



Texas County  
Technical  
College

## Annual Security Report 2021

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Institutions of higher education, which receive federal financial assistance, are required to provide current and prospective students and employees with an annual report that identifies policies and procedures related to campus security. This document is prepared to increase awareness of current policies, procedures, and practices related to campus security. Campus crime, arrest, and referral statistics include those that were reported to local law enforcement and campus faculty and staff. An annual copy of the report is posted on the Texas County Technical College website at <https://texascountytech.edu/consumer-information/>.

## Reporting Crimes and Emergencies

Texas County Technical College students, employees and others are encouraged to report all criminal activity and emergencies to the college. In emergency situations, 911 should be called first, followed by an immediate notification to the Campus. Every Texas County Technical College student has the option to notify proper law enforcement authorities, including local police, and the option to be assisted by campus authorities in notifying these authorities, if the student chooses to do so. The school does not currently have procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report. Texas County Technical College does not have campus police or counselors.

If an employee or student observes any crime or if any person reveals to an employee or student that he/she learned of, or were the victim of, perpetrator of, or witness to any crime they are to immediately complete a Crime Incident Report Form obtained from the campus Incident Commander and submit to the Campus. This applies to crimes on campus, and locations at which other official college activities are taking place. Please ensure that you complete all information on the form based on the information you possess. Please do not investigate the crime or attempt to determine whether a crime, in fact, took place.

Texas County Technical College designated security officers are responsible for maintaining the Campus's Security Log and reports of all crimes. Once a crime is reported the Security Officer will offer to contact local authorities. In addition, they will evaluate the crime and determine if it constitutes an ongoing security risk to students and employees on campus. If so, the incident commander will be notified, and timely warning or emergency may be issued. Please see the relevant section related to the issuing of emergency notification and timely warning listed in the Annual Security Report.

**Texas County Technical College**  
**Security Officer**  
**Clarice Casebeer**  
**6915 Hwy 63, Houston, MO 65483**  
[ccasebeer@texascountytech.edu](mailto:ccasebeer@texascountytech.edu)  
**417-967-5466**

To provide for the safety and security of students and employees, Texas County Technical College maintains a cooperative relationship with all local public safety agencies including the Local Police and Fire Departments. Periodically, the local Police

Department provides Texas County Technical College with reports that provide information on police actions, by category, for the off-campus neighborhood. The annual disclosure of crime statistics is prepared by Texas County Technical College Office of Regulatory Affairs based on information gathered from designated Security Officers, Building Security (if relevant), and Police Department reports of police actions. Texas County Technical College does not maintain an MOU with local authorities.

## EMERGENCY NOTIFICATION & TIMELY WARNING

### **Timely Warning Policy & Procedures**

Texas County Technical College will issue a timely warning regarding Clery crimes that represent a serious and continuing threat to its students and employees as soon as pertinent information is available. The warning will contain information about the type of criminal incident that has occurred.

### **Crimes Subject to a Timely Warning**

The College will issue a timely warning for all Clery Act crimes that occur on its Clery Act geography that are reported to campus security authorities or local police agencies and considered by the institution to represent a serious or continuing threat to its students and employees.

### **Making the Decision to Issue a Timely Warning**

The Incident Commander will decide whether and how to warn on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime and whether there is continuing danger to the campus community. This means that after a Clery Act crime is reported, the Incident Commander considers whether students and employees are at risk of becoming victims of a similar crime. The Incident Commander evaluates other factors such as whether the apprehended perpetrator had accomplices or had already set other attacks in motion, and whether a criminal incident appears to be a one-time occurrence or falls into a pattern of reported crimes. The Incident Commander should consider the potential impact on various law enforcement operations as he/she issues these warnings.

The College will consult with local and state law enforcement authorities to discuss the timely warning requirement and request that local law enforcement keep the College informed on an immediate basis of crimes that may require timely warnings. This request will be made as part of its annual letter to law enforcement requesting crime statistics.

## Determining the Content of a Timely Warning

The timely warning will include all information that promotes safety and aids in the prevention of similar crimes, especially pertinent information about the crime that triggered the warning. In addition, timely warnings will include information about what action is being taken by campus or local police authorities. It will also direct students and staff as to what action they need to take.

## Issuing a Timely Warning

Timely warnings must be issued in a manner that gets the word out quickly and effectively communitywide. The Commander will notify the AMG Alert administrator of the necessary message to campus constituents. The Incident commander will also make a determination on the delivery method (Voice message, text, and/or email) for the timely warning. The AMG Alert administrator will then issue the message through the AMG Alert system.

The Family Educational Rights and Privacy Act (FERPA) and the Timely Warning Requirement

The College may, in appropriate circumstances, include personally identifiable information in a timely warning due to health or safety emergencies.

