



**McPherson College**

2022 Annual Security and Fire Safety Report

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## **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of McPherson College with information on: the College's security arrangements; policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

## **Policy for Preparing the Annual Report**

This report is prepared by the Division of Student Affairs, in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students that provides the website link to access this report. Faculty and staff receive similar notifications. Hard copies of the report may also be obtained at no cost by contacting 620-242-0500 or contacting the Division of Student Affairs located on the main level in Miller Library.

The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

## **Policies Concerning the Law Enforcement Authority of Campus Security Personnel**

College's Campus Security Authorities are responsible for campus safety at the College. Their jurisdiction covers all campus property. The Campus Security Authorities are not commissioned law enforcement officers and do not carry weapons or have arrest authority. The Campus Security Authorities have a working relationship with local law enforcement agencies, including the McPherson Police Department, which assists the Campus Security Authorities when necessary. Though there is not a written memoranda of agreement pursuant to which local law enforcement investigate alleged criminal offenses, the College cooperates fully with local authorities.

## **Other Officials to Whom Crimes May Be Reported**

The College also has designated other officials to serve as additional campus security authorities. Reports of criminal activity can also be made to these officials. They in turn will ensure that they are reported to the Division of Student Affairs for collection as part of the College's annual report of crime statistics. These additional campus security authorities are:

Vice President for Student Affairs

620-242-0500

Dean of Students	620-242-0500
Assistant Dean of Campus Life & Belonging	620-242-0508
Res Life On-Call	620-504-4807
Director of Facilities	620-242-0480
Maintenance and Safety Supervisor	620-242-0472
Director of Athletics	620-242-0578
Partners in Family Care Health Clinic	620-242-0404
Counseling Services	620-241-2300

### **Policies on Reporting a Crime or Emergency**

The College encourages accurate and prompt reporting of all criminal actions, accidents, injuries, or other emergencies occurring on campus to the campus security authorities and appropriate police agencies even when the victim of a crime elects not to do so or is unable to make such a report. Such reports should be made as follows:

- Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling **911**. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred. After making the 911 call, also make a report to one of the campus security authorities identified above.
- Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of the College staff will assist a student in making the report to the police.
- Anonymous incident reports can also be made.

The College has no officially recognized student organizations with off-campus locations. However, if criminal activity occurs while students are attending school sponsored events or training off campus, the reporting procedures are the same as those stated above.

Additionally, upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such a crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Confidential Reporting**

Campus Security Authorities will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity. Moreover, the College will withhold the identity of victims in publicly available records, to the extent permitted by law.

Any victim of a crime who does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

The College encourages pastoral counselors and other professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. A description of those programs and their frequency of presentation follows:

- Annual Self-Defense Training lead by a member of the McPherson Police Department
- Security and safety procedures are discussed with new and continuing students and staff within each individual department of the school at the beginning of term. This includes encouraging students to be alert to security situations and to assist the school in preventing crimes from occurring through awareness and communication. Students are highly encouraged to develop and present their own crime prevention programs to other students and staff.
- Employees and students are informed about the prevention of crimes through written communication from school management, via campus postings, email distribution, or internet posting.

### **Security of and Access to Campus Facilities**

All academic buildings are secured during the evenings and weekends. Access to academic buildings for students taking evening classes is granted through the college's keyless entry system. The residence halls are locked at all times. Residence Life Staff performs random "walk-throughs" in the residence halls from 5:00 p.m. until 1:00 a.m. each night.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured

- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone that does not belong to the campus community

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and the filing of charges with law enforcement authorities.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

McPherson College began implementing a keyless entry system to control exterior doors in its buildings in January of 2017.

### **Security Considerations in the Maintenance of Facilities**

Security also is a consideration in maintaining campus facilities. For example, maintenance personnel regularly check to ensure pathways are well lighted and that egress lighting is working in hallways and stairwells. They also check to ensure door locks are functional and that landscaping does not affect pathways or otherwise create risks for those passing by to be suddenly attacked.

### **Timely Warnings**

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Vice President for Student Affairs or designee constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. Examples would be a rash of motor vehicle thefts or sexual assaults in the area that merit a warning because they present a continuing threat to the campus community. This warning will be communicated to students and employees by using the RAVE alert system, email, and social media when appropriate. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to either Vice President for Student Affairs or Executive Director of Operations.

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

### **Emergency Response and Evacuation Procedures**

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on



campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, or armed intruders. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response. Students, staff and visitors are encouraged to notify Vice President for Student Affairs, 620-242-0500, or Executive Director of Operations, 620-242-0480, of any situation that poses such a threat.

The Vice President for Student Affairs or designee will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the College's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

Once the emergency is confirmed, the College community, or appropriate segments of it, will be notified. The Division of Student Affairs, in collaboration with other appropriate personnel, will determine who should be notified and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Division of Student Affairs will direct the issuance of emergency notifications, which will be accomplished using one or more of the following means, depending on the nature of the threat and the segment of the campus community being threatened:

- RAVE Alert System
- Email
- Social Media
- Face to Face
- Text Messaging

In the event information needs to be shared with the larger community, notifications to specified stakeholders can be shared via RAVE alert, email, social media, or press release.

The College tests its emergency response and evacuation procedures at least once a year. Also, at various times the Emergency Response Team will meet to train and test and evaluate the College's emergency response plan. The Maintenance and Safety Supervisor maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

## **Missing Person Procedures**

It is the policy of McPherson College to thoroughly investigate all reports of missing persons. Additionally, the College holds that every person reported missing will be considered at risk until significant information to the contrary is confirmed. All reports of missing persons must immediately be directed to Student Affairs. Reports of missing students received by other College departments are to be promptly forwarded to Student Affairs. The McPherson Police Department may be called to assist.

A person may be declared “missing” by a parent, friend, roommate, classmate, or anyone who may be concerned about a person’s location, particularly when their whereabouts are unknown and unexplainable for a period of time. The reporting individual should regard this absence as highly unusual or suspicious in consideration of the subject’s typical behavior patterns, plans, or routines. There is no required waiting period for reporting a missing person.

If a report is made, Student Affairs staff will follow the steps listed below:

- Person receiving the complaint will immediately dispatch a staff member to the subject’s residence. If needed, the McPherson Police Department may be called to assist.
- The responding staff member or officer will gather all essential information about the person (description, clothes last worn, where subject might be, with whom they might be, vehicle description, etc.) Every effort will be made to make contact directly with the student or their designated confidential contact(s).
- An up to date photograph may also be obtained to aid in the search.
- The responding staff member or officer will also gather information about the physical and mental wellbeing of the individual.
- Appropriate campus staff will be notified to aid in the search for the individual. A quick but thorough search will be conducted in all campus buildings, grounds, and parking lots.
- Class schedules will be obtained and a search of appropriate classrooms will be conducted.
- Card access swipes will be reviewed to determine last possible location.
- The Vice President for Student Affairs (or designee) will be responsible for communicating with the family or relatives of the missing person.

