

# **Evangel University**

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## **James River Leadership Campus 2014 Annual Security Report (2013 calendar year crime statistics)**



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## **Contents**

<b>Preparation of the Annual Disclosure of Campus Crime Statistics .....</b>	<b>3</b>
<b>Access Control.....</b>	<b>3</b>
<b>Campus Law Enforcement Authority.....</b>	<b>4</b>
<b>Procedure for Reporting Criminal Offenses .....</b>	<b>4</b>
<b>Reporting procedures .....</b>	<b>5</b>
<b>Voluntary Confidential Reporting .....</b>	<b>5</b>
<b>Timely Warning .....</b>	<b>5</b>
<b>Emergency Notification .....</b>	<b>8</b>
<b>Security Awareness Programs .....</b>	<b>10</b>
<b>Crime Prevention Programs .....</b>	<b>10</b>
<b>Monitoring Criminal Activity Off-Campus.....</b>	<b>10</b>
<b>Pastoral and Professional Counselors Reporting Policy .....</b>	<b>11</b>
<b>Disclosure to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses. 12</b>	
<b>Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy .....</b>	<b>12</b>
<b>Sex Offender Registry.....</b>	<b>26</b>
<b>Alcoholic Beverages .....</b>	<b>28</b>
<b>Illegal Drug Possession .....</b>	<b>28</b>
<b>Drug and Alcohol Abuse Prevention Program .....</b>	<b>29</b>
<b>Crime Statistics .....</b>	<b>40</b>
<b>Hate Crime Statistics .....</b>	<b>41</b>

## **Preparation of the Annual Disclosure of Campus Crime Statistics**

To comply with *the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act*, the Evangel University Director of Public Safety is designated as the Campus Security Survey Administrator, who is responsible for obtaining the Annual Security Report (consisting of campus security policy disclosures and campus crime statistics for the previous three calendar years) from each branch Evangel campus and for its submission by October 1 to the U.S. Department of Education.

This Annual Security Report is prepared by branch campus administration in cooperation with local law enforcement agencies surrounding the branch campus, which provides updated information on the University's educational programs and policy disclosures conducted in order to comply with the Clery Act.

Additionally, the Annual Security Report includes the frequency of occurrence of certain categories of crimes specified in the Clery Act. These crime statistics are collected from the following sources: incident reports written by branch campus administrators; information that may be provided by the local branch campus law enforcement departments with jurisdiction, State Police and/or the local Sheriff's department; reports provided by campus victims of crime; and reports provided by EU officials designated as "Campus Security Authorities" (including, but not limited to: vice presidents, directors, department heads, , and faculty/staff advisors to student organizations, etc.). Once Evangel University's Branch Campus crime statistics report has been submitted to the U.S. Department of Education and reviewed by that staff, the Department of Education will make that data available to the general public at <http://ope.ed.gov/security>.

It is the policy of Evangel University that the Director of the James River Leadership Campus shall distribute by electronic mail, to all enrolled students, faculty and staff, the appropriate hyperlink to the Annual Security Report; that the Human Resources Director will notify prospective employees of the availability of the report; and that the Admissions Director will notify all prospective students of the availability of the report.

## **Access Control**

During business hours the University (excluding housing facilities) will be open to students, parents, employees, contractors, and guests. During non-business hours access to these facilities is gained by utilization of a proximity access card, if issued, or by admittance via Evangel University and James River personnel.

Residence halls (Embassy Apartments) entrances are locked 24 hours per day.

Access to Apartment buildings is gained by a security code, access to individual apartment is gained by key, or by admittance resident students of the respective apartments and their guests. . Authorized service personnel (Embassy Apartment Maintenance Personnel) are allowed access to residence halls to conduct their duties 10:00 a.m. – 5:00 p.m.; exceptions may be made after hours to make emergency repairs. James River Leadership Campus Director, Student Life Director, or Resident Director will be granted access at any time by Embassy Apartment management.

Emergencies may necessitate changes or alterations to any posted schedules.

Embassy Apartment management conducts Security surveys of areas that are problematic. James River Leadership Campus Personnel contact Embassy apartment management to address pressing concerns.

### **Campus Law Enforcement Authority**

Evangel James River Leadership Campus does not have any security staff. Evangel University staff do not possess arrest power and are not commissioned police officers. James River Church security personnel monitor the campus site. Evangel University does not have a formal Memo of Understanding with the any police department.

Criminal incidents are referred to the Ozark Police Department. All crime victims and witnesses are strongly encouraged to immediately report the crime to the Ozark Police Department and to the director at the branch campus. Prompt reporting to James River Leadership Campus Director will assure timely warning notices on campus and timely disclosure of crime statistics.

### **Procedure for Reporting Criminal Offenses**

To report a crime:

Contact local Police at 417-581-7914 (non-emergencies), dial 9-1-1-(emergencies only).

Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the Residence Halls should be reported to the police department. In addition you may report a crime to the following areas:

Evangel James River Leadership Campus Office	Phone Number and office location Office number 417-581-5433 6100 N. 19 <sup>th</sup> Street Ozark, Mo 65721
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All crimes should be reported as soon as possible to the campus administrator. Notification of the administrator insures that timely warning can be issued if required and that the crime is recorded for the annual statistical disclosure. The administrator may consult with the Main Campus Director of Public Safety about the incident if needed.

### **Reporting procedures**

Evangel University encourages and expects victims and witnesses of crimes to report crimes to the local police department even if the victims do not want to pursue action within Evangel University's Community Accountability Program or through the local or state criminal justice system.

Branch campuses do not have campus police departments. The university encourages and expects victims and witnesses of crimes to be reported to the James River Leadership Campus Director and to local law enforcement or a campus security authority.

When the victim of a crime elects to, or is unable (physically/mentally) to make such a report either witnesses or Evangel Community members can make a report on behalf of the victim.

All reports are counted and disclosed in the annual crime statistics for the institution.

### **Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the Evangel University System or the criminal justice system, you may still want to make a confidential report. With your permission, JRLC campus administrator or the JRLC Director of Student Life can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to keep your identity confidential while allowing others to take precautions to insure their safety. With such information, Evangel University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

### **Timely Warning**

#### **A. Definitions:**

Clery Act Crimes—Criminal Homicide, including: a) Murder and Non-Negligent Manslaughter; and b) Negligent Manslaughter;

Rape, Forcible Fondling, Statutory Rape and Incest.; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Domestic Violence; Dating Violence; Stalking and Hate Crimes.

Campus Security Authorities—Campus police; non-police security staff responsible for monitoring campus property; individuals and offices designated by the campus security policies as those to whom crimes should be reported; and officials of the institution with significant responsibility for student and campus activities.

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

Professional counselor—A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

B. Requirements:

In order to keep the campus community informed about safety and security issues on an ongoing basis, an institution must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Efforts will be made to avoid unnecessarily identifying the victim in such cases.