## EMERGENCY RESPONSE AND EVACUATION

Emergency Response policy and procedures address non-timely warning incidents (noted above). However, the evacuation procedures described here may apply to either timely warning or emergency response situations.

The Emergency Preparedness Plan is located on the college's website. The plan is available for viewing emergency guidelines and evacuation procedures. If there is an emergency in the building, contact administration or an instructor immediately. In the event of an evacuation, all students should evacuate the building through the closest fire exit and report to their instructor for roll call.

Texas County Technical College will immediately create and issue an Emergency Notification to the college community upon the confirmation of any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless initiating a notification could, in the professional judgment of responsible authorities compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The method of notification may be made via various methods to be determined at the time of the emergency. The methods of communication that may be used are:

1. AMG Alert System
2. Email
3. Telephone
4. Runners
5. Signs
6. The Web
7. Media

### *Incident Commander*

Texas County Technical College  
Clarice Casebeer  
6915 Hwy 63, Houston, MO 65483  
ccasebeer@texascountytech.edu  
417-967-5466

Responsible for carrying out the following procedures:

**Process to confirm a significant emergency or dangerous situation** Texas County Technical College Incident Commanders may become aware of a critical incident or another emergency that potentially affects the health and/or safety of the campus community. Generally, Incident

Commanders become aware of these situations when they are reported directly to a college employee and the employee informs the Commander.

Once first responders or other circumstances confirm there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, Incident Commanders will issue an emergency notification.

The Incident Commander 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 judgement of the Incident Commander, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Incident Commanders may also determine if a message should be sent to benefit the health, safety, and well-being of the campus community for situations that do not pose a significant emergency or dangerous situation.

### **Process to determine the appropriate segment or segments of the campus community to receive a notification**

The Incident Commander has the flexibility to alert only the segment of the population it determines to be at risk. For example, in the case of a gas leak, it may choose to notify only individuals in the building that has the leak, whereas, for a meningitis outbreak, the Incident Commander may choose to notify the entire campus community.

The Incident Commander will make the decision to notify or not notify specific segments of the campus community. For example, the Incident Commander may determine campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus. Incident Commanders will provide a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action.



### **Determining the contents of the emergency notification**

Texas County Technical College Incident Commander will determine how much information is appropriate to disseminate at different points in time. Depending on what segments of the community the College's notification targets, the content will differ. In the case of an approaching tornado, you may want to tell students in daytime classes to take shelter in the basement, but you may want to tell evening students not yet on campus to stay away from the campus.

Texas County Technical College has developed templates for the most common incidents that allows for the input of details. In the event no template is created, Incident Commanders will write a custom notification.

### **Procedures for initiating the emergency notification system**

Once the Incident Commanders have made the determination an emergency exists, local authorities are notified. After local authorities have been notified, the Incident Commander will take the necessary steps to notify the appropriate campus segments.

### **The institution's procedures for disseminating emergency information to the larger community**

Texas County Technical College may disseminate emergency information to individuals and/or organizations outside of the campus community. The College may use different methods to target different segments of the community. For example, it may send cell phone alerts to students and use radio and/or TV alerts for the neighboring community. Incident Commanders are responsible for developing the information to be disclosed and are responsible for disseminating the information to the larger community.

*The institution's procedures to test, evaluate, and publicize the emergency response and evacuation procedures.*

Texas County Technical College will test emergency response and evacuation procedures, document each test, including the date, time, and whether it was announced or unannounced and publicize emergency response and evacuation procedures in conjunction with at least one test per calendar year. The Campus Security & Safety committee will review the outcomes of each test and if necessary, make recommendations to improve the process. The Emergency Response and Evacuation procedures are included in the Emergency Preparedness Plan located on the College's website.

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

On-campus facilities are secured and require a key or key card for entrance outside of business hours. Access to the Campus is limited to regular business hours.

All students are required to display their Student ID while on campus, and guests of the college must register at the front desk and display a guest badge while on campus. Individuals who are not students or registered guests are not allowed on campus.

Facilities are maintained to ensure safety and security. Students and employees are encouraged to report any security or maintenance needs to a campus authority, who will ensure that all security requests are resolved. Incident Commanders are responsible for regularly reviewing the security and maintenance facilities on each campus.

Texas County Technical College does not maintain residence buildings and does not have security personnel with law enforcement authority on Campus, written memoranda of understanding with law enforcement agencies, or student organizations with off-campus housing facilities.

## REDUCING SECURITY RISKS

Texas County Technical College offers regular training to students/staff regarding Sexual Misconduct, Campus Security Procedures, and Practice. Staff training is also provided specifically to incident commanders and Title IX Investigators. Student training is offered specifically for sexual misconduct and Campus Security.