If the above actions are unsuccessful in locating the person or it is apparent from the beginning that the person is actually missing (i.e. call from parents, guardians), the investigation will be turned over to the appropriate local law enforcement agency. This will take place as soon as practical but never later than 24 hours from the initial report. At this time, the local law enforcement agency becomes the authority in charge and McPherson College staff will assist them in any way necessary.

In accordance with the Higher Education Act of 2008, all students may register a confidential

contact with the College. Access to this information is restricted to authorized campus officials and law enforcement officers actively involved in the furtherance of a missing person investigation. The confidential contact does not have to be a parent of a student. This is the individual(s) who will be contacted by the Vice President for Student Affairs (or designee) or a law enforcement agency within 24 hours of the determination that the student is reported missing. This individual will also be updated as to the progress of the investigation. In the event a student is under 18 years of age, and has not been legally emancipated, the student's parents or guardian will also be contacted within 24 hours of the determination that the student is reported missing. Please note that the local police department will be notified even if a student has not registered a confidential contact.

### **Policy, Procedures and Programs Related to Various Sex-Related Offenses, including Sexual Assault, and Domestic Violence, Dating Violence, and Stalking**

McPherson College complies with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the College's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. McPherson College has designated Title IX Coordinators to coordinate the College's compliance with and response to inquiries concerning Title IX. A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting: the U.S. Department of Education's website (<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>) or calling 1-800-421-3481.

Although Title IX is commonly associated with sex-based discrimination in athletics, the law is much broader. Title IX of the Education Amendments of 1972 is a federal law that provides: *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.*

Title IX prohibits sex discrimination in all university programs and activities, including, but not limited to, admissions, recruiting, financial aid, academic programs, student services, counseling and guidance, discipline, class assignment, grading, recreation, athletics, housing, and employment.

Sexual harassment and sexual violence are forms of sex discrimination prohibited by Title IX. Title IX also prohibits retaliation against people for making or participating in complaints of sex discrimination.

The full McPherson College Title IX policy may be found online at <https://wwwi.mcpherson.edu/admin-policies/adm-150-sexual-misconduct-policy-and-complaint-resolution-procedures/>. For even more information about Title IX, visit the U.S. Department of Education's website.

To file a complaint or to ask questions about Title IX please contact:

For Student on Student issues:

Shana Meyer  
1600 East Euclid  
Office of Student Life  
McPherson College  
McPherson KS 67460  
(620) 242-0501  
meyers@mcpherson.edu

For Staff, Faculty & Vendor issues:

Amanda Gutierrez  
1600 East Euclid  
Executive Vice President & Provost  
McPherson KS 67460  
(620) 242-0412 [gutierra@mcpherson.edu](mailto:gutierra@mcpherson.edu)

### **Primary Prevention and Awareness Program**

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming and new employees. In it they are specifically advised that the College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. In that regard, they are informed of the following definitions apply within the state of Kansas:

- ***Domestic Violence*** – Kan. Stat. Ann. § 21-5111

(i) “Domestic violence” means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. For purpose of this definition:

(1) “Dating relationship” means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

(2) “Family or household member” means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and person who are presently residing together or have resided together in the

past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family and household member also includes a man and woman if the woman is pregnant and the man is the alleged father, regardless of whether they have been married or have lived together at any time.

- ***Domestic Battery*** (also a form of domestic violence) – Kan. Stat. Ann. § 21-5414
  - (1) Knowingly or recklessly causing bodily harm by a family or household member against a family or household member; or
  - (2) Knowingly causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.
- ***Dating Violence*** – Dating violence is not specifically defined in the Kansas statutes but it is captured under the definition of domestic violence above where there is an act or threatened act of violence with whom the offender is involved or has been involved in a dating relationship.
- ***Sexual Assault*** – Sexual assault is not specifically defined in Kansas statutes and it is a broad term that can cover various types of sexual offenses. Below are the Kansas statutory definitions for Rape, Criminal Sodomy, and Sexual Battery, all of which could be classified as sexual assault.

Rape – Kan. Stat. Ann. § 21-5503

(a) Rape is

- (1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances:
    - (A) When the victim is overcome by force or fear; or
    - (B) When the victim is unconscious or physically powerless;
  - (2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;
  - (3) Sexual intercourse with a child who is under 14 years of age;
  - (4) Sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
  - (5) Sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.
- ***Criminal Sodomy; Aggravated Criminal Sodomy*** – Kan. Stat. Ann. § 21-5504
    - (a) Criminal sodomy is:

- (1) Sodomy between persons who are 16 or more years of age and members of the same sex;
- (2) Sodomy between a person and an animal;
- (3) Sodomy with a child who is 14 or more years of age but less than 16 years of age; or
- (4) Causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.

(b) Aggravated criminal sodomy is:

- (1) Sodomy with a child who is under 14 years of age;
- (2) Causing a child under 14 years of age to engage in sodomy with any person or an animal; or
- (3) Sodomy with a victim who does not consent to the sodomy or causing a victim, without the victim's consent, to engage in sodomy with any person or an animal under any of the following circumstances:
  - (A) When the victim is overcome by force or fear;
  - (B) When the victim is unconscious or physically powerless; or
  - (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.

- ***Sexual Battery; Aggravated Sexual Battery*** – Kan. Stat. Ann. § 21-5505

(a) Sexual battery is the touching of a victim who is not the spouse of the offender, who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.

(b) Aggravated sexual battery is the touching of a victim who is 16 or more years of age and who does not consent thereto with the intent to arouse or satisfy the sexual desires of the offender or another and under any of the following circumstances:

- (1) When the victim is overcome by force or fear;
- (2) When the victim is unconscious or physically powerless; or
- (3) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.

- The College has determined, based on good-faith research, that ***Consent***, as it relates to sexual assault, is not specifically defined under Kansas law. Generally, consent refers to a person affirmatively agreeing to sexual contact pursuant to his or her own free will.

- ***Stalking*** – Kan. Stat. Ann. § 21-5427

(A) Stalking is:

- (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear;
- (2) Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or
- (3) After being served with, or otherwise provided notice of any protected order...that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f) (1) that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear.