These crimes must include all Clery Act crimes that are:  
Reported to campus security authorities and local police agencies;  
and are considered by the institution to represent a serious or continuing threat to students and employees.

In addition to making timely warnings, an institution is required to have a timely warning policy. All Title IV institutions are subject to the timely warning regulations. There are no exceptions.

Timely warnings can be issued for threats to property, as well as for threats to persons. It is irrelevant whether the victims or perpetrators are members of the campus community.

Timely warnings must be issued in a manner that gets the word out quickly communitywide.

The responsibility for the warning rests solely with the institution.

The institution's policy on timely warnings should specify who or which office is responsible for issuing the warnings.

The issuing of a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

An institution is not required to provide a timely warning for crimes reported to a pastoral or professional counselor.

FERPA does not preclude an institution's compliance with the timely warning provision of the campus security regulations.

#### C. Summary and Procedures:

The campus crime "Timely Warning" is provided to heighten awareness and to provide students, faculty and staff timely notification of Clery Act crimes that are considered to represent a serious or ongoing threat to the campus community. The warning will provide pertinent information related to the crime and available suspect information.

The James River Leadership Campus Director or their designee is responsible for preparing and issuing timely warnings. The James River Leadership Campus Director will make the decision to issue a timely warning on a case-by-case basis considering the facts surrounding a crime, including the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

When the James River Leadership Campus Director issues a Timely Warning, it will be issued when deemed appropriate through the university email system to students, faculty, and staff, and posted around campus. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Director may use any other means of communication, providing the community with more immediate notification. In such

instances, a copy of the notice will be posted around the branch campus and updates regarding the situation will follow as more information becomes available.

Anyone with information warranting a timely warning should report the circumstances to the James River Leadership Campus Director.

## **Emergency Notification**

Evangel University utilizes an Emergency Notification System (ENS) for faculty, staff, students, and affiliated university constituents. After responsible personnel have been made aware of an emergency that poses a significant threat to the health or safety of students or employees occurring on campus, affecting all or part of the Evangel University campus, the ENS is activated without delay. Initial confirmation for activating the ENS may occur by observation, notification from an emergency liaison, multiple witness telephone calls, or an alarm system notification.

The ENS message will contain pre-scripted brief messages or tailored content. The information will be shared to help the public take action for their safety. An “all clear” message or follow up information will be disseminated as appropriate.

Localized incidents within a building, such as a small fire or hazardous material spill in an isolated location will not require a mass notification.

In the event of an emergency, the ENS and email system will be activated to notify the campus community as Evangel University administrative personnel deem necessary, based on the circumstances of the event. The ENS activation will make notifications in the following manner:

- Vocal telephone message
- E-mail
- SMS text message
- E mail
- SMS text message

Faculty, staff, and students are responsible for providing all necessary information to insure a successful message delivery. At the beginning of each semester, students have an opportunity during registration to change their contact information. Faculty and staff information is gathered upon hire and can be updated through the Human Resources Office. It is the responsibility of each faculty member, staff member, and student to provide the correct information for contact and update the appropriate campus office when contact changes are made.

The following Evangel University officials have authority to activate the Emergency Notification System:

- President
- Vice President for Business and, Finance and Information Services
- Vice President for Student Development
- Provost
- Director of Public Safety (Main Campus)
- Assistant Director of Public Safety (Main Campus)
- Public Safety Patrol Supervisors (Main Campus)
- James River Church COO
- James River Leadership Campus Director
- Student Life Director
- Enrollment and Recruitment Director
- Resident Directors

After the appropriate notification system is selected, it may be used to transmit brief urgent messages. Emergency notifications may include, but are not limited to:

- Campus Closures
- Weather Warnings (Severe Thunderstorm Warnings & Tornado Watches & Warnings)
- Fire
- Natural gas leaks or hazardous material spills
- Natural disasters affecting the Campus
- Campus wide power outages and/or utility failures
- Violent criminal behavior
- Bomb threats or other imminent violent threats
- Explosions on campus
- Terrorism incidents

Dependent upon the contact information supplied by faculty, staff, and students, notification may be made in the following manners:

- Cell phone
- Home phone
- Business phone
- Evangel University email
- Personal email
- SMS text to cell phone

The ENS will be internally tested each month with key Campus Safety staff members and externally tested once a semester with the Evangel community.

Larger Community notifications will be accomplished through both regular media outlets as well as social media resources by the director of public relations

## **Security Awareness Programs**

During new student orientation, students are informed of services offered by Evangel University by James River Leadership Campus staff. Presentations outline ways to maintain personal safety and security. Students are informed about procedures for reporting crime on campus. A common theme of the program is to encourage students to be aware of their responsibility for their own security and the security of others.

Information is decimated by email when security concerns arise. When time is of the essence, information is released to the university community through Timely Warning emails sent over the university's electronic mail system.

## **Crime Prevention Programs**

Evangel University James River Leadership Campus shall make available crime prevention education and information to students annually through programs such as:

- SHARP (Sexual Harassment, Assault and Rape Prevention) program. This program is offered to JRLC students at the Evangel Main Campus in Springfield. All James River Leadership Campus students are eligible to attend SHARP (Sexual Harassment, Assault and Rape Prevention) training programs offered on the Main Evangel Campus throughout the academic school year.
- Issuance of Timely Warnings to inform students of criminal issues.

## **Monitoring Criminal Activity Off-Campus**

When an Evangel University student is involved in any off-campus criminal activity, EU JRLC community members may assist with the investigation in cooperation with local, state, or federal law enforcement.

Evangel University does not operate any non-campus housing or non-campus student organization facilities at this separate campus location.

## **Pastoral and Professional Counselors Reporting Policy**

In accordance with federal law U.S.C. Section 1092 (f), campus “Pastoral Counselors” and campus “Professional Counselors,” who are functioning only within the scope of their responsibilities as counselors (per the definitions below), are not considered to be campus security authorities and, therefore, are not required to report crimes for inclusion in the annual disclosure of campus crime statistics.

As a matter of policy, however, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures and requirement to report crimes for inclusion in the annual campus crime statistics.

The rulemaking committee defines counselors as:

### *Pastoral Counselor*

An employee of an institution, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor

### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification

## **Missing Person Policy**

Every Evangel University James River Leadership Campus employee and student has a duty to report a person believed to be missing to the Evangel University James River Leadership Campus Director. The James River Leadership Campus Director immediately investigates any report of an individual missing from campus. If the student has not been located within a reasonable amount of time (24 hours) the Ozark Police Department will be notified by the James River Leadership Campus Director or his designee. It is the policy of Evangel University James River Leadership Campus to provide each student residing in student housing facilities the option of identifying an individual to be contacted by the University in the event that the student is determined to be missing for a period of more than 24 hours. The students will provide this information during the registration process or throughout the semester on the student portal <https://web.evangel.edu/Portal/Student/> . The student will be advised that his or her missing student designated contact information will be registered confidentially, will be accessible only to authorized university officials, and may not be disclosed except to those officials and enforcement personnel engaged in a missing person investigation.

