://www.na.org/>)

#### **D. Definitions**

Biennial Review. The US Department of Education publication entitled Complying with the Drug-Free Schools and Campuses Regulations requires the Biennial Review to ensure that institutions of higher learning have alcohol and other drug programs and policies and that these programs are reviewed every two years to determine program effectiveness, consistency of policy enforcement and to identify and implement any changes needed. OTC's Biennial Review is evaluated during each even numbered year.

College Community are students, faculty and staff of the college, the Board of Trustees, visitors, contractors and consultants performing work or services on college owned or leased properties and all other invitees of the college.

D.A.A.P.P Drug and Alcohol Prevention Programming. OTC's D.A.A.P.P. includes college policy 5.37, the Biennial Review and the annual notifications to students and employees.

#### **E. Authority**

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

#### **F. Related Policies**

- 3.40 Employee Code of Conduct and Disciplinary Procedures
- 3.47 Drug-Free Workplace (3.20)
- 5.15 Standards of Student Conduct

#### **G. Implementation**

Policy approved and adopted by the Board of Trustees on 11/12/2013. Revised 05/11/2020.

Purpose, procedures, responsibilities and definitions approved and adopted by the Cabinet on 02/12/2014, 04/21/2020. Set for review in 2022 or every two years.

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

### **4.06 Sexual Harassment and Grievance Procedures**

#### **A. Purpose**

The purpose of this policy is the prohibition of all sexual harassment as defined by the Department of Education and to outline the steps that will be followed if there is a complaint and/or report of sexual harassment filed against a student, employee, visitor, guest, client, or third-party affiliate. To do so and to ensure compliance with federal and state civil rights laws and regulations, the college has developed internal policies and procedures as prescribed in this policy that provide a prompt, fair, and impartial process for those involved in allegations of harassment on the basis of sex.

#### **B. Policy**

The college is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation.

In order to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, the college prohibits discrimination and harassment based on sex in the college's educational programs and activities over which it exercises substantial control within the United States. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination.

This policy applies to all college employees, students, applicants for employment, customers, third-parties, contractors, vendors, and all other persons that participate in the college's educational programs and activities, including visitors on campus. The college's prohibition on sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, housing, and student services.

#### **C. Procedures**

##### **Sexual Harassment**

Sexual harassment is considered a form of sexual discrimination under Title IX, and formal complaints of sexual harassment are subject to this grievance process when they are received by the Title IX coordinator and/or other individuals on campus with the authority to take corrective actions on behalf of the college. Those individuals/positions will be reviewed annually and communicated on the college's website.

In order for a formal complaint of sexual harassment to be reviewed and/or resolved through the Title IX grievance process, it must consist of conduct that meets at least one of the following criteria:

- A college employee conditioning the provision of an aid, benefit, or services of the college on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the college's educational program or activity;
- "Sexual assault" as defined by the Jeanne Clery Act (20 USC § 1092(f)(6)(A)(v)), "dating violence", "domestic violence" or "stalking" as defined by the Violence Against Women Act (34 USC § 12291(a)).

## **Jurisdiction**

The Title IX grievance process is available when a formal complaint falls within the college's Title IX jurisdiction. The Title IX jurisdiction includes locations, events or circumstances over which the college exercises substantial authority and control, and the sexual harassment occurs within the United States.

This policy does not apply to sexual harassment that occurs off-campus, in a private setting, and outside the scope of the college's education programs and activities. Such conduct is prohibited by the Standards of Student Conduct if committed by a student, or other college policies and standards if committed by an employee. If a report alleges actions which fall outside of the scope and jurisdiction of this policy, the Title IX coordinator and the college will review the report under the standards of student conduct and employee code of conduct for resolution.

Regardless of the status of the complainant, when the respondent is a member of the college community, a grievance process through this policy or another college policy may be available.

## **Title IX coordinator**

The college has designated a Title IX coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination.

The director of equity and compliance serves as the Title IX coordinator and ADA/504 Coordinator and oversees implementation of the college's policy on equal opportunity, harassment, and nondiscrimination. The Title IX coordinator has the primary responsibility for coordinating the college's efforts related to the intake, investigation, resolution, and implementation of investigations and supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy and policy 3.01.

The Title IX coordinator manages the Title IX team and acts with independence and authority free from bias and conflicts of interest. The Title IX coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX team are vetted and trained to ensure they are not biased for or against any party in a specific case, for or against complainants and/or respondents, generally.