(f) As used in [the definition of stalking]:

(1) "Course of conduct" means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof:

- (A) Threatening the safety of the targeted person or a member of such person's immediate family;
- (B) Following, approaching or confronting the targeted person or a member of such person's immediate family;
- (C) Appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family;
- (D) Causing damage to the targeted person's residence or property or that of a member of such person's immediate family;
- (E) Placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person;
- (F) Causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family;
- (G) Any act of communication;

(2) "Communication" means to impart a message by any method of transmission, including, but not limited to: Telephoning, personally delivering, sending or having delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, including electronic transmissions generated or communicated via a computer

(3) "Computer" means a programmable, electronic device capable of accepting and processing data;

(5) “Immediate family” means father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; any person residing in the household of the targeted person; or any person involved in an intimate relationship with the targeted person.

The PPAP also informs incoming students and new employees that the majority of sexual offenses that occur on campus communities are committed by people known by their victims. Often, these types of assaults are not reported to police or campus authorities because people do not think this unwanted sexual contact constitutes sexual assault since they know the assailant. These assailants, however, are able to continue to exploit people by manipulating that trust. Reporting these incidents will significantly decrease the likelihood that the perpetrator can subject another person to this type of victimization.

The PPAP includes instruction on how to avoid becoming a victim and the warning signs of abusive behavior, the recognition of which will help mitigate the likelihood of perpetration, victimization or bystander inaction. Specifically they are advised:

- If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:
  - Make your limits known before going too far.
  - You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
  - Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
  - Grab someone nearby and ask them for help.
  - Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
  - Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
  - Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.
- If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:
  - Remember that you owe sexual respect to the other person.
  - Don’t make assumptions about the other person’s consent or about how far they are willing to go.
  - Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
  - If your partner expresses a withdrawal of consent, stop immediately.
  - Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.



- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
  - Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
  - Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.
- It is also important to be aware of the warning signs of an abusive person. Some examples include:
    - Past abuse
    - Threats of violence or abuse
    - Breaking objects
    - Using force during an argument
    - Jealousy
    - Controlling behavior
    - Quick involvement
    - Unrealistic expectations
    - Isolation
    - Blames others for problems
    - Hypersensitivity
    - Cruelty to animals or children
    - “Playful” use of force during sex
    - Jekyll-and-Hyde personality

PPAP instruction also includes encouraging individuals to take safe and positive steps to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against another person. This includes reporting such incidents to appropriate authorities. Other steps that can be taken include:

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don’t hesitate to contact the police.

The College’s PPAP program also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of domestic violence, dating violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in

that proceeding, available resources, etc. Some of this information is set forth in the forthcoming sections of this report.

The PPAP is carried out by on-line presentations, distribution of written material, periodic e-mail blasts and articles in the College's newspaper.

### **Ongoing Prevention and Awareness Campaign**

The College also conducts and Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is aimed at increasing the understanding of students and employees on these topics and improving their skills for addressing the offenses of domestic violence, dating violence, sexual assault, and stalking.

The OPAC is carried out through essentially the same means as the PPAP, using a range of strategies with a variety of audiences throughout the College.

### **Procedures for Victims of Sexual Assault, Domestic Violence, Dating Violence, or Stalking**

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call 911 or the Division of Student Affairs, 620-242-0500. At the earliest opportunity, you should also contact the College's Title IX Coordinators, Vice President for Student Affairs 620-242-0500 and/or Director of Human Resources 620-242-0454. Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported.
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order. Victims will be provided information on where a forensic examination can be obtained. Therefore, victims should follow these guidelines:
  - Do not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence.
  - Don't bathe or wash, or otherwise clean the environment in which the assault occurred.
  - Options for pressing charges can be deferred, if you will go to the local hospital emergency room and ask for an exam and for evidence of the sexual assault to be collected and sealed.

Victims of stalking should also preserve evidence of the crime to the extent possible.

3. The victim's options regarding notification to law enforcement, which are:
  - The option to notify either on-campus or local police;
  - The option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses; and
  - The option to decline to notify such individuals.

4. Where applicable, the rights of victims and the College’s responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

## **Restraining Orders**

Any student or employee who has a restraining order, order of protection, no contact order or any other such order issued by a court against another individual (whether or not that individual is also a student or employee of the College) is highly encouraged to notify the a campus security authority of the threat and to provide a copy of the restraining order so that it is kept on file with the Division of Student Affairs and can be enforced, if necessary.

## **Available Victim Services**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

Counseling.....	620-241-2300
Vice President for Student Affairs.....	620-242-0500
Dean of Students.....	620-242-0500
Partners in Family Care Health Clinic.....	620-242-0404
McPherson Police Department.....	620-245-1200
Sexual Assault/Domestic Violence Center.....	1-800-701-3630/620-663-2522

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations. If victims request these accommodations and they are reasonably available they will be provided, regardless of whether the victim chooses to report the crime to campus security or local law enforcement. The notification will include a name and contact information for the victim to contact in order to request an accommodation. The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College’s ability to provide them. In the event it is necessary to disclose the accommodation or protective order in order to provide it, the College will inform the victim of that necessity.

## **Geographical Definitions**

On Campus - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non Campus Building or Property - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Student Housing Facility – Any student housing facility that is owned, controlled or rented by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

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

## STUDENT CODE OF CONDUCT AND CAMPUS JUDICIAL PROCESS

### Purposes of Student Code of Conduct

McPherson College strives to allow students to grow as persons and to learn, and works to provide an environment that serves to that goal. It is thus important that all members of the College community conduct themselves responsible and in a way that is consistent with the mission of the College. When we become members of the College community we agree to comply with the College's policies and rules. When these are violated, the community is harmed. The Student Code of Conduct has been established to maintain standards of conduct, and to protect the rights of everyone.

### Discipline

Ideally, discipline is an educational process by which a student's behavior is responded to constructively and in a way that serves the welfare of the student, the other members of the College community, and the public at large. The seriousness of discipline for a particular violation of the Code will depend, for example, on the nature of the misconduct and the student's previous conduct. The College will suspend or dismiss a student only with great reluctance, but must reserve the right to do so when the misconduct is serious enough to warrant it. In the event that the Vice President for Student Affairs (or their designee) judges that a student presents a serious potential threat to the safety of him or herself or others or to property, the student can be dismissed from campus immediately until such time as it is safe to re-admit the student to the campus. Discipline for Code violations may include the following: oral and/or written warning, disciplinary probation, fine, restitution, referral for counseling, physical, chemical, or mental health evaluation, alcohol assessment, suspension, dismissal, or any appropriate combination. When the discipline includes a fine or restitution, the payment due date will be given on the written notice.

By way of example, if found In Violation, potential sanctions may include, but are not limited to, one or more of the following:

Sanction Type	Definition
Assessment & Recommended Treatment	Referral for assessment and treatment to the College Counseling Center or other agency at the student's expense.
Community/ College Service	Required completion of a specified number of hours of service to campus or general community.
Educational Activities	Required attendance at educational programs, meetings with appropriate officials, written research, online program completion, or other educational activities at the student's expense.
Loss of Privileges	Written notification that behavior is in serious violation of the College standards and restrictions may be placed on their activities. These include, but are not limited to, restriction of the privilege to participate in student activities or RSOs, represent the College on athletic teams, RSOs or in other leadership positions; access to College Residential Life buildings or other areas of campus; use of College resources and/or equipment; or contact with a specified person(s).