Students under the age of 18, who are not emancipated individuals, shall be advised that the University is required to notify the student's custodial parent or legal guardian within 24 hours after the Evangel University Leadership Campus Director, the Ozark Police Department, or another law enforcement agency determines that the student has been missing for more than 24 hours, in addition to notifying any contact person designated by the student.

### **Disclosure to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses**

Evangel University will disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the university against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Evangel University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

### **Sexual Assault, Domestic Violence, Dating Violence, Sexual Harassment, Sexual Exploitation and Stalking Policy**

Evangel University is committed to the respect of the human dignity of all employees, students and campus community and strives to maintain a safe, Christian community free from all forms of sexual or physical intimidation and exploitation. Sexual assault, domestic violence, dating violence, sexual harassment, sexual exploitation, or stalking are not only incompatible with biblical standards of Christian conduct, but also are criminal acts that infringe on the rights of others. Evangel University has a zero tolerance policy for sexual violence and will not tolerate retaliation (threatened, attempted, or actual) against any individual for making a complaint under this policy. Therefore, sexual assault, domestic violence, dating violence, sexual harassment and stalking are prohibited by the University.

In educational institutions, sexual violence and other forms of harassment are prohibited by federal law (Title IX and Title VI of the Civil Rights Act of 1964); thus, is strictly prohibited as a matter of Evangel University policy. As a religious institution, Evangel retains the right to make legitimate employment, admission, and educational decisions on the basis of an individual's religious beliefs and conduct, consistent with applicable law.

Evangel encourages victims of sexual violence to report the incident to the university, as well as to law enforcement officials as soon as possible, so that we may care well for our community members.

This policy pertains to sexual assaults including rape, forcible fondling statutory rape, and incest; domestic assaults, dating violence and stalking that occur between students or against a student by a non-student perpetrator. This policy addresses the definition of sexual assault, domestic violence, dating violence and stalking and prevention efforts, how to report these crimes and gain assistance if it occurs, and the procedures for resolution of an incident

## **A. Definitions**

### **1. Sexual Assault**

The term *sexual assault* is defined as any non-consensual sexual physical contact that involves the threat or use of force or violence, or any other form of coercion or intimidation; any sexual physical contact with a person who is unable to give consent. It includes the crimes of rape, forcible fondling, statutory rape and incest as defined by the 2013 Violence Against Women Act and Missouri Revised Statutes. In Missouri, Chapter 566 covers Sexual Offenses. Rape is defined there under Statute 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. 2. The offense of rape in the first degree or an attempt to commit rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless: (1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years; (2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such rape in the first degree is described under subdivision (3) of this subsection; or (3) The victim is a child less than twelve years of age and such rape in the first degree or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release. 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of rape in the first degree or attempt to commit rape in the first degree when the victim is less than twelve years of age,

and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section. 4. No person found guilty of rape in the first degree or an attempt to commit rape in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence.

Note: For reference, *sexual harassment* is defined as any unwelcomed action of a sexual nature by a person (of the same or opposite sex), which results in sexual discrimination or a hostile environment. In some instances sexual assault may also constitute sexual harassment. For information regarding reporting of sexual harassment, as opposed to sexual assault, see the *Evangel University Sexual Harassment Policy* located on the student portal

## 2. **Consent**

The term *consent* is defined as an unambiguous and willful participation or cooperation in an act or as an attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent. Consent is not freely given if one of the following applies:

- a. The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
- b. The individual is unconscious, asleep, or suffering from shock; or
- c. The individual is under the age of seventeen and therefore legally unable to give consent; or
- d. The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.

"No" means "No"

"No" can be expressed or implied, it does not have to be spoken.

"Yes" means "No" if conditions a, b, c, or d listed above exist.

Note: For the purposes of the University, use of alcohol by an offender neither diminishes personal responsibility nor is considered a mitigating factor in disciplinary sanctions should a violation be found to have occurred.

### 3. Domestic Violence/Dating Violence

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

**Dating Violence:** 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 will 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.

**Missouri Statutes that deal with domestic/dating violence fall under the Domestic Assault statutes.**

#### **Domestic assault, first degree--penalty.**

565.072. 1. 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, as defined in section 455.010.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim or has previously pleaded guilty to or been found guilty of committing this crime, in which case it is a class A felony.

#### **Domestic assault, second degree--penalty.**

565.073. 1. 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, as defined in section 455.010, 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.

2. Domestic assault in the second degree is a class C felony.

**Domestic assault, third degree--penalty.**

565.074. 1. 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.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any

offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household

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

#### 4. **Stalking**

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. In Missouri Stalking is defined as: A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

In Missouri Stalking is covered in Statute 565.225, “Crime of Stalking” listed below.

#### **Crime of stalking--definitions--penalties.**

565.225. 1. As used in this section, the following terms shall mean:

(1) "Course of conduct", 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;

(2) "Credible threat", 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, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or

domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property;

(3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

2. A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

3. A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and:

(1) Makes a credible threat; 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 harassing the other person is twenty-one years of age or older; or

(5) He or she has previously pleaded guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.

4. The crime of stalking shall be a class A misdemeanor unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, in which case stalking shall be a class D felony.

5. The crime of aggravated stalking shall be a class D felony unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any

military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, aggravated stalking shall be a class C felony.

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

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

## **B. Prevention of Sexual Assault**

Periodically throughout the school year the Department of Public Safety conducts a Sexual Harassment and Rape Prevention (SHARP) campaign. The SHARP program aims to enable individuals to protect themselves through preventing attacks and learning techniques for escape in the event of an attack. It provides valuable information about how to avoid confrontation and how to best defend oneself if physically attacked or confronted.

JRLC students may attend SHARP assault prevention training programs offered throughout the year at the Evangel main campus in Springfield.

## **C. Reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking**

To students assistance is available 24 hours a day through the entire year by calling the Evangel University Main Campus Department of Public Safety at (417) 865- 2815 extension 7000. The Department of Public Safety personnel will offer assistance in reporting the crime and in providing information for counseling support and medical treatment.

## **D. Response to a Report of Sexual Assault, Domestic Violence, Dating Violence or Stalking.**

**1. Assessment of Danger:** Upon receiving a call, the Public Safety Dispatcher will determine if the survivor or others are in immediate danger, the survivor's name or other means by which the survivor can be identified, nature of the offense, and present location and phone number where the survivor may be reached.

**a. Immediate Danger.** If there is an immediate danger to the caller, the caller will be directed to contact the local Police Department. When the immediate danger is past, the help of a Crisis Counselor will be offered.