Texas County Technical College students and staff are encouraged to be responsible for their own security. The following tips may help you protect yourself from security risks. This information was obtained from an additional safety information may be located at [rainn.org](http://rainn.org).

*“The following tips may reduce your risk for many different types of crimes, including sexual violence.*

- *Know your resources. Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.*
- *Stay alert. When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you’re alone, only use headphones in one ear to stay aware of your surroundings.*
- *Be careful about posting your location. Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.*
- *Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends but give people time earn your trust before relying on them.*

- *Think about Plan B. Spend some time thinking about backup plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?*
- *Be secure. Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure."*

In keeping with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the College makes available to all current students and employees the campus security report in its entirety. The most recently reported Crime Statistics for Campuses to follow.

## NONDISCRIMINATION NOTICE

Texas County Technical College does not discriminate on the basis of race, color, creed, national or ethnic origin, religion, sex, pregnancy, childbirth and related medical conditions, marital status, medical condition, service in the uniformed services, age, disability, sexual orientation, gender identity, veteran status, or any other consideration made unlawful by federal, state, or local laws. If there are any questions or concerns, please contact Matthew Egan, Vice President of Regulatory Affairs, at 2510 W. Dunlap Ave., Suite 290 Phoenix, AZ 85021 602.759.2279 | [megan@arizonacollege.edu](mailto:megan@arizonacollege.edu) or the Office of Civil Rights at Office of Civil Rights (OCR), United States Department of Education, Washington DC 20201, and/or file a criminal complaint with local law enforcement.

## Reporting/Filing a Complaint about Discrimination Other Than Sex Based

To report discrimination, misconduct, harassment, violence or retaliation based on race, color, creed, national or ethnic origin, religion, pregnancy, childbirth and related medical conditions, marital status, gender identity, medical condition, service in the uniformed services, political activities and affiliations, age, disability, veteran status, or any other consideration made unlawful by federal, state, or local laws, follow the relevant procedure outlined in the Dispute Resolution Procedure for Student Complaints.

## Title IX

### Title IX: Sex/Gender based Discrimination, Misconduct, and Harassment

Texas County Technical College does not discriminate on the basis of sex/gender in its education program or activity, and the College is required by title IX and PART 106 of title 34 of the Code of Federal Regulations not to discriminate in such a manner. This requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of title IX and PART 106 to Texas County Technical College may be made to the Title IX Coordinator, to the Assistant Secretary of the US Department of Education, or both. The College's grievance procedures and grievance process, including how to report or file a complaint of sex/gender discrimination, how to file or report a formal

complaint of sex/gender-based misconduct or harassment, and how the College will respond, can be found below.

Texas County Technical College is committed to maintaining an academic climate in which individuals of the College community have access to an opportunity to benefit fully from the College's programs and activities. When students experience acts of sex/gender-based discrimination, misconduct, or harassment, their sense of safety and trust is violated. This can significantly interfere with their lives, including their educational goals. This policy has been developed to proactively create an environment in which those sex/gender-based incidents can be promptly, equitably and effectively responded to without further victimization, retaliation, and with possible remediation of its effects. Proceedings which arise from allegations of sex/gender-based harassment including, but not limited to, dating violence, domestic violence, sexual assault, or stalking, include a prompt, fair, and impartial process from the initial investigation to the results.

## IX/Clery Education and Training

The College notifies applicants for admission and employment, incoming and current students, and incoming and current employees of this policy and procedure. In addition, new and current students and employees will be provided with educational materials to promote familiarity with this policy. Newly hired employees and current employees responsible for reporting sexual misconduct will be provided with training. Furthermore, annual training will be provided to investigators and those responsible for implementation of Title IX.

The educational programs and training provide ongoing awareness and prevention campaigns that also identify safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such bystander. Additionally, information is provided on risk reduction so that students, faculty/staff may recognize warning signs.

Texas County Technical College prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act and makes this very clear in its education and training programs. (Programs are described below. See Definitions section for both Clery and local/applicable jurisdictions.) The College follows its Title IX procedures when a Clery crime is reported.

## Reporting/Filing a Complaint for Title IX Sex Discrimination/Misconduct/Harassment

Any member of the Texas County Technical College community may report sex discrimination, including sexual harassment, in person, by mail, by telephone, or by electronic mail to:

### TITLE IX Coordinator

Matthew Egan

2510 West Dunlap Ave., Suite 290. Phoenix, AZ 85021

megan@arizonacollege.edu | 602-759-2279

Deputy Coordinator

**Texas County Technical College**

**Clarice Casebeer**

6915 Hwy 63, Houston, MO 65483

ccasebeer@texascountytech.edu

417-967-5466

## DEFINITIONS

### Procedural definitions -

Complainant

means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Note that complainants are treated as victims as required by Clery when the Clery offenses of sexual assault, dating violence, domestic violence, and stalking are alleged, but that parties are treated equally and fairly in all cases as required by Title IX.