Additionally, the Title IX coordinator is responsible for ensuring the college's policies relating to Title IX are made available to all current and prospective students, current and prospective employees, and the general public.

Complaints or notices of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

### Kevin Luebbering

Director of Equity and Compliance and 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

Chief Human Resources Officer  
1001 E. Chestnut Expressway  
Springfield, MO 65802  
417-447-2631  
haaso@otc.edu

**Mandated Reporters**

All college employees, except for those who are designated as confidential resources, are mandated reporters and must promptly share with the Title IX coordinator all known details of a report of sexual harassment made to them in the course of their employment.

Employees must promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a complainant or third-party. Behaviors include actual knowledge or suspicion of sexual harassment suffered by an employee or student.

At the request of a complainant, notice may be given by a mandated reporter to the Title IX coordinator anonymously, without identification of the complainant. The mandated reporter cannot remain anonymous themselves.

If a complainant desires to talk confidentially, the college's Counseling Services office can be contacted at (417) 447-6974 or by emailing [counseling@otc.edu](mailto:counseling@otc.edu). Counseling Services will not report the circumstances without the complainant's 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.

The college will maintain the confidentiality of all individuals who make a report or complaint of sex discrimination, who make a report or file a formal complaint of sexual harassment, any complainant, respondent, or witness participating in a Title IX grievance process, except as may be permitted by FERPA, or as required by law, or as required to conduct any investigation, hearing or other campus judicial arising from 34 CFR Part 106.

The grievance process is activated by the receipt of a complaint. Complaints may be filed in person at the college's Title IX office, by email to the Title IX coordinator, or online by visiting <https://students.the.college.edu/title-ix/report-a-concern/>

**Formal Complaint**

A complainant may file a formal complaint with the Title IX coordinator requesting that the college investigate and adjudicate a report of sexual harassment. In order to be considered a formal complaint, the complainant must be participating in, or attempting to participate in, one or more of the college's education programs or activities at the time the complainant submits a complaint.

A complainant may file a formal complaint with the Title IX coordinator in person, by regular mail, or by email using the contact information specified above. No person may submit a formal complaint on the complainant's behalf.

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

If the complainant or the Title IX coordinator files a formal complaint, then the college will commence an investigation as specified below and proceed to adjudicate the matter through hearing. In all cases where a formal complaint is filed, the complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX coordinator files a formal complaint, the Title IX coordinator will not act as a complainant or otherwise as a party for purposes of the investigation and adjudication processes.

The Title IX coordinator has the authority to consolidate formal complaints involving more than one complainant, or against more than one respondent, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **Initial Assessment**

Upon receipt of a report, the Title IX coordinator will conduct a preliminary assessment to determine:

Whether the conduct, as reported, falls or could fall within the scope of the policy;  
Whether the conduct, as reported, constitutes or could constitute sexual harassment as defined in this policy. If the Title IX coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute sexual harassment, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX coordinator may refer the report to other college offices, as appropriate. If the Title IX coordinator determines more information is needed before making a determination as to whether the activity meets the jurisdiction or definitions of sexual harassment as outlined in this policy, the Title IX coordinator will contact the complainant for more information.

If the Title IX coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute sexual harassment, if investigated, the Title IX coordinator will proceed to contact the complainant.

As part of the initial assessment, the Title IX coordinator may take investigative steps to determine the identity of the complainant, if such identity is not apparent from the report.

### **Contact the Complainant**

Following receipt of notice of a complaint of an alleged violation of this policy, the Title IX coordinator will engage in an initial assessment. Receipt of notice does not constitute a formal complaint. The steps in an initial assessment can include:

- Whether a formal complaint has been filed or not, the Title IX coordinator reaches out to the complainant to offer confidential supportive measures, including but not limited to information on

filing a formal complaint if one has not already been filed, the rights and responsibilities of a complainant throughout the grievance process, and the availability of informal resolution options.

- The Title IX coordinator seeks to determine if the person prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process and provides assistance in whichever avenue they wish to pursue.
- If a complainant does not wish to file a formal complaint and pursue a formal investigation and grievance process, or wishes to withdraw a formal complaint, the Title IX coordinator determines whether to initiate a complaint because a compelling threat to campus health and/or safety exists.

