



## **Violence Against Women Reauthorization Act (VAWA), Campus Sexual Violence Elimination (SaVE) Act, and Title IX Policies**

### **Overview**

Ozark Christian College students and employees are expected to conduct themselves with sexual purity and guard against the appearance of sexual impropriety. (*"But among you there must not be even a hint of sexual immorality, or of any kind of impurity...because these are improper for God's holy people."* Ephesians 5:3) Sexual relationships are designed by God to be expressed solely within a marriage between a man and a woman. Sexual activities of any kind outside the confines of such marriage are inconsistent with the teachings and moral values of Scripture and are prohibited by the college.

### **Discrimination**

Ozark Christian College does not discriminate on the basis of sex in its educational programs. Sexual harassment, sexual assault, sexual violence, dating violence, domestic violence, stalking, and sexual misconduct are types of sex-based discrimination and are prohibited. As required by federal law, Ozark Christian College issues this statement of policy to inform the college community of its comprehensive plan addressing sexual misconduct with educational programs and procedures that address sexual assault, domestic violence, dating violence, and stalking when it is reported to a college official. Ozark Christian College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the college community. Crimes should be reported to law enforcement.

Title IX prohibits different forms of discrimination. Sex discrimination includes sexual harassment and sexual violence. Students or employees who experience discrimination should report it to the Title IX Coordinator.

Ozark Christian College has the responsibility to promptly investigate complaints of sex discrimination and take appropriate steps to remedy any hostile educational environment that is created by such behaviors. A hostile education environment is created by an act or series of acts of sex discrimination that are serious enough to interfere with a students' ability to learn or participate in educational or extracurricular activities. During the investigation, remediation, and appeal processes, the college must provide both parties with equivalent rights. For example, both parties have the right to have an adviser present during meetings and hearings, and both parties have the right to be informed of the outcome of any hearing or appeal.

While Ozark Christian College has a duty to promptly and equitably respond to a complaint of sexual harassment or violence, the victim cannot be required to participate in the disciplinary process and has the right to have his/her identity remain confidential. However, if the victim chooses not to participate and to have one's identity remain confidential during the investigation, remediation, and conduct process, the college may be limited in its ability to investigate and take remedial action against the alleged perpetrator(s).

Rights that are afforded both the accuser and the accused during the process may include the following:

- Bring an adviser of your choice
- Present information or have witnesses speak on your behalf
- Have timely access to information that will be used at a hearing
- Receive the final hearing decision in writing at the same time as the other party without being required to sign a non-disclosure agreement

Title IX protects the victim or anyone else reporting sex discrimination, sexual harassment, or sexual violence from retaliation, whether it be by a college employee or a student. For additional information on the college's policies, students should consult the *Student Handbook* and employees should consult the *Personnel Handbook*.

## Definitions

- *Consent* or lack of consent may be expressed or implied. Assent does not constitute consent if:
  - a. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
  - b. It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable 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.

See Missouri Revised Statutes § 556.061(5)

In addition to the definition of consent under Missouri law, the college uses the following definition of consent for the purpose of determining whether a violation of its Sexual Violence/Assault Policy has occurred:

Lack of consent is often the critical factor in determining whether Sexual Violence/Assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive. The college does not recognize consent by silence.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person's physical or mental disability renders them incapable of understanding the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, 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.
- Consent may be deemed invalid when it is obtained in circumstances where one party exercised a position of direct authority or control over another.

A victim is not required to affirmatively/physically resist or say "stop" in order for there to be Sexual Violence/Assault.

- *Domestic Violence* is abuse or stalking committed by a family or household member.
  - a. "Family or household member" means 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.

See Missouri Revised Statutes § 455.010(1), (5), (7)

- b. "Domestic Assault" is also defined under the Missouri Law and includes conduct that is considered to be Domestic Violence.
  - A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member, including any child who is a member of the family or household.

See Missouri Revised Statutes § 565.072

- A person commits the crime of domestic assault in the second degree if the act involves a family or household member, including any child who is a member of the family or household and he or she:

1. Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or
2. Recklessly causes serious physical injury to such family or household member; or
3. Recklessly causes physical injury to such family or household member by means of any deadly weapon.