### Respondent

means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

### Formal complaint

means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information above and must be physically or digitally signed by the complainant or IX Coordinator (or otherwise indicates that the complainant or Coordinator is the person filing the formal complaint).

## Supportive/protective measures

means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive/protective measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College will maintain as confidential any supportive/protective measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair the ability of the College to provide the supportive/protective measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive/protective measures.

## Federal Conduct definitions -

### Sexual harassment

means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) 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 recipient's education program or activity; or
- (3) Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

NOTE: The College considers the concept "gender" as well as the concept of sex, whenever "sex" is used throughout the law and this policy and procedure.

### Sexual Assault

The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Related Definitions: Sex Offense:

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. 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 incapacity.

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

C. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

## Rape:

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.

## Dating Violence

The term “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.

## Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

## Stalking

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

## Consent

NOTE: There is no Clery or federal definition of consent or lack of consent. The Missouri definition is listed below.

## Retaliation

Texas County Technical College (or other person) may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve

sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## FILE A COMPLAINT OF SEX DISCRIMINATION

How to report or file a complaint of sex discrimination and how Texas County Technical College will respond

When Texas County Technical College has actual knowledge of sex/gender-based discrimination, misconduct or harassment in the College's education program or activity, the College will respond promptly, equitably, and reasonably. The College will treat complainants and respondents equitably by offering supportive/protective measures, and by following its grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive/protective measures against a respondent. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive/protective measures, consider the complainant's wishes with respect to supportive/protective measures, inform the complainant of the availability of supportive/protective measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

Additionally, College personnel will inform students and employees in writing of:

- The importance of the preservation of any evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order, and where and how to get a forensic examination;
- That a forensic examination does not require a police report to be filed;
- How and to whom the alleged offense can be reported, including applicable law enforcement contact information and what is involved in making a police report;
- The option to be assisted by College officials in notifying law enforcement: Texas County Technical College will comply with a student's request for assistance in notifying authorities;
- The option to decline assistance, or decline notifying local law enforcement;
- Options for protective orders, including rights of victims and the College's responsibility regarding such order, what legal options are available and under what circumstances, with specific contact information and how to file on each option;
- Any supportive/protective measures that will be taken; and
- Resources including counseling, health, mental health, and other services.



## RESOURCES

### Emergency and Counseling Hotline Telephone Numbers:

Emergency (police, fire, and rescue) Always dial 911 for life-threatening emergencies.

<b><u>24 Hour National Suicide Prevention Lifeline/ Veterans Crisis Line</u></b> (800) 273-TALK (8255) TTY Line: (800) 799-4889	<b><u>SAMHSA Substance Abuse and Mental Health Service Administration</u></b> 1-877-726-4727
<b><u>National Child Abuse Hotline</u></b> (800) 4-A-CHILD (422-4453)	<b><u>American Sexual Health Association</u></b> (800) 227-8922
<b><u>National Hotline for Crime Victims</u></b> 1-855-4-VICTIM (1-855-484-2846)	<b><u>CDC National AIDS Hotline / National STD Hotline</u></b> (800) CDC-INFO (232-4636)
<b><u>RAINN</u></b> National Sexual Assault Hotline Go Chat	<b><u>Gay and Lesbian National Hotline</u></b> (888) THE-GLNH (843-4564)
<b><u>The Substance Abuse and Mental Health Services Administration</u></b> <b><u>Treatment Helpline</u></b> (800) 662-HELP / (800) 662-4357 TDD (800) 487-4889	<b><u>National Resource Center on Domestic Violence</u></b> TTY Hotline 800- 537-2238 x 5 800-553-2508
<b><u>National Coalition of Anti-Violence Programs</u></b> National Advocacy for Local LGBT Communities 1-212-714-1141	<b><u>National Domestic Violence Hotline</u></b> 1-800-799-7233 or 1-800-787-3224 (TTY)
<b><u>National Sexual Assault Hotline</u></b> 1-800-656-4673	<b><u>National Resources for Sexual Assault Survivors</u></b> and their Loved ones

## Local Authorities

Police Department	Fire Department	State Sexual Assault Coalition Resources MCADSV
<b>Address:</b> 601 S Grand Ave, Houston, MO 65483  <b>Phone:</b> (417) 967-3348	<b>Address:</b> 601 S Grand Ave, Houston, MO 65483  <b>Phone Number:</b> (417) 967-3348	Local Phone: 417-934-1811  <b>Phone Number:</b> 1-800-782-6400  Website:  <a href="https://www.mocadsv.org/">https://www.mocadsv.org/</a>

## Confidentiality

### Confidentiality Under Title IX

Texas County Technical College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising under it.