If a formal complaint has been filed, the Title IX coordinator is responsible for providing written notice to the respondent regarding all pertinent details of the complaint. In order to treat both parties equitably, the Title IX coordinator will meet with the respondent to provide advice for the following: availability of confidential supportive measures, availability of informal resolution options, assumption of non-responsibility throughout the grievance process, the rights and responsibilities of a respondent throughout the grievance process. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures may also include mutual restrictions on contact between the parties implicated by a report.

### **Mandatory Dismissals**

Complaints which do not meet the definition of sexual harassment included in this policy, or detail events which occurred outside of an educational program or activity within the United States, will be dismissed. However, such complaints may be subject to review and/or resolution under other college grievance policies in accordance with Title VII for employees and standards of student conduct. Both the complainant and respondent will be notified, in writing, of the dismissal decision by the Title IX coordinator.

### **Discretionary Dismissals**

Complaints may be dismissed at the discretion of the Title IX coordinator if a complainant communicates in writing their desire to withdraw the formal complaint and allegations within, the respondent is no longer under the control or authority of the college, or in situations when gathering evidence sufficient to make a determination is not possible. Both the complainant and respondent will be notified, in writing, of the dismissal decision by the Title IX coordinator.

### **Informal Resolution**

At any time after the parties are provided written notice of the formal complaint as specified above, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the formal complaint by agreement of the parties.

An informal resolution to a formal complaint of sexual harassment can be reached when the complainant and respondent are equally and voluntarily agreeable to reaching a resolution without a full investigation or live hearing. The option of resolving a formal complaint through informal resolution will be offered to both parties by the Title IX coordinator at the initial assessment meetings. However, the decision to stop formal proceedings and engage in an informal resolution may be made at any time during the grievance process, with the voluntary, written consent of both parties. Likewise, the parties have the right to withdraw from an



informal resolution process and resume the Title IX grievance process at any time with respect to the formal complaint.

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

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

Informal resolution can include but is not limited to the following three approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism (including mediation, restorative practices, etc.);
- When the respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX coordinator resolves the matter informally by providing supportive measures to remedy the situation.

Participation in an informal resolution process in lieu of the full investigation and live hearing associated with the Title IX grievance process shall not be a condition of enrollment or continuing enrollment, employment or continuing employment, or waiver of the right to an investigation and live hearing of the formal complaint.

An informal resolution process is not allowed in regards to formal complaints of sexual harassment of a student by an employee and is not appropriate in all cases.

### **Assignment of Investigator(s)**

At the filing of a formal complaint, a reasonably prompt, fair and impartial investigation will commence. This process may be paused while informal resolution options are pursued. The Title IX coordinator will assign investigators who are free from conflicts of interest, or bias for or against either party. The investigators may be members of the college community, or the duties may be delegated to outside personnel. The number of investigators assigned is at the discretion of the Title IX coordinator. The investigators will meet with both parties individually, to engage in the objective collection of relevant evidence. Both parties are entitled to the identification of witnesses and submission of inculpatory and exculpatory evidence.

The Title IX coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest of the investigators, and the Title IX coordinator will determine whether the concern is reasonable and supportable. If bias or a conflict of

interest is found to have emerged, the Title IX coordinator will reassign an investigator and any impact of the bias or conflict will be remedied accordingly.

The burden of proof and the burden for gathering sufficient evidence to reach a determination of responsibility for sexual harassment rests with the college.

The college operates with the presumption that the respondent is not responsible for the reported misconduct unless and until the respondent is determined to be responsible for a policy violation by a preponderance of the evidence as defined below.

### **Investigation Timeline**

Investigations are completed expeditiously, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. Although the length of each investigation may vary depending on the totality of the circumstances, the college strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of formal complaint.

The college will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on any delays.

The college may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance if an interpreter is needed, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The college will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The college will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the college will implement supportive measures as deemed appropriate.

The college action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the formal complaint. During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed.

## **Grievance Process Advisors**

Both parties have equal rights to engage the assistance of a grievance process advisor of their choosing during any meeting or proceeding including the investigation and live hearing. If either party is not able to identify an advisor of their choice, a trained Title IX grievance process advisor will be appointed by the Title IX coordinator to assist them during the live hearing at no cost to the individual. The presence of such a grievance process advisor, either self-selected or college-appointed, is required on behalf of both parties to conduct cross examination during the live hearing. At no time will a party be allowed to conduct cross examination of witnesses or the other party personally.

The college places no restriction on the choice or presence of a self-selected grievance process advisor for either party. However, any and all individuals serving as an advisor (either self-selected or college-appointed) will be required to adhere to rules of decorum as outlined and communicated by the Title IX coordinator. Failure to comply with the rules of decorum could result in delays in the grievance process or removal from the role of advisor.