Stay-Away Directive/ No Contact Order/ No Trespassing Order	A stay away directive, specific to a person and/or location, prohibits a person from having direct or indirect communication or contact with a specified person, including, but not limited to personal communication, electronic communication, mail, third-party communication, and/or presence or proximity.
Fines	As appropriate to the violation, a fine may be imposed. Generally, a student will have three (3) months to pay the fine before a hold is placed on his/her account.
Parental Notification	Parents/guardians of a student may be notified by the Division of Student Affairs if deemed appropriate.
Temporary Residence Hall Suspension	Separation of the student from the residence halls and eviction for a definite period of time, after which the student is eligible to return upon approval from the Director of Residential Life. Conditions for readmission may be specified. The cost of room and board will be determined by the College and paid in full by the student.
Residence Hall Suspension	The removal of a student from College housing (without refund) for a defined period of time after which the student is eligible to apply for readmission to College housing. During the period of Residence Hall Suspension, the student shall not enter any College residence hall except to conduct College-related business with an office located within a residence hall.
Residence Hall Expulsion	Permanent separation and eviction from the residence hall. The cost of room and board will be determined by the College and paid in full by the student.
Residence Hall Probation	A written reprimand for a violation of specified Residence Life policies and procedures. Residence Hall Probation is a designated period of time and include the probability of more severe disciplinary sanction if the student is found to be violating any institutional regulation(s) during the probationary period. Failure to comply with any and all components of the probation may be considered causes for immediate residence hall suspension.
Restitution	Payment made for damage or loss caused by the responsible student.
Restriction/Revocation	Temporary or permanent loss of privileges, including, but not limited to the use of a particular College facility, resource, equipment, participating in specified College activities, or other privileges.
Revocation of Admission/Degree	Admission to or a degree awarded from McPherson College may be revoked for fraud, misrepresentation, or other violations of McPherson College standards in obtaining the degree or for other serious violations committed by the student prior to graduation.
Disciplinary Probation	Students may be placed on Disciplinary Probation for a specific timeframe when found in violation of the Community Code of Conduct. The student will need to complete all aspects of the probation, which may include community service, financial restitution, educational programs, counseling, and regular meetings with Student Affairs administration. If a student has any violations during this timeframe, they may face other sanctions, including immediate dismissal from the College.
Temporary College Suspension	Student Affairs staff may temporarily suspend a student from the College, which would prohibit the student from be involved in any College functions, including academics, athletics, extracurricular activities, and residential life. They may not be on the College campus or at ANY College-associated events.
College Suspension	Separation of the student from the College for a definite period of time, after which the student is eligible to return upon approval by the Dean of Students. Conditions for readmission may be specified.
College Warning	A student conduct sanction in writing notifying a student that the student's behavior did not meet College standards. All student conduct warnings will be taken into consideration if further violations occur.
College Expulsion	Permanent separation (without refund) of the student from the College prior to

	the actual physical receipt of a College diploma. A student who is expelled will not be eligible to receive an academic degree from the College at any time. The student is not permitted on the campus and shall not participate in any off-campus College sponsored/affiliated activity. The College may rescind a College degree following the awarding of a College diploma or may withhold the awarding of a degree pending the outcome of the student discipline process for a violation of the Code or other College policy that does, or would have the potential to, result in the sanction of Expulsion.
Sanctions as Deemed Appropriate	Other or additional sanctions not listed her may be assigned as appropriate for the violation.

## Appeal Rights

Any hearing outcome may be appealed by the respondent or the complainant, if their reason for the appeal meets at least one of four criteria:

1. **The student was not given due process;** the hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complainant or the respondent resulted;
2. **New or additional evidence became available;** new information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision;
3. **The conduct sanction was inappropriate for the violation;** a determined sanction is inherently inconsistent with College procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision;
4. **The decision was not based on competent and substantial evidence;** or the information presented at the hearing does not support the finding. An appeal is not a reevaluation of the credibility of the information but is a determination as to whether the information presented, if believed, is sufficient to support the findings.

A student has five (5) calendar days after letter date of the written notification of a disciplinary decision to file an appeal. Failure to do so waives the right to appeal.

An appeal is a review of the record of the original hearing (except as necessary to gain insight into any new information), not a new hearing. It is the responsibility of the person who initiated the appeal to show that one or more of the listed grounds for appeal has merit.

The appeal must be in writing and include:

1. The completed **Disciplinary Action Appeal Request** form, which can be obtained from Student Affairs, and is provided to the Respondent via the electronic mail hearing outcome letter.

2. A statement explaining in detail why the student is contesting the findings or the action(s).
3. Copies of any documents that will substantiate or clarify the appeal request.

The Vice President for Student Affairs or designee will review the materials to determine if there are grounds to warrant an appeal. Those involved as Student Conduct Officers cannot be involved in this review.

Within five (5) business days of the receipt of the appeal, the Vice President for Student Affairs or designee will notify the student of the decision to grant or deny the request for an appeal. If the Vice President for Student Affairs or designee grants the appeal, the case will be referred to the Appellate Board. The decision by the Vice President for Student Affairs or designee to deny the appeal shall be final. Sanctions will not be implemented while an appeal is under consideration, unless special circumstances apply.



## **Violations of the Law**

The College may institute non-academic disciplinary proceedings against a student for offenses under the Code of Conduct, regardless of pending civil litigation or criminal arrest and prosecution arising out of the same alleged circumstances. College disciplinary proceedings, investigations, or actions may proceed prior to, simultaneously with, or following civil or criminal proceedings. College disciplinary action is not subject to challenge on the grounds that civil or criminal charges involving the same alleged circumstances have been dismissed or charges reduced in criminal proceedings. When a student is charged by federal, state or local authorities, the College will not request or agree to special consideration for the student. The College will cooperate with civil authorities in a timely fashion and manner.

## **Standards of Conduct**

When students choose to accept admission to McPherson College, they accept the rights and responsibilities of the College's academic and social community. As members of the College community, students are expected to uphold the College's ideals of scholarship, participation, and service by maintaining a high standard of conduct. Faculty, administrators, staff and students all have responsibility to take care of the intellectual, social, emotional, psychological, and physical conditions of this community we share.

The McPherson College Student Code of Conduct shall apply to conduct that occurs on College premises, at College-sponsored activities, and off-campus conduct that adversely affects the College community and/or the pursuit of its objectives.