See Missouri Revised Statutes § 565.073

- A person commits the crime of domestic assault in the third degree if the act involves a family or household member, including any child who is a member of the family or household, as defined in section 455.010 and:
  1. The person attempts to cause or recklessly causes physical injury to such family or household member; or
  2. With criminal negligence, the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or
  3. The person purposely places such family or household member in apprehension of immediate physical injury by any means; or
  4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or
  5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
  6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

See Missouri Revised Statutes § 565.074

- *Stalking* is when any person purposely and repeatedly engages 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. As used in this subdivision:
  - a. "Alarm" means to cause fear of danger of physical harm;
  - b. "Course of conduct" means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact; and
  - c. "Repeated" means two or more incidents evidencing a continuity of purpose.

See Missouri Revised Statutes § 455.010(13)

- *Dating Violence*: Based on good-faith research, we have determined that dating violence is not specifically defined in the Missouri Revised Statutes, though it is generally covered by the definitions of Domestic Violence and Domestic Assault. Also, in accordance with Federal law the college does collect statistics for these offenses using the definition contained in the Violence Against Women Act. That definition is listed earlier in this report under the section entitled "Clery Act Crime Definitions."
- *Sexual Assault*: (Mo. Rev. Stat. § 455.010(1)(e)): Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.

For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:

- Rape (Mo. Rev. Stat. §§ 566.030.1 and 566.032.1):

- A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.
  - A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so with that person's consent.
- Fondling: The college has determined, based on good-faith research, that Missouri law does not define the term fondling.
- Incest (Mo. Rev. Stat. § 568.020.1): A person commits the crime of incest if he marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he knows to be, without regard to legitimacy:
    - His ancestor or descendant by blood or adoption; or
    - His stepchild, while the marriage creating that relationship exists; or
    - His brother or sister of the whole or half-blood; or
    - His uncle, aunt, nephew, or niece of the whole blood.
- Statutory Rape (Mo. Rev. Stat. §§ 566.032.1 and 566.034.1):
    - A person commits the crime of statutory rape in the first degree if he has sexual intercourse with another person who is less than fourteen years old.
    - A person commits the crime of statutory rape in the second degree if being twenty-one years of age or older, he has sexual intercourse with another person who is less than seventeen years of age.
- Additionally, other crimes under Missouri law that may be classified as a "sexual assault" include the following:
- Sodomy (Mo. Rev. Stat. §§ 566.060.1 and 566.061):
    - 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.
    - 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.
- Statutory Sodomy (Mo. Rev. Stat. §§ 566.062.1 and 566.064.1):
    - A person commits the crime of statutory sodomy in the first degree if he has deviate sexual intercourse with another person who is less than fourteen years old. 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.
    - A person commits the crime of statutory sodomy in the second degree if being twenty-one years of age or older, he has deviate sexual intercourse with another person who is less than seventeen years of age.
- Child Molestation (Mo. Ann. Stat. §§ 566.067.1 and 566.068.1)
    - A person commits the crime 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.
    - A person commits the crime of child molestation in the second degree if he or she subjects another person who is less than seventeen years of age to sexual contact.

- Sexual misconduct (Mo. Ann. Stat. §§ 566.093.1 and 566.095.1):
  - 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.
  - 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.
  
- Sexual abuse (Mo. Ann. Stat. §§ 566.100.1 and 566.101.1):
  - 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.
  - 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.

### **Procedures for Reporting a Complaint**

The college has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The college will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the local law enforcement.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at a hospital. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to college hearing boards/investigators or police. Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The college will assist any victim with notifying local police or sheriff if they so desire. The phone number for the Joplin Police Department is 417-623-3131, and the phone number for the Jasper County Sheriff's Office is 417-624-1601. If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report all incidents promptly to the Title IX Coordinator (if the incident involves sexual assault), regardless of whether you file a report with the police or sheriff.

### **Title IX**

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states:

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."*

Ozark Christian College prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities. Title IX protects individuals from harassment connected to any of the academic, educational, extracurricular, athletic, and other programs, activities or employment of schools, regardless of the location. Title IX protects both males and females from sexual harassment by any school employee, student, and a non-employee third party. This policy applies to administrators, faculty, and other 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 has designated individuals to coordinate its compliance with Title IX and to receive inquiries regarding Title IX policies on campus.