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

## **Review of Evidence and Comment Period**

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

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

## **Review of Investigation Report**

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

The default process for adjudicating formal complaints is the hearing process outlined in this section. The hearing process will be used to adjudicate all formal complaints unless both parties timely consent to administrative adjudication or informal resolution.

At the conclusion of the review of the investigation report, a live hearing will be conducted by a hearing officer(s) in order to reach a final determination of responsibility for the allegations in the formal complaint at the conclusion of the hearing process. The hearing officer may be a contractor or a member of the professional/administrative staff of the college, and will participate in ongoing training with regards to their role in the grievance process. The Title IX coordinator will ensure that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

### **Hearing Notice and Response to the Investigation Report**

The hearing officer will transmit notice to the parties setting a deadline for parties to submit any written response to the investigation report and setting a date for the pre-hearing conference and a date of the hearing.

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

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

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

- Argument regarding whether any of the allegations in the formal complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the formal complaint constitute sexual harassment.

The parties will be given a list of the name(s) of hearing officer(s) at least five (5) business days in advance of the hearing. All objections to any hearing officer(s) must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX coordinator as soon as possible and no later than one day prior to the hearing. Hearing officers will only be removed if the Title IX coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The hearing officer may convene a pre-hearing meeting(s) with the parties and/or their advisors to invite them to submit the questions or topics they (the parties and/or their advisors) wish to ask or discuss at the hearing, so that the hearing officer can rule on their relevance ahead of time to provide recommendations for more appropriate phrasing. The topics that will be discussed by the hearing officer may include but are not limited to:

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

The pre-hearing meeting will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing meeting will be conducted with the hearing officer, the parties, the advisors, and other necessary college personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. However, this advance review opportunity does not preclude the advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. It further does not prohibit advisors from asking previously undiscussed but relevant questions. The hearing officer must document and share their rationale for any exclusion of questioning or evidence at this pre-hearing meeting. At the pre-hearing meeting, the parties may come to an agreement in writing on the relevance of any evidence at the hearing or the need to hear relevant witnesses live. If the parties agree, statements of witnesses may be allowed without the need for live testimony from the witness. No evidence will be considered at the live hearing which was not introduced previously during the investigation and summarized in the investigative report for review.

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

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

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

The live hearing may be conducted in one room at any of the college's campuses or centers, or may be conducted through video conferencing technology when the presence of the complainant and respondent in the same room is not reasonable, feasible, or if such arrangements are requested by either party. Live hearings conducted virtually must ensure that all parties can simultaneously see and hear each other. Disability-related accommodations relating to participation in a live hearing will be coordinated with the Disability Support Office. An audio or audiovisual recording of the live hearing will be made available equally to both parties.

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

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

During the live hearing, each advisor will ask relevant questions directly to the other party and/or witnesses, including follow-up questions and those challenging credibility. Any question asked that was not previously approved by the hearing officer during the pre-hearing meeting will be considered for its relevance by the hearing officer prior to the witness or party answering said question. Any question the hearing officer finds not to be relevant will not require an answer from the party or witness being questioned and the hearing officer is to provide their rationale for withdrawing the question in writing.

The hearing officer will not consider or otherwise rely on statements from any individual who does not participate in the live hearing or who refuses to submit to cross examination. Additionally, the hearing officer cannot reach a determination of responsibility based solely on a party's or witness's absence from the live hearing or refusal to submit to cross examination. Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

### **Treatment Records and Other Privileged Information**

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use, unless the college has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;

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

### **Sexual History**

During the investigation and adjudication processes, questioning regarding a complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed

the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. Notwithstanding the foregoing, a complainant who affirmatively uses information otherwise considered irrelevant for the purpose of supporting the complainant's allegations, may be deemed to have waived the protections of this section.

### **Final Determination and Remedies**

After a thorough examination of the evidence and after the hearing is complete, the hearing officer will utilize the preponderance of the evidence burden of proof standard in making a final determination as to whether it is more likely than not that a violation of this policy occurred as alleged in the formal complaint. The hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a complainant, respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference or during the hearing.