McPherson College students are responsible to adhere to the Code of Conduct at all times, not just while on the McPherson College campus. Violations that occur off-campus and are reported to Student Affairs may be adjudicated through the student conduct process.

Each student shall be responsible for their conduct from the time of matriculation (application for admission to McPherson College) through the actual awarding of a degree, to include the academic year and periods between terms of actual enrollment.

Discoveries of alleged code of conduct violations after a degree is awarded or the student has left McPherson College may still be considered. Pending student conduct processes will continue, even if the student withdraws from the College while a conduct matter is pending. Additionally, McPherson Police Department reports or reports from other law enforcement agencies may be used in order to invoke discipline or sanctions for violations of the Student Code of Conduct.

## **Policy against Harassment**

### ***Commitment to Non-Discrimination, Non-Harassment and Non-Retaliation***

The purpose of this policy is to uphold McPherson College's mission in preserving the fundamental dignity and rights of all individuals involved in campus activities.

Discrimination, harassment and retaliation on the basis of a protected category (see the Nondiscrimination/Equal Employment Opportunity Statement for an explanation of protected categories) are strictly prohibited. Persons who engage in such conduct are subject to discipline up to and including termination or dismissal.

Preventing prohibited discrimination, harassment and retaliation is the responsibility of all members of the College Community. Faculty, staff, and third parties should report a potential violation of this policy as soon as possible to the Director of Human Resources:

Brenda Jill Stocklin-Smith, M.Ed.  
1600 East Euclid  
Human Resources  
McPherson College  
McPherson KS 67460  
(620) 242-0454  
stocklib@mcpherson.edu

Students and prospective students should report a potential violation of this policy as soon as possible to the Vice President for Student Affairs listed below:

Shana Meyer  
1600 East Euclid  
Office of Student Life  
McPherson College  
McPherson KS 67460  
(620) 242-0501  
meyers@mcpherson.edu

McPherson will respond to reports of perceived prohibited conduct in a reasonable, thorough, and prompt manner, as set forth below. If the College determines that discrimination, harassment, or retaliation has occurred, appropriate corrective and remedial actions will be taken.

#### **1. Scope**

This policy applies to reports of discrimination, harassment, and retaliation on the basis of a protected category, other than harassment and retaliation on the basis of sex, which are governed exclusively by the College's ADM #150 Sexual Harassment Policy And Title IX Grievance Procedures. This policy governs reports of discrimination, harassment, and retaliation in all the College's programs and activities and applies to all members of the College Community. It applies to discrimination, harassment, and retaliation that occurs on campus, during or at an official College program or activity

(regardless of location), and to off campus conduct when the conduct could deny or limit a person's ability to participate in or benefit from the College's programs and activities.

## 2. Prohibited Conduct

### a. Discrimination

Discrimination is adverse treatment of an individual based on a protected category. It is a violation of this policy to discriminate on the basis of a protected status in any of the College's programs and activities. A list of protected categories is located in the Nondiscrimination/Equal Employment Opportunity Statement.

### b. Harassment

Harassment consists of unwelcome verbal, non-verbal, or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or other members of the College Community, including third-parties, because of a protected category. Harassment constitutes a form of prohibited discrimination if it denies or limits a person's ability to participate in or benefit from the College's programs and activities ("discriminatory harassment").

Examples of conduct prohibited by this policy may include, but are not limited to, jokes or pranks that are hostile or demeaning with regard to a person's protected status or have the purpose or effect of creating an intimidating, hostile, abusive or offensive working or academic environment.

### c. Retaliation

The College prohibits retaliation against anyone for reporting discrimination or harassment, assisting in making a report, cooperating in an investigation, or otherwise exercising their rights or responsibilities under this policy and applicable federal, state, and local laws. Retaliation prohibited by this policy consists of materially adverse action, such as disparaging comments, uncivil behavior, or other negative treatment of an employee, student, or other member of the College Community because a report has been made pursuant to this policy or because an individual otherwise cooperated with the College's investigation.

### d. Sexual Harassment

The College's Sexual Harassment Policy and Title IX Grievance Procedures govern the reporting, investigation, and determination of reports of sexual harassment and related retaliation. All reports of sexual harassment, sexual assault, dating violence, domestic violence, stalking, and related retaliation will be investigated and resolved pursuant to the College's Sexual Harassment Policy and Title IX Grievance Procedures.

### 3. Investigation and Resolution Procedures

#### a. Reports Alleging Misconduct By a Student

If a report of discrimination, harassment, or retaliation alleging misconduct on the part of a student is received, the report will be referred to the Dean of Students for investigation and resolution pursuant to the process for handling other types of student misconduct as contained in the Campus Judicial Procedure.

#### b. Reports Alleging Misconduct By Any Other Person

When a report of discrimination, harassment or retaliation alleging misconduct on the part of any other person is received, a College official will be designated to investigate the report. During the investigation, both the complainant and respondent will have the opportunity to identify witnesses and evidence. Investigations will be handled discreetly, with information shared only with those persons who need to know the information in order for there to be a full and fair investigation. The investigator may impose interim measures during the pendency of the investigation to protect and separate the parties.

The investigator will prepare a written report summarizing the results of the investigation and deliver it to the Director of Human Resources. The Director of Human Resources will review the report, consult with other College administrators and officials as the Director of Human Resources deems appropriate, and issue a determination as to whether or not the report of misconduct is substantiated and, if so, what remedial measures will be taken to address the misconduct, including discipline for the respondent or initiation of disciplinary proceedings pursuant to other applicable College policies (including, for example, initiation of disciplinary proceedings under Section FAC 490 of the Faculty Handbook). Substantiated incidents of conduct prohibited by this policy can lead to discipline up to and including termination or dismissal. The Director of Human Resource's determination is not subject to appeal or further review.

### **Special Statement on Sexual Harassment**

Sexual harassment is one kind of discrimination based on sex. In the academic setting, sexual harassment subverts the mission of the College and threatens the careers of students, faculty, and staff. In order to provide an environment which emphasizes respect for the dignity of all persons, McPherson College prohibits sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of the sexual nature constitute sexual harassment when:

1. Submission to such conduct is explicitly or implicitly made a term or condition of, or is promised or represented to be an opportunity for employment or academic advancement,
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual, or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working, living, or academic environment.
4. Sexual harassment can occur when a faculty member or supervisor unfairly exploits power over students or subordinates, but may also occur between persons having the same College status, i.e., student-student, faculty-faculty, staff-staff. Both men and women can be sexually harassed.