### Confidentiality Under Clery

(applies to allegations of sexual assault, dating violence, domestic violence and stalking)

The College will protect a Clery crime victim's confidentiality, even if the victim does not specifically request confidentiality, where possible and in the following ways:

The victim's personally identifying information will not be included in any publicly available record, including Clery Act reporting and disclosures such as the annual security report. Personally identifying information is defined in Section 40002(a) of the Violence Against Women Act of 1994 as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); a social security number, driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

In some cases, the College may need to disclose some information about a victim to a third party to provide necessary accommodations or protective/supportive measures. The College will inform victims before sharing personally identifying information that the institution believes is necessary to provide an accommodation or protective/supportive measure and will tell the victim what information will be shared, with whom it will be shared and why. The College's Title IX Coordinator will determine what information

about a victim should be disclosed, to whom this information will be disclosed, and will use only official College systems to transmit the information necessary to provide the accommodation or protective/supportive measure.

## Emergency Removal and Administrative Leave

Nothing in this policy and procedure precludes Texas County Technical College from removing a respondent from the College's education program or activity on an emergency basis, once it undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and respondent is given notice and an opportunity to challenge the decision immediately following the removal. Also, nothing in this policy and procedure precludes Texas County Technical College from placing a non-student employee respondent on administrative leave during the pendency of the grievance process.

## Grievance process for formal complaints of sexual harassment

### What you should know about the process

Texas County Technical College's grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sex/gender harassment has been made against the respondent, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive/protective measures against a respondent. Remedies will be designed to restore or preserve equal access to the College's education program or activity. Such remedies may include the same individualized services as "supportive/protective measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Texas County Technical College's process requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provides that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The College requires that the Title IX Coordinator, investigator, or decision-maker will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Materials used to train Title IX Coordinators, investigators, or decision-makers are available at <https://www.arizonacollege.edu/consumer-information/>

The process begins with a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The *standard of evidence* to be used to determine responsibility is the preponderance of the evidence standard. The process will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Texas County Technical College will notify both parties, simultaneously and in writing, the result of any College disciplinary proceeding that arises under this policy and procedure, the College's procedures for

both parties to appeal the result of any determination under this policy and procedure, any change to any result, and when any result becomes final.

### Notice of allegations

Upon receipt of a formal complaint, Texas County Technical College will provide the following written notice to the parties who are known.

- Notice of the College's grievance process;
- Notice of the allegations of sex/gender harassment potentially constituting sex/gender harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sex/gender harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice will inform the parties of the provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process; and if, in the course of an investigation, the College decides to investigate allegations about the complainant or respondent that are not included in the first notice provided, the College will provide notice of the additional allegations to the parties whose identities are known.

### Dismissal of a formal complaint

Texas County Technical College must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sex/gender harassment, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the College will dismiss the formal complaint with regard to that conduct for purposes of sex/gender harassment under title IX. However, such a dismissal does not preclude action under another provision of the College's code of conduct or this policy and procedure. The College may also dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.

Upon a dismissal required or permitted above, the College will promptly send written notice of the dismissal, and reason(s) for the dismissal, simultaneously to the parties.

### Consolidation of formal complaints

Texas County Technical College may consolidate formal complaints as to allegations of sex/gender harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sex/gender harassment arise out of the same facts or circumstances. Where the process involves more than one complainant or more than one respondent, references in this procedure to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

### Delay of a formal complaint

Texas County Technical College allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

### Investigation of a formal complaint

When investigating a formal complaint and throughout this grievance process, Texas County Technical College:

- Will ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties;
- Will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's 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, unless the College obtains that party's voluntary, written consent to do so for this grievance process; (ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

-Will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

-Will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 business days to submit a written response, which the investigator will consider prior to completion of the investigative report.

-Will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

-Will create an investigative report that fairly summarizes relevant evidence and, at least 10 business days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the College has sent the investigative report to the parties and before reaching a determination regarding responsibility in a hearing, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions and evidence about the 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 by the complainant, 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. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

## Hearing

Texas County Technical College provides for a live hearing for formal complaints that are not dismissed pursuant to this policy and procedure.

-At the live hearing, the decision-maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at

the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the College to otherwise restrict the extent to which advisors may participate in the proceedings.

-At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

-Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

-If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

-Questions and evidence about the 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 by the complainant, 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.