- b. **No Immediate Danger.** When there is no indication of immediate danger, the dispatcher will put the caller in touch with an on-duty public safety officer who will encourage the victim to accept the help of a Crisis Counselor, who has been trained to provide such assistance.
  - c. **Preservation of evidence.** Once there is no immediate danger the officer will advise the survivor of the importance of preserving evidence to prove any criminal case of domestic violence, dating violence, and sexual assault or stalking, of if needed to obtain a protective order.
2. **Medical Assistance:** The officer shall encourage the survivor to seek medical treatment or examination, if needed, and offer to arrange transportation to a local hospital. Should the survivor desire counseling, the officer will offer to make the necessary arrangements outlined below.
- a. **Rape Kit.** If the sexual assault involved sexual intercourse, the officer will inform the survivor about the importance of the Rape Kit (if the sexual intercourse occurred within the last 72 hours) in order to preserve evidence. The officer should instruct the survivor to not wash, shower, douche, or change (destroy or clean) the clothes worn at the time of the assault. Not washing or changing clothes is important in order to preserve evidence.
  - b. **Support and Safety** Should the survivor require medical examination, University personnel, if available, can remain outside the examination or treatment room during the examination or treatment and then return the survivor to his or her residence or, if necessary, to a safe place other than the survivor's residence. If no University personnel are available the survivor should be referred to the local police department.
3. **Crisis Counseling Assistance:** The officer shall encourage the survivor to access support services from those specially trained to assist survivors of sexual assault, domestic violence, dating violence or stalking.
- On Campus-Wellness Center Counseling Services
  - Off Campus-Victim Center at 417-864-(SAFE) 7223
  - a. **Consent for Help:** If the survivor consents to talk with a counselor, the officer will immediately seek to contact the counselor for immediate assistance. The officer then will contact the survivor to provide the name of the proposed counselor. The victim then may ask for a different counselor if the proposed counselor is known to the survivor and unacceptable for any reason. In such an event, the officer will request another counselor who is available and then repeat the identification process. When no proposed counselor is approved by the victim, the officer will immediately refer the victim to Victim Center.
  - b. **Refusal of Help:** If the victim declines to talk with a counselor, any information obtained by the dispatcher or officer will be reported to

the Vice President for Student Development via the chain of command.

#### **4. Information**

The officer will provide the survivor with the following information, including telephone numbers for the referral sources:

- a. The survivor's right to anonymity
- b. The University's willingness to appoint a person to serve as the survivor's liaison with school officials and other parties, including service as the survivor's advisor in any disciplinary proceeding against the alleged offender;
- c. The availability of medical treatment, counseling services, and other resources;
- d. The procedure for reporting the incident to the Department of Public Safety, the Ozark Police Department, or other appropriate law enforcement agencies. The survivor can decline to report to these agencies if they wish.
- e. The University's willingness to assist in contacting the appropriate outside law enforcement agency if requested by the survivor;
- f. The University procedures for disciplinary action against students found guilty of sexual assault, domestic violence, dating violence or stalking and;
- g. The availability of local attorneys for legal counsel.

#### **5. Sexual Assault, Domestic Violence, Dating Violence and Stalking**

**Reporting:** The dispatcher and/or officer shall take appropriate steps for the completion of a report in cooperation with the expressed wishes of the survivor.

- a. **Police Report Filed:** If the survivor chooses to file an Ozark Police Department report, then the officer will assist the survivor in contacting the Police Department and will also complete a brief report for statistical records.
- b. **No Police Report Filed:** If the survivor decides to not file a report with the police department, then the public safety officer will complete an Evangel University Incident Report containing the following:
  - i. **Survivor's Statement:** The officer will record the survivor's account of the offender's action and any relevant background information.
  - ii. **Other Information:** The officer will also seek and identify in the report as much potential corroborating information as possible
- c. **Incident Report Options:** The officer will provide information to the survivor concerning the options for reporting the alleged offense and will use one of the following three formats selected by the survivor. Absent special circumstances the officer will encourage the survivor to choose the third option (a formal complaint).

- i. **Anonymous Report:** The report will not include the name of the survivor or other information about the victim's identity. The report will be used solely for information to enhance prevention programs and to prepare statistical records. The report will be signed by the officer, who will verify that the survivor has requested that no further investigation or action be undertaken.
  - ii. **Signed Report:** The report will include the name of the survivor, but will be used solely for information to enhance prevention programs and to prepare statistical records.
  - iii. **Formal Report:** The survivor will request further investigation and appropriate disciplinary action. If a police report was filed the survivor will provide the university a copy of the report.
- d. **Confidentiality:** Regardless of the type of report, the name of the survivor and other information about the victim's identity will be kept confidential by the officer and other University employees.
- e. **Filing of Report:** Promptly after the completion of a report, the officer will deliver the original copy of the report to the Director of Public Safety or his designee. Upon receipt of a report, if the Director of Public Safety determines there is a safety threat to the community, the survivor will be consulted and an appropriate timely warning will be issued to the community by the local branch campus administration.

**E. University Response to Reported Sexual Assault, Domestic Violence, Dating Violence and Stalking**

1. **Change of Program or Residence:** The University will accommodate change of academic, living (if a resident student), transportation, and working situation if so requested by the survivor. The survivor may make change request to the Vice President for student development. The institution may adjust the accused schedule, location in the housing system, adjust the accused work schedule to minimize contact with the survivor and make accommodations to transportation to limit the accused contact with the survivor. Or the university may change the survivor's class schedule, survivor's location in the University housing system, the survivors work schedule, or make accommodations to the survivor's transportation to limit contact with the accused. The university will make reasonable efforts to accommodate the survivor's requests even if the survivor chooses not to pursue the matter.

**Disciplinary Action:**

- a. If the Incident Report requests disciplinary action, and if the offender is not a member of the Evangel Community such as a

visitor or vendor, then the Director of Public Safety will contact the Ozark Police Department to investigate.

- b.** If the Incident Report requests disciplinary action, and if the offender is a University employee, then the Director of Public Safety will contact the Ozark Police Department to investigate and will forward the Incident Report to the Director of Human Resources and the appropriate Vice President for resolution in accordance with policies governing employee conduct.
- c.** If the Incident Report requests disciplinary action, and if the offender is a student, then the Vice President for Student Development will review the complaint for action pursuant to the Community Standards of Conduct published in the Evangel University Student Handbook. The policy for student disciplinary cases is established by the Community Standards of Conduct, and copies are available for review at:  
<https://web.evangel.edu/Apps/Public/studentHandbook/index.asp>. Disciplinary action under the Evangel University student conduct code is independent of any legal proceedings. This action may run concurrently with or in addition to any law enforcement investigation or court proceedings. The following sections of this protocol summarize some of the steps in the disciplinary procedures implemented by the Vice President of Student Development.