### **Other Prohibited Campus Conduct**

Engaging in the following prohibited behaviors is a violation of the Student Code of Conduct:

- 1) Academic Dishonesty--Engaging in acts of academic dishonesty which includes (but is not limited to) cheating and plagiarizing.
- 2) Alcohol--Using or possessing alcoholic beverages including the following:
  - a) If one is underage;
  - b) On campus or at College sanctioned activities where alcohol is not allowed;
  - c) Using or being in possession of alcohol paraphernalia (including, but not limited to, beer cans, bottles, bottle caps, and/or shot glass collections).
- 3) Assault--Assaulting or threatening to assault any person, engaging in any unwelcome physical contact with any person which includes (but is not limited to) physical harassment, unwanted touching, even between acquaintances, making unwelcome advances, or engaging in conduct that threatens or endangers the health or safety of any person. Such conduct includes (but is not limited to):
  - a) Assault;
  - b) Threats to the personal safety of one's self or others;
  - c) Unwelcome physical contact;
  - d) Hazing (defined as any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization).
- 4) Disruptive Behavior/Disorderly Conduct--Conducting oneself in such a manner as to reflect unfavorably upon the individual student or the College community.
  - a) Disrupting research, recreation, study, meetings, assemblies, convocations, public events, disciplinary proceedings, or activities of the College;
  - b) Engaging in disorderly conduct or expression, a breach of the peace or aiding or inciting another to a breach of the peace. Such conduct includes (but is not limited to) throwing objects to create a danger, making excessive noise, rioting, creating a public disturbance, and any other type of interference, obstruction, or disruption with the normal operations of the College or its activities or any type of conduct that interferes with the ability of those who attend, visit or work at the College to enjoy the benefits of the purposes for which the College exists.

- 5) Drugs—The unlawful possession, use, or sale of any drug or controlled substance including the following:
  - a) Manufacturing, growing, distributing, selling, possessing, using, or offering for sale narcotic drugs, depressants, or stimulant substances, hallucinogens, cannabis and/or derivatives (including synthetic derivatives);
  - b) Being in the presence of illegal drugs;
  - c) The use of prescription drugs without a prescription;
  - d) The presence of drug paraphernalia; and/or
  - e) Evidence of drugs such as smell or items used to mask drug odors.
- 6) Emergencies, Fire, Alarms and Fire Equipment—Failure to comply with the lawful orders of police, fire, or medical response, or creating life and limb hazards, including the following:
  - a) Arson--Starting a fire that causes or may cause damages or injury on College property without College authorization.
  - b) Making or causing a false fire alarm or emergency report of any kind. Tampering with, damaging, disabling, and/or misusing fire safety equipment.
  - c) Failure to disperse (this policy will not be construed to deny any student the right of peaceful, non-disruptive assembly).
  - d) Resisting arrest
  - e) Failure to evacuate during a fire alarm.
- 7) Firearms and Weapons; Flammable Materials and Fireworks--Possessing, using, or participating in an activity involving firearms, fireworks, chemicals which are explosive, hazardous chemicals, other implements used as weapons which includes (but is not limited to) air soft guns, bb guns, bows, crossbows, and swords; and other types of arms classified as weapons in the Missouri Revised Statutes, on College property or at College sanctioned activities. The use or display of any object or instrument in a dangerous and/or threatening manner is prohibited.
- 8) Fraud/Forgery/False Information—Forging documents, fraudulent misrepresentation, false reporting, including the following:
  - a) Forgery, fraudulent misrepresentation, altering, transferring, infringing on the copyright of, and/or misusing College documents. Providing false information in the application for admission, petitions, requests, disciplinary hearings, or other matters of record, and/or transactions with officials of the College;
  - b) Falsely reporting information of an emergency nature (i.e., false report of bomb, fire, or other emergency) in any building structure or facility;
  - c) Using fake identification, falsely identifying oneself, or using the identification of another person. This includes furnishing false identification or refusing to show identification to the College or to any College employee or agent, including campus law enforcement or security officers acting in good faith and in the performance of their duties.
- 9) Sexual Misconduct and Stalking--To include sexual harassment, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, relationship violence, sexual exploitation, and/or stalking.

- a) Stalking is defined as a pattern of conduct that is intended to cause, or does reasonably cause, a person to fear for their privacy or safety, and may include, but is not limited to, unwanted contact through social media, email, phone calls, and / or in person.
- 10) Indecent Behavior--Engaging in lewd, indecent, and/or obscene conduct or expression.
- 11) Misuse of Technology--Making or assisting in the making of unauthorized, obscene, or annoying phone calls, text messages, or computer messages or otherwise misusing or abusing phone and/or computer equipment. Engaging in computer abuse, which includes but is not limited to, plagiarism of programs, misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possessing or using passwords without proper authorization, viewing or distributing pornographic material, and/or disruptive or inappropriate behavior that affects the College's computer system.
- 12) Failure to Comply with Policies, Laws, and Requests--Failing to comply with the reasonable and lawful requests of College officials acting in the performance of their duties, and with College policies, local, state and federal laws including the following:
- a) Failure to properly comply with or complete a sanction or obligation resulting from a disciplinary hearing or adjudication;
  - b) Committing any act which is a violation of criminal law of the United States, the State of Missouri or a municipal ordinance;
  - c) Failing to obey Residential Life rules and regulations, whether or not one is a resident;
  - d) Failing to obey any College policy.
- 13) Harassment--Engaging in any of the following:
- a) Harassing and/or intimidating actions which are found to create a hostile environment (which includes conduct causing alarm or recklessly creating a risk by threatening to commit crimes against specific individuals or their property; the face-to-face use of inflammatory words);
  - b) Harassing or intimidating College officials while they are discharging their official duties and responsibilities;
  - c) Engaging in any form of harassment over the Internet, commonly referred to as cyberbullying, such as threatening another person by sending or posting inappropriate and hurtful email messages, instant messages, text messages, digital pictures or images or website postings, including blogs and social network systems;
  - d) Tampering or attempting to influence witnesses in an investigation; engaging in retaliation against anyone participating in a College process.
- 14) Theft or Misappropriation--Stealing or attempting to steal College property or the property of any person and/or to be in possession of stolen property.
- 15) Unlawful Entry/Presence In and Use of College Facilities/Misuse of Keys--Entering and/or using College facilities or property without authorization by the appropriate College officials. Using or possessing any College key without proper authorization and/or duplicating a College key.

16) Vandalism/Damage to Property--Damaging, destroying, or defacing College property or property of any person as a result of deliberate action and/or as the result of reckless or imprudent behavior.

### **Sexual Violence Policy**

This policy applies equally to all members of the McPherson College community: students, faculty, administrators, staff, contract employees, and visitors.

The college is committed to providing an institutional environment where all persons may pursue their studies, careers, duties, and activities in an atmosphere free of threat of unwelcome and unwanted sexual actions. It strongly condemns sexual offenses, will not tolerate sexual offenders, and supports those who have been victimized.