-If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

-Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

### Determination regarding responsibility

The decision-maker(s), who will not be the same person(s) as the Title IX Coordinator or the investigator(s), will issue a written determination regarding responsibility. To reach this determination, the College will apply the preponderance of the evidence standard. The written determination will include:

-Identification of the allegations potentially constituting sexual harassment;

-A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

-Findings of fact supporting the determination;

-Conclusions regarding the application of the College's code of conduct to the facts;

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and

- The College's procedures and permissible bases for the complainant and respondent to appeal.

The College will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effective implementation of any remedies.

## Appeals

Texas County Technical College will offer both parties an appeal from a determination regarding responsibility, and from any dismissal of a formal complaint or any allegations within the formal complaint, within 10 days on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

As to all appeals, Texas County Technical College will:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy and procedure;
- Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Issue a written decision describing the result of the appeal and the rationale for the result; and
- Provide the written decision simultaneously to both parties.



## Remedies/Sanctions

Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct are relevant. Sanctions range from warning to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.

## Conditions and Informal resolution

Texas County Technical College does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sex/gender harassment. The College does not offer an informal resolution process.

## Recordkeeping

The College, through its Title IX Coordinator, will create, and maintain for a period of seven years, records of any actions, including any supportive/protective measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. If the College does not provide a complainant with supportive/protective measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

## STATE

### Applicable/Jurisdictional Definitions

Texas County Technical College reserves the right to determine the applicable definition based upon factors including but not limited to the location of the alleged offense, applicable laws or location of the College. Under College policy or Title IX or other federal law, conduct may constitute sex/gender discrimination, misconduct, or harassment even though that conduct does not meet a specific state or other definition of an offense.

As Defined by Missouri State Statutes

## Sexual Assault

### **Rape:**

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

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

566.031. 1. A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.

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.

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.

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.

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.

#### **Fondling:**

Missouri does not have a specific fondling statute. All incidents of this nature are defined by Missouri as sexual abuse, sexual misconduct or child molestation.

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.

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.

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.

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.

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.

565.095. 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.

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.

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.

#### **Incest:**

568.020. 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.

#### **Statutory Rape and Attempt to Commit:**

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.

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.

#### **Domestic Violence:**

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.

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.

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.

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.

565.002. (6) "Domestic victim", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family;

455.010. "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.

### Dating Violence:

Missouri does not have a specific dating violence statute or definition. Anyone in a dating relationship where violence occurs would be covered under the "domestic victim", "Family" or "household member" as defined in RSMO 565.002 and 455.010. All incidents involving a dating relationship where violence occurs will be counted for Clery reporting purposes as domestic violence.

## Stalking:

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.

The term “course of conduct” is a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

565.225. A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and:

- (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or
- (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or
- (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or
- (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is 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.

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.

## Consent — Defined by Missouri Revised Statutes Section

556.061 (14). "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 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.

## CAMPUS SEX CRIMES PREVENTION ACT

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Texas County Technical College is providing a link to the state Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement 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 of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

## Registered Sex Offender Information

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, institutions of higher education are required to issue a statement advising the campus community where law enforcement information provided by the State concerning registered sex offenders may be obtained. The Revised Statutes of Missouri, Chapter 589 Sections 400 to 425 and 43.650, RSMo, mandate that the Missouri State Highway Patrol shall maintain a sex offender database and a web site on the Internet that is accessible to the public. Additional information and verification may be obtained from the Sheriff's Department of the county where the sex offender resides. The web site is intended to supplement and complement the sex offender registries maintained by the various counties.

Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.

The Missouri State Highway Patrol is responsible for maintaining this registry. Follow the link below to access the Missouri State Highway Patrol website.

<http://www.mshp.dps.mo.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

[Toll free number for sex offender information: 1-888-SOR-MSHP (767-6747)]

## DRUG FREE SCHOOLS & COMMUNITIES ACT

Texas County Technical College is committed to maintaining a drug and alcohol abuse-free environment including following the Drug Free Schools and Communities Act. Preparation for a career in Healthcare requires both students and staff to be free of drug and alcohol abuse.

The College prohibits the unlawful, and lawful but unauthorized, possession, use or distribution of drugs and alcohol on the institution's property or as part of its activities. Drug screenings may be required during the course of enrollment or employment at Texas County Technical College and may be required by clinical facilities. Texas County Technical College will impose sanctions on students and employees who consume or distribute illegal or unauthorized drugs or alcohol on the school premises, at clinical and externship sites, or as part of any of its activities, consistent with local, state and federal law. Disciplinary sanctions may include expulsion, termination of employment, and referral for prosecution.