  - i. Parties.** In the disciplinary process, the victim of a sexual assault, domestic violence, dating violence or stalking is referred to as the complainant, and the student who assaulted or stalked the survivor is referred to as the accused student. Collectively, the complainant and the accused student are referred to as the parties for the particular case.
  - ii. Gender Balance.** The Vice President for Students Development may elect to handle sexual offense complaints in cooperation with another faculty or staff member of the opposite sex in order to eliminate the risk of any gender bias, either perceived or real.
  - iii. Administrative Resolution.** The Vice President for Student Development in partnership with local EU administration will conduct an investigation to determine if the complaint has merit. Unless the complaint is found to be without merit, the Vice President for Student Development will seek to resolve the matter administratively by determining the nature and severity of the violations and by reaching an agreement with the accused student on the appropriate sanctions for such violations. The Vice President for Student Development will confer with the complainant prior to completing an agreement with the accused student. If the complainant is dissatisfied with the completed

agreement, the complainant may appeal to the University Accountability Board.

- iv. **Written Charges.** If the complaint cannot be resolved administratively by mutual consent, the Vice President for Student Development will prepare written charges against the accused student. The charges will be forwarded to the University Accountability Board, and copies will be sent to the accused student and the complainant by the Vice President for Student Development.
- v. **Hearing Date.** The University Accountability Board will set the time and place for the hearing, and both the accused student and the survivor will be given notice of the hearing at least 48 hours in advance of the date. Either party may request the board to delay the hearing for good cause.
- vi. **Hearing Guidelines.** The hearing will be administrative in nature, and every attempt will be made to assure a fair and impartial hearing. Following is a summary of the guidelines for such hearings.
- vii. **Closed Hearings.** Hearings will be conducted in closed session. The parties may be present during the hearings, but may not be present during the deliberations of the board.
- viii. **Advisors.** The complainant and the accused student each will have the right to be assisted by an advisor.
- ix. **Admission of Others.** Admission of witnesses and other persons to the hearing will be subject to the discretion of the board, as permitted by the Family Educational Rights and Privacy Act.
- x. **Witnesses.** The parties will have the privilege of presenting witnesses, and the board may call additional witnesses.
- xi. **Cross-Examination.** The members of the board may question and cross-examine witnesses. The parties and/or their advisors may not cross-examine witnesses or other parties, but may suggest questions to be asked by the chairperson of the board.
- xii. **Deliberation and Voting.** After the hearing, the board will deliberate and then determined whether or not a majority of the members believe the accused student violated the Community Standards of Conduct.
- xiii. **Standard of Required Proof.** The board's determination will be made on the basis of whether it is more likely than not that the accused student violated the Community Standards of Conduct, which is equivalent to the "preponderance of the evidence" standard.
- xiv. **Reopening of Hearing on Question of Sanctions.** If the board finds that the accused student committed one or more violations of the Community Standards of Conduct, the board may recall the parties, and any other witnesses, to receive evidence or statements about the appropriateness of disciplinary sanctions.

Such evidence may include testimony of character witnesses on behalf of the accused student, evidence of prior acts of misconduct, and/or a survivor's impact statement.

- xv. **Disciplinary Sanctions.** Based on its findings of violations, or the lack of violations, and its information about the appropriateness of sanctions, the hearing board will determine the disciplinary sanctions to be recommended to the Vice President for Student Development for imposition against the accused student. If the accused is found to be in violation of the Sexual Assault policy, then the minimum sanction is *Immediate Suspension* for one year, plus evidence of successful counseling prior to readmission; additional sanctions may include the maximum sanction of *Dismissal*, meaning permanent separation from the University. If the accused is found to be in violation of the policy against domestic violence, dating violence or stalking the sanctions may include, official warning, Alert Level 1, Alert Level 2, Probation Level 1, Probation Level 2, Withdrawal, Suspension or Dismissal.
- Announcement of Decision.** Upon conclusion of its deliberations, the board will unconditionally inform both parties of its findings and any sanctions simultaneously in writing. Both the complainant and the accused student may appear the hearing board decision to the University Appeals Board.

## **Sex Offender Registry**

In accordance with 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*, the Evangel University James River Leadership Campus provides a link to publicly accessible Internet web sites containing the *Missouri Sex Offender Registry*. This law also requires sex offenders, who already are required to register in a state, to provide notice of each institution of higher education in that state at which the person is employed or enrolled as a student.

Individuals included on the web sites are included solely by virtue of their conviction record and state law. The primary purpose of providing this information is to make the information easily available and accessible, not to warn about any specific individual. Anyone who uses this information to commit a criminal act against another person is subject to criminal prosecution.

Follow the link below to access the *Missouri Sex Offender Registry* website. The Missouri State Highway Patrol is responsible for maintaining this registry:

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

## **Alcohol & Drug Policy**

Maintaining our personal health and mental well-being is an essential part of our commitment at Evangel University to serve Christ. As a demonstration of that commitment, we expect everyone in the Evangel University community (including employees, resident students, commuter students and graduate/ professional studies students), while on or off University property, to refrain from the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages and tobacco products and to avoid the abuse of prescription or nonprescription drugs. Providing, purchasing, attempting to purchase, or facilitating the purchase of alcoholic beverages is likewise prohibited. "Use" includes consumption by any means. Students are considered "in possession" and responsible for alcoholic beverages that have been determined to be on their person or in their residence or vehicle. Consistent with Missouri law, the University prohibits the use or possession of an alcohol beverage vaporizer. The University reserves the right to check for compliance with this alcohol policy by various means, including active and passive alcohol sensors.

We offer support services to students and employees who may be struggling with this area of their commitment to a Christian lifestyle. They can seek professional Christian counseling services and health services at the Student Union Wellness Center (865-2815 ext. 7280). There is no charge for these short-term counseling and health services, and confidentiality is guarded carefully. No information is shared with anyone without the client's permission. Students or employees needing long-term therapy generally are referred to professionals off campus at their own expense. The campus pastor is available for pastoral counseling. Students are encouraged also to seek prayer, guidance and encouragement from members of the faculty and Student Development staff.

Students and employees may obtain, from the office of the Vice President for Student Development, a free copy of the University's complete Drug and Alcohol Abuse Prevention Program policy, which includes a listing of off-campus community counseling and treatment facilities; a description of local, state and federal legal sanctions; plus University consequences for violations that include the following provisions:

Those who violate University standards, city ordinances or state or federal statutes regarding (a) the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages or tobacco products or (b) the abuse of medications will be subject to disciplinary action, including discharge for employees and Dismissal for students.

If found to be in violation of University standards but permitted to continue as a part of the community on probationary status, the student may be subject to mandatory counseling (on or off campus), periodic inspections and/or supervised, random drug tests

at a medical facility over a given period of time. The student will be responsible solely for costs of the drug screens and off-campus counseling.