The hearing officer is responsible for drafting a final determination letter, outlining the rationale for their decision. The letter will be distributed simultaneously to both parties by the Title IX coordinator. In addition to details relating to the allegations constituting sexual harassment, procedural steps, findings of fact, conclusions and rationale, the final determination letter will include the range of sanctions to be decided upon and administered by the proper disciplinary office (i.e. if the respondent is a student, the dean of students will decide disciplinary sanction(s) while the chief human resources officer will decide and administer employment sanctions). It is the responsibility of the appropriate campus or center administrator to enforce disciplinary sanctions and the responsibility of the Title IX coordinator to provide effective implementation of any remedies as needed.

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the complainant and the college community
- The impact on the parties
- Any other information deemed relevant by the decision-maker(s)

To ensure the safety of either party the sanctions will be enforced as soon as is feasible. However, all parties will have the ability to appeal, and no sanctions will infringe on either party's ability to appeal. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

### **Possible Student Sanctions**

The following are the customary sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any college policy, procedure, or directive may result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either the college -sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the college.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend the college-sponsored events.
- **Withholding Diploma:** the college may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** the college reserves the right to revoke a degree previously awarded from the college for fraud, misrepresentation, and/or other violation of college policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including the college registration) for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the college may assign any other sanctions as deemed appropriate.

### **Possible Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- **Other Actions:** In addition to or in place of the above sanctions, the college may assign any other sanctions as deemed appropriate.



## **Appeals of Final Determinations and Dismissals**

All appeals of findings of responsibility, non-responsibility, disciplinary sanctions, and dismissal of complaints involving student respondents are handled in accordance with Student Discipline and Appeals detailed in policy 5.16. All appeals involving employee respondents are to be made pursuant to appropriate Employee Disciplinary policy. Appeals may be made on the following grounds only:

- New information that alters the finding and was not reasonably available at the time of issuance of the written decision;
- A procedural error that unfairly and materially affected the outcome of the investigation;
- The sanction imposed is excessive or disproportionate to the offense(s); and/or
- Conflict of interest or bias on the part of the person(s) who participates in the preparation and/or completion of the written decision

## **Emergency Removals**

In limited situations, the Title IX coordinator may remove a respondent from the college on an emergency basis because they pose an immediate threat to the college community, or cannot otherwise safely participate in an educational program or activity while the sexual harassment grievance process is being conducted. In cooperation with the college's Behavioral Intervention Team (BIT), an individualized risk/threat assessment will be conducted to determine whether an immediate physical threat to the health or safety of the respondent or the college community arising from the formal sexual harassment complaint would justify removal from campus. When the determination for an emergency removal is reached, the Title IX coordinator must provide the respondent with written notice of the decision and an opportunity for an expedited appeal of the determination.

A non-student employee may be removed from campus for any part, or the full duration of, the Title IX grievance process through administrative leave in cooperation with the chief human resources officer. No risk/threat assessment is required in these circumstances.

## **Retaliation**

No person having made a report or formal complaint, participated in or refused participation in any part of the Title IX grievance process should be subjected to intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by Title IX. Such conduct is strictly prohibited and will be subject to review and/or resolution under other college policies.

Exercising rights protected under the First Amendment alone does not constitute retaliation. Complaints of retaliation arising from a Title IX grievance process may be reported directly to the Title IX coordinator or through the college's secure web-based reporting platform.

## **Grievance Process Personnel Training**

The Title IX coordinator is responsible for ensuring ongoing training for all college personnel or contractors associated with the Title IX grievance process, including investigators, advisors, hearing officers and appellate officers. Such training may be conducted internally or through organizations and agencies outside the college, and includes all policies and practices associated with the college's Title IX grievance process, best practices in investigative and hearing panel processes, determining credibility and relevance, impartiality and implicit bias, updated guidance relating to Title IX, among other topics. The college will

retain all materials used to train Title IX grievance process personnel for no less than seven years and provide those materials on its website.

### **Retention of Title IX Grievance Process Files**

The college will maintain electronic copies of the following documents/records relating to formal complaints of sexual harassment for no less than seven years:

- Investigation reports and evidence gathered;
- Audio or audiovisual recordings of live hearings;
- Final determination letters and disciplinary sanctions imposed on the respondent;
- Remedies provided to the complainant in order to restore or preserve equal access to the college education program or activity;
- Any appeal and the determination;
- Informal resolutions agreements;
- Supportive measures offered in response to a report or formal complaint of sexual harassment;
- Written basis for the conclusion that the college was not deliberately indifferent in its response to reports or formal complaints of sexual harassment.