## LAWS REGARDING ALCOHOL AND DRUGS

### MISSOURI

311.325. Purchase or possession by minor, penalty — container need not be opened and contents verified, when — consent to chemical testing deemed given, when — burden of proof on violator to prove not intoxicating liquor — section not applicable to certain students, requirements. — 1. 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 311.020 or who is visibly in an intoxicated condition as defined in section 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. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

3. 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, or who is visibly in an intoxicated condition as defined in section 577.001, shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this subsection shall be limited to not more than two such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the state department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health and senior services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

- (1) The type of test administered and the procedures followed;
- (2) The time of the collection of the blood or breath sample or urine analyzed;
- (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
- (4) The type and status of any permit which was held by the person who performed the test;
- (5) If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

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.

### **Drug and Alcohol State Laws**

#### **Possession of Marijuana:**

The use of recreational marijuana is illegal, and possession for personal use of less than 10 grams for a first offense is a misdemeanor with a maximum fine of \$500 and no jail time. For a second offense, the maximum fine is \$2,000 and up to one year in jail. Possessing more than Category Summary (Missouri Revised Statutes) 35 grams is a felony with a maximum fine of \$10,000 and up to 7 years in jail. See MO. REV. STAT. § 579.015 (2019). Medical marijuana for certain conditions is allowed, and up to four ounces may be purchased every 30 days. Mo. Code Regs. Ann. tit. 19, § 30-95.030 (2020).

#### **Controlled Substances:**

Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. See MO. REV. STAT. §§ 579.015 – 579.040 (2019). Possession of a controlled substance, except thirty-five grams or less of marijuana, is a Class D felony, with a term of up to seven years and a fine up to \$10,000. See MO. REV. STAT. § 579.015 (2019). Delivery of a controlled substance other than 35 grams or less of marijuana is a Class C felony, resulting in a prison term of not less than 3 years and not more than 10 years, and a fine up to \$10,000. MO. REV. STAT. §§ 558.002, 558.011 (2019).

As an example, someone possessing methamphetamine faces a prison term of 7 years and a fine up to \$10,000.

#### **Alcohol and Minors:**

In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor, subject to a fine not to exceed \$500. See MO. REV. STAT. § 311.325 (2019). A subsequent violation is a Class A misdemeanor, subject to a term of up to one year in jail and a fine not to exceed \$2,000. Id. Anyone between 17– 21 who represents that she/he is 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. MO. REV. STAT. § 311.320 (2019). The use of a fake identification is subject to a \$500 fine. Id. An attempt to purchase, or possession of alcohol, may also result in license suspension.

**Driving Under the Influence (DUI):** A person is guilty of a DUI if the person has a blood alcohol concentration of 0.08 percent. A first offense results in a suspended license for 30 days and then a

restricted license for 60 days, and may require a certified ignition interlock device. MO. REV. STAT. § 302.525 (2019). A second offense within five years results in a one-year restricted license and additional penalties.

## FEDERAL

Federal law penalizes the unlawful manufacturing, distribution, use, sale, and possession of controlled substances. The penalties vary based on many factors, including the type and amount of the drug involved, and whether there is intent to distribute. Federal law sets penalties for first offenses ranging from less than one year to life imprisonment and/or fines up to \$10 million. Penalties may include forfeiture of property, including vehicles used to possess, transport, or conceal a controlled substance; the denial of professional licenses or Federal benefits, such as student loans, grants, and contracts; successful completion of a drug treatment program; community service; and ineligibility to receive or purchase a firearm. Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. See the Federal Controlled Substances Act at 21 USC 800.

Students who seek assistance in dealing with a possible substance abuse problem are encouraged to obtain a listing of agencies providing substance abuse assistance from the College administration. Texas County Technical College has located resources which might assist students who find

they are having difficulty with controlled substances or alcohol. If a student should find they are having such difficulties, he/she should notify student services immediately. The resources will assist in referral and/or treatment.

### **Physical Risks:**

Use of illicit drugs and abuse of prescription drugs pose a serious threat to mental and physical health. Alcohol is a drug. Its use in even the smallest amounts may be harmful to some people, and when used to excess, alcohol is harmful to everyone. For this reason, responsible drinking is essential and is expected of those who choose to drink.

### **Substance**

Alcohol (at .08 Blood Alcohol Concentration & Above) Impaired motor abilities; reduced judgment; sleepiness; increased sexual desire but reduced ability to perform; nausea, vomiting; liver disorders-alcoholic hepatitis, alcoholic cirrhosis; cancer of the-tongue, mouth, throat, esophagus, liver, breast; fetal alcohol syndrome (most common symptom is mental retardation).

Cannabis Marijuana Hash/Hash Oil THC Diminished-short term memory, motivation & cognition, coordination & concentration, oral communication, reaction time; anxiety & panic reactions; carcinogenic elements in smoke; damaged lungs & respiratory system.