Pursuant to Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part 106, Ozark Christian College's Title IX Coordinator is the designated agent of the college with primary responsibility for coordinating Title IX compliance efforts. The Title IX coordinator's responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with Title IX legislation, regulation, and case law. In broad terms, the Title IX Coordinator oversees monitoring of college policy in relation to Title IX law developments; implementation of grievance procedures, including notification, investigation and disposition of complaints; provision of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; ensuring a fair and neutral process for all parties; and monitoring all other aspects of the college's Title IX compliance.

The Title IX Coordinator for Ozark Christian College is:

Lisa White  
Ozark Christian College  
1111 N. Main  
Joplin, Missouri 64801  
(417) 626-1223  
(email) [white.lisa@occ.edu](mailto:white.lisa@occ.edu)

The Title IX Deputy Coordinator for Ozark Christian College is:

Chris Lahm  
Ozark Christian College  
1111 N. Main  
Joplin, Missouri 64801  
(417) 626-1262  
(email) [lahm.chris@occ.edu](mailto:lahm.chris@occ.edu)

If you do not wish to contact the college Title IX Coordinators or other designee with your questions or concerns regarding Title IX policies and its implementation at the college, you may contact the Assistant Secretary for Civil Rights in the Office for Civil Rights (OCR) with the U.S. Department of Education. For further information on notice of non-discrimination, visit [wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm](http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm) for the address and phone number of the office that serves your area, or call 1-800-421-3481.

The Title IX Coordinator is regarded as a "Responsible Employee" under Title IX and also a "Campus Security Authority" under the Clery Act. Statistical information less the victim's identifying information will be provided to the person responsible to compile the annual crime statistics even if the victim chooses not to alert campus safety personally.

### **Procedures**

The college will provide assistance and resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

If a report of **domestic violence, dating violence, sexual assault or stalking** is reported to the college, the college will use the following procedures and the standard of evidence that will be used during any judicial hearing on campus arising from such a report.

INCIDENT BEING REPORTED	PROCEDURE INSTITUTION WILL FOLLOW	EVIDENTIARY STANDARD
<p><b>Sexual Assault</b></p>	<ul style="list-style-type: none"> <li>• Depending on when reported, the institution will provide complainant with access to medical care</li> <li>• Institution will assess immediate safety needs of complainant</li> <li>• Institution will assist complainant with contacting local police if complainant requests or complainant will be provided with contact information for local police</li> <li>• Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>• Institution will assess need to implement interim or long -term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties</li> <li>• Institution will provide a “No Trespass” directive to accused party if deemed appropriate</li> <li>• Institution will provide written instructions on how to apply for Protective Order</li> <li>• Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>• Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>• Institution will enforce the anti-retaliation policy and take action against parties that retaliate against a person for complaining of sex-based discrimination</li> </ul>	<p>Preponderance of evidence</p>
<p><b>Stalking</b></p>	<ul style="list-style-type: none"> <li>• Institution will assess immediate safety needs of complainant</li> <li>• Institution will assist complainant with contacting local police if complainant requests or complainant will be provided with contact information for local police</li> <li>• Institution will provide written instructions on how to apply for Protective Order</li> <li>• Institution will provide written information to complainant on how to preserve evidence</li> <li>• Institution will assess need to implement interim or long term protective measures to protect the complainant, if appropriate</li> </ul>	<p>Preponderance of evidence</p>
<p><b>Dating Violence</b></p>	<ul style="list-style-type: none"> <li>• Institution will assess immediate safety needs of complainant</li> <li>• Institution will assist complainant with contacting local police if complainant requests or complainant will be provided with contact information for local police</li> <li>• Institution will provide written instructions on how to apply for Protective Order</li> <li>• Institution will provide written information to complainant on how to preserve evidence</li> <li>• Institution will assess need to implement interim or long term protective measures to protect the complainant, if</li> </ul>	<p>Preponderance of evidence</p>

	<p>appropriate</p> <ul style="list-style-type: none"> <li>• Institution will provide a “No Trespass” directive to accused party if deemed appropriate</li> </ul>	
<b>Domestic Violence</b>	<ul style="list-style-type: none"> <li>• Institution will assess immediate safety needs of complainant</li> <li>• Institution will assist complainant with contacting local police if complainant requests or complainant will be provided with contact information for local police</li> <li>• Institution will provide written instructions on how to apply for Protective Order</li> <li>• Institution will provide written information to complainant on how to preserve evidence</li> <li>• Institution will assess need to implement interim or long term protective measures to protect the complainant, if appropriate</li> <li>• Institution will provide a “No Trespass” directive to accused party if deemed appropriate</li> </ul>	Preponderance of evidence

**Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the college will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Any person who obtains an Order of Protection should provide a copy to the Title IX Coordinator. A complainant may then meet with the Title IX Coordinator to develop a Safety Action Plan, which is a plan for campus safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary phone, changing classroom location or allowing a student to complete assignments from home, etc. The college cannot apply for a legal Order of Protection, “no contact” order or restraining order for a victim from the applicable jurisdiction. The victim is required to apply directly for these services. Orders of protection may be obtained through the Jasper County Circuit Court in Carthage or Joplin. The college may issue an institutional “no contact” order if deemed appropriate or at the request of the victim or accused. To the extent of the victim’s cooperation and consent, college offices will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20)). Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The college does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online. Under FERPA, any student may request that directory information on file be removed from public sources by contacting the Registrar in the Casteel Administration Building.

**Ozark Christian College Resources**

- Counseling Center 417-626-1213
- Health Center 417-626-1213
- LAMP Director 417-626-1279
- Dean of Students 417-434-7989
- Associate Dean of Students 417-850-3799

Vice President of Student Life 417-626-1208  
Security (after hours) 417-825-5397

### **Joplin Agencies**

Freeman Health System SANE Program 417-347-SANE (7263)  
Mercy Hospital 417-781-2727  
Lafayette House 417-782-1772  
Ozark Center Crisis Services 417-347-7220 or 800-247-0661  
Joplin Police Department 417-623-3131  
Jasper County Sheriff's Office 417-624-1601

### **Other Agencies**

Rape, Abuse and Incest National Hotline 800-656-HOPE (4673)

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, are available at [ovw.usdoj.gov/sexassault.htm](http://ovw.usdoj.gov/sexassault.htm).

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

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or others are in immediate danger, dial 911. For example, when a person is being yelled at or physically abusive towards another person and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who may be in trouble or need help, ask if they are okay.
- 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 sexual 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 for support in health, counseling, or with legal assistance.

### **Risk Reduction**

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 (taken from Rape, Abuse, & Incest National Network, [rainn.org](http://rainn.org)):

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- If you see something suspicious, contact law enforcement immediately (calling 911).

- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person 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. 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.
  - 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 come to get you or make up an excuse for you to leave.
  - Make excuses: need to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  - 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 or using drugs, say that you want to wait until you both have your full judgment before doing anything you may regret later.

### **Adjudication of Violations**

Whether or not criminal charges are filed, the college or a person may file a complaint under the sexual misconduct policy alleging that a student or employee violated the college's policy. Reports of all domestic violence, dating violence, sexual assault and stalking made to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges. The college disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing board members are trained on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

Title IX states that an institution has a duty to investigate if it knows or reasonably should know of sexual harassment or sexual violence. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the college may assume the role of the complainant. The college's policy regarding sexual misconduct is:

- The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
- The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
- The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;

- The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. An adviser may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;
- A student conduct decision is based on the preponderance of evidence standard (i.e. “more likely than not to have occurred”).
- The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and
- The accuser and the accused each have the right to appeal the outcome of the hearing by the complainant or respondent may appeal the determination by submitting written objections to the Title IX Coordinator within ten (10) calendar days of the receipt of the determination and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

A person alleging sexual assault, domestic violence, dating violence, or stalking may utilize the complaint and investigatory procedures set forth in the college’s policy against Sexual Harassment in order to remedy any hostile environment. All conduct proceedings against students, however, will be resolved through this policy which includes the prohibition of retaliatory action on the part of the accused. When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the college’s ability to respond to the complaint may be limited.

#### **Confidentiality**

The college will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law.

#### **Sanctions**

Investigations that result in a finding of that a violation of policy occurred by a preponderance of evidence will lead to the initiation of disciplinary procedures against the accused individual. College sanctions including, suspension or expulsion from the college may be imposed upon those determined to have violated this policy.