Any member of the Evangel University community who refuses to take a field sobriety test, Breathalyzer test, or drug test, and/or refused to provide consent for Evangel to be apprised of the testing results, shall be considered to be in violation of the University's Alcohol and Other Drug Policy. "Reasonable cause" for alcohol tests may include the odor of alcohol on a person's breath, slurred speech, glassy eyes, being unsteady or unstable on a person's feet and/or similar observations. Reasonable grounds for drug testing may include, but are not limited to: incoherent, erratic or violent behavior; repeated tardiness and/or absenteeism; drug-related odors on person, clothing, room or vehicle; sudden unexplainable drop in academic or work performance; possession of drug paraphernalia; previous positive drug screen results; being cited for substance abuse violations by University or municipal authorities; a report that is provided by a reliable and credible source regarding use of illegal substance.

Student organizations are under the same legal requirements as individuals concerning local, state and federal laws. Any violation of these laws in conjunction with a student organization activity constitutes a violation of University policy. Violations of policy could result not only in disciplinary action against the individual(s) involved, but also in suspension or loss of University recognition of the organization.

### **Alcoholic Beverages**

All students, faculty, and staff, while on or off University property, are expected to refrain from the possession or use of alcoholic beverages. Providing, purchasing, attempting to purchase, or facilitating the purchase of alcoholic beverages is likewise prohibited. "Use" includes consumption by any means. Students are considered "in possession" and responsible for alcoholic beverages that have been determined to be on their person or in their residence or vehicle. The University prohibits the use or possession of an alcohol beverage vaporizer. The University reserves the right to check for compliance with this alcohol policy by various means, including active and passive alcohol sensors. For a complete statement on Evangel's policy regarding alcohol use, see "Alcohol and Drugs" in Section VI, University Policies.

It is unlawful to sell furnish, or provide alcohol to anyone under age. The possession of alcohol, including possession by consumption, by anyone under age is illegal. Individuals violating these policies may be subject to sanctions by Evangel University, criminal prosecution, fine and imprisonment.

### **Illegal Drug Possession**

Everyone in the Evangel University community (including employees, resident students, commuter students, and graduate/professional studies students), while on or off University property, is expected to refrain from the manufacture, possession, use or distribution of illegal drugs. Purchasing, attempting to purchase, or facilitating the

purchase of illegal substances is likewise prohibited. Students are considered “in possession” and responsible for illegal substances found on their person or in their residence or vehicle. Possession of drug paraphernalia is prohibited. If an illegal substance is suspected, the university policy is to call police and secure the area until their arrival. Individuals violating these policies may be subject to sanctions by Evangel University, criminal prosecution, fine and imprisonment. For a complete statement on Evangel’s policy regarding drug use, see “Alcohol and Drugs” in Section VI, University Policies.

## **Drug and Alcohol Abuse Prevention Program**

### **Preamble**

Evangel University is affiliated with the Assemblies of God, a community of churches that emphasizes the importance of surrendering our lives to Christ and living lives which, by the power of the Holy Spirit, demonstrate God's call for us to be Christ-like in all that we do. As a result of this affiliation and commitment to God's call, and in compliance with the *Drug Free Schools and Communities Acts Amendments of 1989*, Evangel University defines in this policy the lifestyle expectations and requirements for students that relate to the manufacture, possession, use, or distribution of illegal drugs, alcoholic beverages, and tobacco products as well as the abuse of prescription and nonprescription medications.

### **A. Policy**

Maintaining our personal health and mental well-being is an essential part of our commitment at Evangel University to serve Christ. As a demonstration of that commitment, we expect everyone in the Evangel University community (including employees, resident students, commuter students, and graduate/professional studies students), while on or off University property, to refrain from the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages and tobacco products, and to avoid the abuse of prescription or nonprescription drugs.

This policy also applies to all guests while visiting on our campus or attending University sponsored events outside of the campus. As Christians, we believe that this commitment to abstinence is a responsible way to avoid the alcohol and drug abuse problems that cause such great damage and cost to our society and its families.

### **B. Support Services**

We offer support services to students and employees who may be struggling with this area of their commitment to a Christian lifestyle. They can seek professional Christian counseling services and health services at the Student Union Wellness Center (865-2815 ext. 7280). There is no charge for these short-term counseling and health services, and confidentiality is guarded carefully. No information is shared with anyone

without the client's permission. Students or employees needing long-term therapy generally are referred to professionals off campus at their own expense. The campus pastor is available for pastoral counseling. Students are encouraged also to seek prayer, guidance and encouragement from members of the faculty and Student Development staff.

Off-campus community counseling and treatment services are available from the following organizations at a potential cost to the student:

- **Burrell Behavioral Center, Main Center • 417.761.5000**, 1300 E Bradford Parkway, Springfield, Missouri 65804
- **Burrell North Clinic • 417.761.5820**, 1423 N Jefferson Ave Suite D-200 Springfield, Missouri 65802
- **Cox Medical Center North**, 1423 N. Jefferson Ave., Springfield, MO 65802, 417/269-3000
- **Cox Center for Addictions**, Cox North, 1423 N. Jefferson Ave., Springfield, MO 65802, 417/269-2273 phone
- **Mercy Behavioral Health - Springfield**, 1235 E. Cherokee, Springfield, MO 65804 (417) 820-2000
- **Mercy Marian Center**, 1845 Rogers, Springfield, MO 65804, Phone: (417) 820-7447
- **Southwestern Regional Office, Division of Behavioral Health**, 149 Park Central Square, Suite 910, Springfield, MO 65806, Phone: (417) 895-6328

### **C. Consequences for Violations of this Policy**

For a few, it is sometimes necessary to be confronted and to experience consequences before they recognize that their actions and habits are detrimental to their Christian witness, their own health, and the well-being of the community. In compliance with our own standard as well as the laws of the land, we advise both traditional and nontraditional students as well as employees that the following consequences will occur when the policy is violated:

1. Students or employees who violate city ordinances or state or federal statutes law regarding the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages, tobacco products or medications will be reported to the legal authorities.
2. Those who violate University standards, city ordinances or state or federal statutes regarding (a) the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages or tobacco products or (b) the abuse of medications will be subject to disciplinary action, including discharge for employees and dismissal for students.