Cocaine (includes Crack Cocaine) Increased likelihood of risk taking; seizures; sleeplessness; paranoia; irregular heartbeat; can cause sudden death by stroke or heart failure, even in young users; cocaine psychosis (paranoia & hallucinations); ulceration of mucous membranes in the nose; sexual dysfunction; during pregnancy can cause severe physical & emotional problems in babies.

Depressants, Tranquilizers, Barbiturates, Methaqualone Dangerous effects when mixed with alcohol; calmness & relaxed muscles; slurred speech, staggering gait, loss of motor coordination; altered perceptions; respiratory depression which can result in coma or death; disruption of normal sleep cycle; during pregnancy-birth defects, brain tumors in children; tolerance develops severe withdrawal symptoms; physical & psychological dependence.

Other Stimulants (Excluding Cocaine), Amphetamines, Methamphetamines Increased heart & respiratory rates; elevated blood; decreased appetite; headaches; blurred vision; dizziness; sleeplessness; anxiety; amphetamine psychosis-violent behavior, hallucinations, delusions, paranoia; drug tolerance & dependency; mood swings; ulcers; mental confusion.

Psychedelics, LSD, Mescaline, Psilocybin, Phencyclidine (PCP), MDMA (Ecstasy), MDA Distorted sense of distance, space and time; blockage of pain sensations; nausea, vomiting & diarrhea; severe mood disorders, panic depression, anxiety; greater suggestibility & feelings of invulnerability; unpredictable reactions if drugs are "cut" with impurities; tolerance after (3-4 daily doses--higher doses are required to produce same effects).

Narcotics, Opium, Morphine, Codeine, Thebaine, Heroin, Methadone, Darvon, Demerol Feeling of euphoria followed by drowsiness; nausea & vomiting; respiratory depression; central nervous system depression; use of unsterile needles promotes-AIDS, hepatitis B, endocarditis (infection in the heart); women dependent on opiates have multiple pregnancy complications-spontaneous abortions, still births, anemia, diabetes.

In addition to the physical risks associated with drug and alcohol abuse, there are many federal and state laws that may apply. These include the possible loss of Financial Aid due to conviction of a drug offense while receiving Financial Aid. Texas County Technical College will provide a timely notice to each student who has lost eligibility due to drug convictions for any grant, loan, or work-study assistance as a result of penalties under 484(r)(1) of the HEA a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA.

## NATIONAL REFERRAL RESOURCES

<b><u>Al-Anon for Families of Alcoholics</u></b> 1-888-425-2666	<b>Alcoholics Anonymous</b> <a href="http://www.aa.org/">http://www.aa.org/</a>
<b>Alcohol Treatment Referral Hotline</b> 1-800-ALCOHOL (1-800-252-6465)	<b>National Council on Alcoholism and Drug Dependence, Inc</b> 1-800-622-2255
<b>The Substance Abuse and Mental Health Services Administration's (SAMHSA) Behavioral Health Treatment Services Locator</b> <a href="https://findtreatment.samhsa.gov/">https://findtreatment.samhsa.gov/</a>	<b><u>Substance Abuse and Mental Health Service Administration (SAMHSA)</u></b> 1-800-662-4357
<b>Narcotics Anonymous</b> <a href="https://www.na.org/">https://www.na.org/</a>	<b>National Institute on Alcohol Abuse and Alcoholism</b> <a href="https://www.niaaa.nih.gov/">https://www.niaaa.nih.gov/</a>

**HOUSTON CAMPUS**  
6915 S. HWY 63, Houston, Missouri 65483

Reported in accordance with Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Offense Type	Year	On Campus Property	Non-Campus Property	Public Property
<b>CRIMINAL HOMICIDE: MURDER &amp; NON-NEGLIGENT MANSLAUGHTER</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>NEGLIGENT MANSLAUGHTER</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>SEXUAL ASSAULT-RAPE</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>SEXUAL ASSAULT-FONDLING</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>SEXUAL ASSAULT-INCEST</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>SEXUAL ASSAULT-STATUTORY RAPE</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>ROBBERY</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>AGGRAVATED ASSAULT</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>BURGLARY</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>MOTOR VEHICLE THEFT</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

Offense Type	Year	On Campus Property	Non-Campus Property	Public Property
<b>ARSON</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>ARRESTS: DRUG ABUSE VIOLATIONS</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>ARRESTS: LIQUOR LAW VIOLATIONS</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>VAWA OFFENSES; DOMESTIC VOILENCE</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>VAWA OFFENSES; DATING VOILENCE</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>VAWA OFFENSES; STALKING</b>	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

*Texas County Technical College had no hate crimes reported in 2018, 2019 and 2020 on any campus.  
Texas County Technical College does not maintain residential facilities.*