Sexual assault includes the attempt or act of rape (sexual intercourse without consent or with a child under the age of thirteen, by a stranger, an acquaintance or an intimate), forced sodomy (forced oral or anal sex), or the forced penetration by a foreign object either animate, such as a finger, or inanimate. Non-penetration sexual assault includes the act of touching an unwilling person's intimate parts such as genitalia, anus, groin, breast, or buttocks, or the clothing covering these parts, or forcing an unwilling person to touch another's intimate parts.

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of the relationship is determined by the following indicators: length of the relationship, type of relationship, and frequency of interactions with the persons involved in the relationship.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others. Another indicator is when the person is suffering substantial emotional distress.

Domestic violence is considered a felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim. The person with whom the victim shares a child in common, cohabitates with or has in the past with the victim, or by a person who is similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction.

The above acts constitute sexual assault when they are committed against a person's will as evidenced by refusal of consent or through the use of force, threat, manipulation, or intimidation, or against a person who, by virtue of mental incapacity or physical helplessness, is unable to give or withhold consent. This includes, but is not limited to, incapacity or helplessness caused by alcohol or other drugs. Intoxication of the assailant shall not diminish the assailant's responsibility for the sexual assault.

The college will respond promptly, fairly, and decisively to all reports of sexual assault. Additionally, members of the college community, if made aware of an alleged incident of sexual



assault, shall be mandated to promptly report the alleged incident to the Title IX Coordinator for prompt investigation in a discrete and confidential manner.

Members of the college community accused of sexual assault, if the respondent is found in violation, will be subject to the college's disciplinary policies when the alleged incident has occurred on-campus or when the incident has occurred off campus and materially affects the learning environment or operations of the college. Person(s) accused of such behavior also have the right to appeal any disciplinary process, as well as the victim. Members of the college community, who are aware of an incident of sexual assault, and fail to report the incident to any of the designated parties in this policy, shall likewise be subject to the college's disciplinary policies.

Sexual assaults are serious violations of the college's student code of conduct, faculty standards and college employee and administrative policies. They are crimes under state law and punished by fines and/or imprisonment. In addition, these actions are subject to civil suit for damages.

This college policy is compliant with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) as amended in 1998, which requires all postsecondary institutions to publish and distribute certain information regarding campus crimes, including reports of campus sexual assault, sexual assault policies and security programming to all current students, employees, and to any applicant who so requests.

McPherson College shall make 24-hour assistance available to those, who have been affected by sexual assault, through the Title IX Coordinators.

### **Social Media Policy**

McPherson College recognizes the power and ability of social media to build community, relationships, and promote free expression. Students should also be aware of the consequences of the abuse of social media. They should always keep in mind that information posted on social networks is public, lasts forever, and is a direct representation of themselves, their families, teams and/or McPherson College. Uncivil behavior and harassment will not be tolerated. Please keep in mind the following guidelines as you participate in social networking:

- Before participating in an online community, be aware that any information you post becomes public knowledge. Whether it is a photo, video and/or text, that message becomes out of your control once posted online.
- You should not post information that would cause embarrassment to yourself, family, team or McPherson College.
- Be aware that posting specific information such as your address, birthday, phone number, etc., puts you in a situation where you could be vulnerable to predators.
- Exercise caution with who you add as a "friend" or "follower" on social networking sites. There are people looking to take advantage of students.
- McPherson College staff may monitor social media and must act if informed of illegal

activity, harm to self or others, or information posted online that may demonstrate violations of the student Code of Conduct. The use of College copyrighted material is prohibited.

Information posted online may be used as cause for disciplinary charges. Students could face sanctions if found in violation of stated policies.

### **Off-Campus Conduct**

Although the College is not legally responsible or financially liable for the behavior of students off campus, it does reserve the right to take disciplinary actions against students when their off-campus behavior violates College expectations and policies or when the behavior affects the College community. This rule applies whether or not the College sponsors the off-campus activities.

The McPherson College Student Code of Conduct shall apply to conduct that occurs on College premises, at College-sponsored activities, and off-campus conduct that adversely affects the College community and/or the pursuit of its objectives.

McPherson College students are responsible to adhere to the Code of Conduct at all times, not just while on the McPherson College campus. Violations that occur off-campus and are reported to Student Affairs may be adjudicated through the student conduct process.

### **Judicial Process**

Student Affairs administration is responsible for handling all disciplinary actions when there is reasonable cause to believe an offense under the Code of Conduct has occurred and disciplinary action is appropriate. Student non-academic disciplinary records are maintained by the Division for Student Affairs. These records include all written correspondence concerning violations of College policy and are only released with the written permission of the student or as required by law.

When an alleged violation of the Code of Conduct has occurred, Student Affairs administration has a responsibility to initiate an investigation and, when appropriate, administer sanctions as appropriate. Students have a right to expect enforcement of these rules and policies. The College also has a right to expect students to abide by them as responsible members of the learning community. In addition to the Student Code of Conduct, McPherson College students are responsible for upholding all official College and Residential Life policies while a member of the McPherson College community.

### **Types of Conduct Hearings**

***Administrative Hearing:*** A conduct hearing where there is an uncontested allegation and/or where the alleged violation if found to be true would typically result in a College or housing warning or probation.

***Formal Hearing:*** A conduct hearing that is recorded and follows a prescribed format. Formal

hearings are typically conducted when a student is charged with alleged violations of the Student Code of Conduct that are serious enough to possibly reach the level of College suspension or expulsion.

**Mediation:** An agreed-upon meeting between two parties to informally resolve a situation. Both parties must agree to a mediation, conducted by a professional staff member, to avoid a conduct hearing. If both parties cannot agree to a resolution, an administrative or formal hearing may be scheduled.

Procedures for these types of hearings are explained in the following pages.

### **Rights of the Student Respondent and Complainant**

The student respondent has the following rights:

1. The right to be presumed Not In Violation until a preponderance of evidence indicates otherwise.
2. The right to have their case heard by an appropriate Student Conduct Officer.
3. The right to have the case processed without prejudicial delay.
4. The right to written notice of the charges no less than 3 business days before the hearing.
5. The right to written notice of the time, date, and place of the hearing.
6. The right to testify on their own behalf.
7. The right to be present at the hearing.
8. The right to rebut any witness statements or evidence presented against them, to produce eyewitnesses on their behalf, and to present evidence.
9. The right to have an advisor of their choosing present at the hearing. The advisor may not participate in the hearing but may only provide advice to the respondent.
10. The right to written notice of the decision.
11. The right to file an appeal for reasons outlined in the Student Code of Conduct.

\*Please note that special procedures apply to Sexual Misconduct Hearings. See the Sexual Misconduct policy for procedural standards and rights which apply in these cases at: <https://www.mcpherson.edu/admin-policies/adm-150-sexual-misconduct-policy-and-complaint-resolution-procedures/>.