#### **Student Conduct Sanctions**

One or more of following sanctions may be imposed upon a student for any single violation of the *Student Conduct Code*, including dating violence, domestic violence, sexual assault, and stalking: verbal reprimand, fines, restitution, community service, disciplinary written warning, specified behavioral requirements, eligibility restrictions, loss of privileges, confiscation of prohibited property, restriction of visitation privileges, housing probation, housing reassignment, housing suspension, housing expulsion, probation, suspension, and expulsion.

Conditions such as community service, reflective papers, and follow-up meetings with the Dean of Students (or designee) may be added to written warnings, fines, disciplinary probation, and deferred suspension. Where appropriate, the student may be referred for counseling, substance abuse screening, and educational programs not only as a disciplinary matter, but rather a redemptive matter.

In addition, the college may implement the following protective measures for domestic violence, dating violence, sexual assault or stalking: issuance of no contact letter to the accused, issuance of campus ban letter to the accused, and arrangement of alternative safe living conditions for the complainant.

If a sanction that is not listed is utilized following a finding of dating violence, domestic violence, sexual assault, or stalking, that sanction will be listed in next year’s security report.

## Employee Conduct Sanctions

One or more of following sanctions may be imposed upon an employee for any single violation of a personnel policy, including dating violence, domestic violence, sexual assault, and stalking:

1. Oral Warning. The employee's supervisor should have a verbal discussion with the employee in private. During that meeting the supervisor should:
  - a. Discuss with the employee the unacceptable behavior or inadequate job performance. Included in this discussion should be the who, what, when, where, how and why of any specific incidents.
  - b. Explain why the behavior is unacceptable; violated OCC policy or procedure; negatively impacts work flow; or created a performance issue.
  - c. Suggest ways for the employee to improve their behavior or skills to meet standards.
  - d. Inform the employee that the verbal conference is the first step in the disciplinary procedure and further instances of unacceptable behavior or unsatisfactory job performance will initiate progressively more serious action, up to and including termination.
  - e. Document the nature, content and date of the oral warning with a memo to the employee file. Original form should be submitted to the Director of Human Resources in a sealed confidential envelope. The oral warning may be repeated several times as the supervisor deems necessary. Specific time limits should be set on improving the behavior in question.
2. Written Warning Notice. A written warning, in the form of a performance improvement plan, should occur if the behavior is not corrected following the verbal discussion(s). The performance improvement plan should contain the following:
  - a. Describe the incident, noting any verbal discussion, which occurred prior to the written counseling. Give specific dates, times and a summary of what was said.
  - b. Inform the employee what must be done to correct or improve the unacceptable behavior. Be specific.
  - c. Discuss with the employee the training or directive necessary to achieve the desired goals.
  - d. Set a specific time limit when correction or acceptable improvement should be noticed. The supervisor should have a follow-up meeting with the employee at the appointed time to discuss the program.
  - e. State what disciplinary action will be taken if such behavior is not corrected or occurs again. Indicate that additional action may include termination.
  - f. Have the employee sign and date the written warning indicating that the conversation did take place. If the employee refuses to sign, indicate the refusal on the employee signature line, initial and date it yourself. Original copy of the written warning should be sent to the Director of Human Resources in a sealed confidential envelope.
3. Suspension. The nature of certain types of misconduct warrants placing an employee on suspension (in lieu of probation) and may be followed by a probationary period. A suspension is an imposed temporary absence from duty without pay. The purpose of this step is to make certain that the employee is aware of the seriousness of his or her behavior. Once again, continued errant behavior will result in further disciplinary action up to and including discharge.
4. Discharge. For infractions deemed to be sufficiently serious, or where there is continued failure to respond appropriately to prior corrective action, discharge is appropriate. The Executive Vice President should be notified and approval of the employee's supervisor and the Director of Human Resources must be obtained prior to the discharge of an employee under any circumstances.

## Protective Measures

In addition, the college may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking which may include some or all of the following actions:

- Probation or suspension
- Issuance of a no-contact letter to the accused
- Issuance of a campus ban letter to the accused

- Arrangement of alternate and safe living condition for the complainant by the housing department

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

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

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

When taking such steps to separate the complainant and the accused, the college will attempt to minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

#### **Sex Offender Registration**

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services, or is a student. Information about registered sex offenders in Missouri is available from the Missouri Highway Patrol at [mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html](http://mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html).

(Revised 03-15-16 and 9-28-17)