### **D. Definitions**

Student are all persons taking courses with 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 persons who were enrolled students at the time they allegedly violated the Standards of Student Conduct. Individuals who withdraw after allegedly violating the Standards of Student 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

Advisor is a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Appellate Officer is an individual who hears and decides appeals of dismissals, findings, and sanctions made in accordance with this policy.

College Community includes students, faculty and staff of the college, the Board of Trustees, visitors, contractors and consultants performing work or services on college owned or leased properties and all other invitees of the college.

Complainant is an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Confidential Resource is an employee who is not a mandated reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Consent is an affirmative agreement through clear actions or words to engage in intimate activity. A person who is incapacitated unconscious, unaware, or otherwise physically helpless cannot give effective consent

to sexual activity. One who is coerced, a minor, incapacitated due to disability, intoxicated, under the influence of drugs, or asleep cannot give effective consent.

- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.

Educational program or activity are locations, events, or circumstances where the college exercises substantial control over both the respondent and the context in which the sexual harassment or discrimination occurs and includes any building owned or controlled by a student organization that is officially recognized by the college.

Exculpatory evidence is evidence which exonerates an individual for a college policy violation.

Finding is a conclusion by the standard of proof that the conduct did or did not occur as alleged.

Formal Complaint is a document filed/signed by a complainant or signed by the Title IX coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a respondent and requesting that the college investigate the allegation.

Formal Grievance Process/Title IX Grievance Process is a method of formal resolution designated by the college to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

Hearing Officer/Decision-Maker are those who have decision-making and sanctioning authority within the college's formal grievance process.

Inculpatory evidence is evidence that implicates an individual with responsibility for a college policy violation.

Investigator is the person or persons charged by the college with gathering facts about an alleged violation of this policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporters are employees of the college who are obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation.

Notice is when an employee, student, or third-party informs the Title IX coordinator or other college official with authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Parties mean the complainant(s) and respondent(s), collectively.

Preponderance of Evidence is the burden of proof utilized in all college investigations. Burden is met when it is more likely than not that a policy violation occurred.

Remedies are post-finding actions directed to the complainant and/or the college community as mechanisms to address safety, prevent recurrence, and restore access to the college's educational program.

Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution is the result of an informal or formal grievance process.

Sanctions are a consequence imposed by the college on a respondent who is found to have violated this policy.

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

(i) A college employee conditions education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);

a. Quid Pro Quo: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance; This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

(ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's educational program or activity;

(iii) Sexual assault as defined in the Clery Act, and dating violence, domestic violence, or stalking as defined in the Violence against Women Act (VAWA).

a. Dating Violence/Intimate Partner Violence (IPV): Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.

b. Domestic Violence: A felony or misdemeanor crime of violence committed

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

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

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

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

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

c. Sexual Assault: Any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent. Sexual assault includes rape, sodomy, sexual contact such as touching or fondling, sexual assault with an object, incest, statutory rape, and the forced performance of sexual acts involving bodily contact between the parties.

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

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

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

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

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

vi. "Statutory rape" is sexual intercourse with a person who is under the statutory age of consent as defined by Missouri law.

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

i. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

ii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling. Examples of stalking include, but are not limited to:

iii. Sending unsolicited or unwanted letters or emails.

iv. Showing up at places without a legitimate reason.

v. Following, spying, or waiting at places the victim.

vi. Leaving unwanted items, presents, or flowers.

Supportive measures are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the college's educational programs and activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the college's education environment, or to deter sexual harassment.

Title IX coordinator is at least one official designated by the college to ensure compliance with Title IX and the college's Title IX program.

#### **E. Authority**

This policy and these procedures are maintained under the authority of the vice chancellor for administrative services, chief human resources officer, and the vice chancellor of student affairs

#### **F. Related Policies**

- 3.03 –Sexual Harassment Prevention Training
- 3.40 – Employee Code of Conduct and Disciplinary Procedures
- 5.17 – Grievance Procedures for Students
- 5.09 – Academic Standing
- 3.60 – Employee Grievance
- 3.01 – Anti-Harassment and Anti-Discrimination
- 5.15 – Standards of Student Conduct
- 5.16 – Student Discipline and Appeals

#### **G. Implementation**

Purpose, Procedures, Definitions, Authority and Related Policies approved and adopted by the Chancellor's Cabinet on 2/24/2009; revised on 6/17/2012, 5/11/2015, and 07/28/2020.

Policy approved and adopted by the Board of Trustees on 9/2/2001; revised on 4/10/2005, 11/17/2015, and 08/10/2020.

Set for review every year.