3. If found to be in violation of University standards but permitted to continue as a part of the community on probationary status, the student may be subject to mandatory counseling (on or off campus), periodic inspections and/or supervised, random drug tests at a medical facility over a given period of time. The student will be responsible solely for costs of the drug screens and off-campus counseling.
4. Any member of the Evangel University community who refuses to take a field sobriety test and/or a Breathalyzer test, when asked to submit to either or both by an Evangel staff member for reasonable cause, shall be considered to be in violation of the University's standards prohibiting the possession, use, or distribution of alcohol. "Reasonable cause" includes the odor of alcohol on a person's breath, slurred speech, glassy eyes, being unsteady or unstable on a person's feet, and/or similar observations.
5. Any member of the Evangel University community who refuses to submit to a drug test or refuses to provide written consent permitting Evangel University to be apprised of the testing results, shall be considered to be in violation of the University's illegal drug policy. Reasonable grounds for drug testing may include, but are not limited to: incoherent, erratic or violent behavior; repeated tardiness and/or absenteeism; drug-related odors on person, clothing, room or vehicle; sudden unexplainable drop in academic or work performance; possession of drug paraphernalia; previous positive drug screen results; being cited for substance abuse violations by University or municipal authorities; a report that is provided by a reliable and credible source regarding use of illegal substance.
6. Student organizations are under the same legal requirements as individuals concerning local, state, and federal laws. Any violation of these laws in conjunction with a student organization activity constitutes a violation of University policy. Violations of policy could result not only in disciplinary action against the individual(s) involved, but also in suspension or loss of University recognition of the organization.

#### **D. Special Obligations of Employees and the University**

1. Employer's statement:  
All University employees are notified hereby that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the University workplace and that a violation of this prohibition shall result in immediate disciplinary action up to and including discharge.
2. Conditions of employment:  
As a condition of employment, all University employees must: (1) abide by the terms of the prohibition referred to in the preceding paragraph; and (2) notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
3. Employer's obligations:
  - a. Notification of agency  
The University will notify the appropriate law enforcement agency within 10

days after receiving the 5-day notice from an employee referred to in the preceding paragraph or upon otherwise receiving actual notice of such a conviction.

b. Responsive action

Within 30 days of receiving notice from an employee of a criminal drug statute conviction for a violation occurring in the workplace, the University shall, with respect to any employee who is so convicted: (1) take appropriate personnel action against such an employee, up to and including termination; or (2) require such employee to participate satisfactorily in a drug abuse assistance or a rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

## E. Definitions

1. "University activities" are defined as those activities that are sponsored by a University department or are sponsored by a recognized student organization.
2. "University property" is defined as University-owned or leased grounds, facilities, or vehicles.

## F. Description of Local, State and Federal Legal Sanctions

1. Local sanctions--Springfield City Code prohibits the following alcohol-related offenses:
  - a. Possession by persons under 21 years of age of any beer, wine or intoxicating liquor. Section 10-4 of the Springfield City Code.
  - b. Open containers of alcoholic beverages in motor vehicles within the passenger compartment of any motor vehicle that is being operated upon a public way. Section 10-8 of the Springfield City Code.
  - c. Possession, sale or consumption of alcoholic beverages in certain public places. No person may sell, give away, purchase or dispense any intoxicating liquors on public streets or alleyways, nor may any person sell, dispense, give away, offer to sell or possess or consume any alcoholic beverage in any city park. No person shall sell, purchase, dispense or possess any alcoholic beverages on school property, on the Downtown Pedestrian Shopping Mall or in Ozark Jubilee Park or Courthouses. Section 78-4 of the Springfield City Code.
  - d. Consumption or possession of alcoholic beverages. No person may possess or consume any alcoholic beverage on any business premise except those licensed by the city to sell alcoholic beverages. Section 78-189 of the Springfield City Code.
  - e. Each of the above offenses is punishable by a fine of up to \$1,000 or imprisonment up to 180 days, or both fine and imprisonment. Sections 1-7 of the Springfield City Code.
2. State sanctions--Missouri statutes prohibit the following acts:
  - a. Alcohol offenses:
    - (1) Purchase or possession by a minor. Any person under 21 years of age who purchases, attempts to purchase, or possesses any intoxicating

- liquor is guilty of a misdemeanor. R.S.Mo. ~311.325. This offense is punishable by a fine of not less than \$50 or more than \$1,000, nor by imprisonment in the county jail for up to 1 year, or by both jail sentence and fine. R.S.Mo. ~311.880.
- (2) Supply intoxicating liquor to any person less than 21 years of age. Any person who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of 21 years, or any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor. R.S.Mo. ~311.310.
  - (3) Any person under 21 years of age who is convicted of any local or state offense involving the use or possession of alcohol will be required to complete an approved alcohol related education program. R.S.Mo. ~577.525.
  - (4) Any person under 21 years of age who is convicted of any offense involving the possession or use of alcohol, committed while operating a motor vehicle, or any alcohol-related traffic offense, shall, for the first offense, have his or her license suspended for a period of 90 days, or upon a second conviction of any offense involving the possession or use of alcohol while operating a motor vehicle, will lose his or her driver's license for 1 year. R.S.Mo. ~577.500.
- b. Illegal drug offenses:
- (1) Possession of a controlled substance Except for certain statutory exceptions, it is unlawful for a person to possess or have control of a controlled substance. R.S.Mo. ~195.202.
  - (2) Any person who violates this section with respect to any controlled substance (except 35 grams or less of marijuana) is guilty of a Class C felony, punishable by imprisonment for up to 7 years, a fine of up to \$5,000, or double the amount of the offender's gain from the crime up to \$20,000, or both imprisonment and fine. R.S.Mo. ~560.011, 558.011.
  - (3) Any person who violates this section with respect to not more than 35 grams or marijuana is guilty of a Class A misdemeanor, punishable by imprisonment for up to 1 year, or a fine of up to \$1,000, or both imprisonment and fine. R.S.Mo. ~ 560.016, 558.011.
  - (4) Any person under 21 years of age who is convicted of a second offense involving the possession of a controlled substance will have his driver's license revoked for 1 year. R.S.Mo. ~577.500.
  - (5) Any person over 21 years of age who is convicted of any local or state law involving the possession or use of a controlled substance will have his driver's license revoked for 1 year. R.S.Mo. ~577.505.
- c. Distribution, delivery, manufacture or production of a controlled substance.
- (1) It is illegal for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance. R.S.Mo. ~ 195.211.
  - (2) Violation of this section with respect to any controlled substance except with respect to 5 grams or less of marijuana is a Class B felony, punishable by imprisonment for not less than 5 years and not more than 15 years. R.S.Mo. ~558.011.
- d. Unlawful distribution to a minor.

- (1) It is illegal to distribute or deliver any controlled substance to a person less than 17 years of age, who is also two years younger than the person so delivering. R.S.Mo. ~195.212.
- (2) Violation of this section is a Class B felony, punishable by imprisonment for not less than 5 years or more than 15 years. R.S.Mo. ~558.011.
- e. Distribution of a controlled substance near schools.
  - (1) It is illegal to distribute or deliver any controlled substance to a person in or on, or within 2,000 feet of, property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university or on any school bus. R.S.Mo. ~195.214.
  - (2) Distribution of a controlled substance within 2000 feet of schools is a Class A felony, punishable by imprisonment for a term of not less than 10 years and not exceeding 30 years, or life imprisonment. R.S.Mo. ~558.011.
- f. Trafficking drugs:
  - (1) A person commits the crime of trafficking drugs in the first degree if he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:
    - (a) More than 30 grams of a substance containing heroin;
    - (b) More than 150 grams of a substance containing coca leaves;
    - (c) More than 2 grams of a substance that contains a cocaine base;
    - (d) More than 500 milligrams of a substance containing LSD;
    - (e) More than 30 grams of a substance containing PCP;
    - (f) More than 30 kilograms of a substance containing marijuana; or
    - (g) More than 150 grams of any illegal stimulants. R.S.Mo. ~195.222 (1986).
  - (2) Violation of this law is a Class A felony, punishable by a term of imprisonment for up to life. Violations in excess of the above described minimums can result in life imprisonment without the possibility of probation or parole. R.S.Mo. ~195.222 (1990 Supp.); R.S.Mo. ~ 558.011.
  - (3) A person commits the crime of trafficking drugs in the second degree if he possesses or has under his control, purchases or attempts to purchase, or brings into this state:
    - (a) More than 30 grams of a substance containing heroin;
    - (b) More than 150 grams of a substance containing coca leaves;
    - (c) More than 2 grams of a substance that contains cocaine base;
    - (d) More than 500 milligrams of a substance containing LSD;
    - (e) More than 30 grams of a substance containing PCP;
    - (f) More than 30 kilograms of a substance containing marijuana; or
    - (g) More than 30 grams of any illegal stimulants. R.S.Mo. ~195.223.
  - (4) Violation of this law is a Class B felony, punishable by a term of imprisonment of not less than 5 years or more than 15 years. Violation with larger amounts may be a Class A felony, punishable by imprisonment for 10 to 30 years, or life. R.S.Mo. ~195.223 (1990 Supp.); R.S.Mo. ~558.011.
  - (5) Any money found in close proximity to any controlled substance, or anything of value exchanged for a controlled substance, may be forfeited to the state. R.S.Mo. ~195.140.

3. Federal sanctions--United States Code prohibits the following acts:

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

## **G. Health Risks Associated with Use of Illegal Drugs and Abuse of Alcohol**

- 1. Alcohol:
  - a. Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to

high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

- b. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition can also lead to permanent damage to vital organs such as the brain and the liver.
  - c. Infants and children develop fetal alcohol syndrome (FAS) as a result of maternal alcohol intake during pregnancy. In severe cases, children with FAS are born with physical abnormalities and mental retardation. But central nervous system damage leading to learning problems, lack of impulse control, hyperactivity and emotional/social difficulties in children can occur with even small amounts of maternal alcohol intake. There is no safe level of alcohol consumption during pregnancy. [Paragraph 1.c. revised 10-12-04.]
2. Cannabis:
- a. All forms of cannabis have negative physical and mental effects. Several regularly observed physical effects of cannabis are a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat and increased appetite.
  - b. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that students do not retain knowledge when they are "high." Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis.
  - c. Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco smoke.
  - d. Long-term users of cannabis may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.
3. Inhalants:
- a. The immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, and lack of coordination and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrates cause rapid pulse, headaches and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage.
  - b. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.

- c. Long-term use can cause weight loss, fatigue, electrolyte imbalance and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.
4. Cocaine:
- a. Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose.
  - b. Injecting cocaine with contaminated equipment can cause AIDS, hepatitis and other diseases.
  - c. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion.
  - d. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly.
  - e. Crack or freebase rock is extremely addictive and its effects are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures.
  - f. The use of cocaine can cause death by cardiac arrest or respiratory failure.
5. Other stimulants:
- a. Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils and decreased appetite. In addition, users may experience sweating, headaches, blurred vision, dizziness, sleeplessness and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination and even physical collapse.
  - b. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure.
  - c. In addition to the physical effects, users report feeling restless, anxious and moody. Higher doses intensify the effects.
  - d. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia. The symptoms usually disappear when drug use ceases.
6. Depressants:
- a. The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks.
  - b. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia and anxiety to convulsions and death.

- c. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.
7. Hallucinogens:
- a. Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP vary, but users frequently report a sense of distance and estrangement. Time and body movements are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic users of PCP report persistent memory problems and speech difficulties. Some of these effects may last 6 months to a year following prolonged daily use. Mood disorders--depression, anxiety and violent behavior--also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, as well as heart and lung failure.
  - b. Lysergic acid (LSD), mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.
8. Narcotics:
- a. Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea and vomiting. Users also may experience constricted pupils, watery eyes and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma and possible death. Tolerance to narcotics develops rapidly and dependence is likely.
  - b. The use of contaminated syringes may result in disease such as AIDS, endocarditis and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.
9. Designer drugs:
- a. Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate.
  - b. Many of the so-called designer drugs are related to amphetamines and have mild stimulant properties but are mostly euphorants. They can produce severe neuro-chemical damage to the brain. The narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. As little as one dose can cause brain damage. The

analogs of phencyclidine cause illusions, hallucinations and impaired perception.

*Description of Health Risks was obtained from "What Works: Schools without Drugs," United States Department of Education, 1989.*

#### **H. Program Review**

The University will conduct a biennial review of this program to determine its effectiveness, make changes where necessary and ensure that it is consistently followed.

#### **I. Program Notification**

Every student receives a copy of this policy annually in conjunction with registration for classes and every employee of the University shall receive a copy of the Drug and Alcohol Abuse Prevention Program annually through the campus mail. Additional copies of the program can be obtained from the office of the Vice President for Student Development.

### Crime Statistics

Offenses	On Campus			Residential facilities*			Non-Campus			Public Property			Totals		
	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013
<b>Murder/ Non-negligent manslaughter</b>	0	0	0		0	0	0	0	0	0	0	0	0	0	0
<b>Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Rape</b>	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0
<b>Forcible Fondling</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	**	**	0	**	**	0	**	**	0	**	**	0	**	**	0
<b>Domestic Violence</b>	**	**	0	**	**	0	**	**	0	**	**	0	**	**	0
<b>Stalking</b>	**	**	0	**	**	0	**	**	0	**	**	0	**	**	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor law Arrests</b>	2	0	0	0	0	0	0	0	0	0	0	0	2	0	0
<b>Liquor Law violations referred for disciplinary action</b>	0	2	0	0	2	0	0	0	0	0	0	0	0	2	0
<b>Drug law Arrests</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug Law violations referred for disciplinary action</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Illegal Weapons Possession Arrests</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Illegal Weapons Possession referred for disciplinary action</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>0</b>

## Hate Crime Statistics

**There were no hate crimes reported in 2011, 2012 or 2013.**