The student complainant has the following rights:

1. The right to have their case heard by an appropriate Student Conduct Officer.
2. The right to have their case processed without prejudicial delay.

3. The right to written notice of the charges no less than three (3) business days before a hearing.
4. The right to written notice of the time, date, and place of a Formal hearing.
5. The right to provide testimony on their behalf.
6. The right to participate in the Formal hearing, if so desired.
7. The right to rebut any witness statements or evidence presented, or to produce eyewitnesses on their behalf.
8. The right to have an advisor of their choosing present at the hearing. The advisor may not participate in the hearing but may only provide advice to the complainant.
9. Complainants may obtain outcome information from the Student Conduct Officer on a need-to-know basis. The Student Conduct Officer retains the right to keep outcome information confidential if there is insufficient reason for disclosure.
10. The right to file an appeal for reasons outlined in the Student Code of Conduct.

\*Please note that special procedures apply to Sexual Misconduct Hearings. See the Sexual Misconduct policy for procedural standards and rights which apply in these cases at: <https://www.mcpherson.edu/admin-policies/adm-150-sexual-misconduct-policy-and-complaint-resolution-procedures/>.

### **Campus Judicial Procedures**

The Dean of Students oversees all student disciplinary proceedings. This Office shall act as the investigator in a campus incident or assign the case to a student conduct officer, unless the conduct officer is a witness or otherwise might suffer from a conflict of interest; in such event, a designee shall serve as investigator. Judicial procedure shall follow the following steps:

### **Administrative Hearing Procedures**

1. The student will be notified via email the date/time/location, alleged violation(s) and identification of the Student Conduct Officer with whom they will meet.
  - a. A student who cannot attend the Administrative hearing must notify the Student Conduct Officer stating the reasons for the conflict and requesting a new hearing date. This statement must be presented to the Student Conduct Officer no less than one (1) day before the beginning of the hearing. The hearing may be rescheduled, at the discretion of the Student Conduct Officer. Only one (1) change of hearing date and time may be granted.
  - b. If a student fails to attend a scheduled hearing, the hearing may proceed in the absence of the respondent. Such an absence will not be considered grounds for an appeal.
2. The respondent may have one (1) advisor present at the hearing.
  - a. If the student wants to have an advisor present, the student must notify the Student Conduct Officer no later than one (1) day before the beginning of the hearing.

- b. Advisors are normally members of the McPherson community, such as current full-time students, faculty, and/or staff. This advisor serves as a support person and is intended to be of direct assistance to the student before and during the hearing. The advisor may not speak for the student nor address the Student Conduct Officer. If the advisor is an attorney, the case will be heard as a Formal hearing and the Student Conduct Officer may reschedule the time and/or date of the hearing so that McPherson College legal counsel may be present.
3. The student and the Student Conduct Officer will discuss the case. The student may present evidence and/or bring written witness statements.
4. The Student Conduct Officer will determine if there was a Code of Conduct violation based upon a preponderance of evidence.
5. The respondent will be informed by email within five (5) business days of the conclusion of the Administrative hearing of the outcome of the hearing, including any sanctions that may have been assigned.
6. A student has five (5) business days after letter date of the written notification of a disciplinary decision to file an appeal. Failure to appeal within the five (5) day period waives the right to appeal. Sanctions will not be implemented while an appeal is under consideration unless special circumstances apply.

### **Formal Hearing Procedures**

All Formal hearings will be closed, except to those specifically provided for in the conduct procedures or persons whose presence at the hearing is authorized by the Student Conduct Officer. The hearing will be conducted by a minimum of two (2) hearing officers.

1. The student will be notified via email of the date/time/location, alleged violation(s) and identification of the Student Conduct Officer(s) with whom they will meet.
  - a. A student who cannot attend the Formal hearing must notify the Student Conduct Officer stating the reasons for the conflict and requesting a new hearing date. This statement must be presented to the Student Conduct Officer no less than one (1) business day before scheduled hearing. At the discretion of the Student Conduct Officer the hearing may be rescheduled. Only one (1) change of hearing date and time may be granted.
  - b. If a student fails to attend a scheduled hearing, the hearing may proceed in the absence of the respondent. Such an absence will not be considered grounds for an appeal.
2. The respondent may have one (1) advisor present at the hearing.
  - a. If the student wants to have an advisor present, the student must notify the Student Conduct Officer no later than one (1) day before the scheduled hearing.
  - b. Advisors are normally members of the McPherson community, such as current

full-time students, faculty, and/or staff. This advisor serves as a support person and is intended to be of direct assistance to the student before and during the hearing. The Advisor may not speak for the student nor address the Student Conduct Officer. If the Advisor is an attorney, the Student Conduct Officer may reschedule the time and/or date of the hearing so that McPherson College legal counsel may be present.

3. An electronic or other verbatim record will be made of the hearing and will be retained with the student's conduct file. At the beginning of the hearing, the recorder will be turned on.
4. All those present will identify themselves for the record. The respondent will be informed of the Code of Conduct and will be advised of their rights.
5. The student will be asked if they received notice of the hearing and the list of charges of the Student Code of Conduct violations. If the student did not receive the letter, the Student Conduct Officer will provide a copy. The list of student conduct violations will be read for the record.
  - a. The Student Conduct Officer will read the incident report(s) and ask the respondent to respond. In addition, any additional statements given in the report may be entered into the record, with the respondent having the opportunity to respond.
6. Complainant testimony may be held at a separate time/place arranged by the conduct officer. Any written testimony from the complainant will be presented to the respondent during their hearing and the respondent will have the opportunity to respond.
7. Witnesses will be asked to describe what happened in written statements, and the respondent will have a chance to respond. All communication between the respondent, complainant, and witnesses will be directed to the Student Conduct Officer. The Student Conduct Officer may reasonably limit the scope and time devoted to each matter or item of discussion during the hearing, as well as the number of persons testifying. The Student Conduct Officer will decide the order of witnesses and when the complainant and witnesses will be in the hearing room.
  - a. The respondent is responsible for arranging for witnesses testifying on their behalf to appear at the hearing. Complainants and the Student Conduct Officer may also invite witnesses to present testimony, but the organization of this will be left to the discretion of the Student Conduct Officer. If a witness is unable to attend the hearing, the witness may write or record a statement and discuss the statement with the Student Conduct Officer before the scheduled hearing.
  - b. The Student Conduct Officer is to be notified in writing by the respondent, victims, complainants, or witnesses no less than one (1) day before the hearing of those persons intending to provide testimony, whether in person or writing.
  - c. The Student Conduct Officer may reasonably limit the scope and time devoted to witness statements. Witnesses are typically asked to comment only on the event(s)

pertinent to the charges, not the character of the respondent(s).

8. The Student Conduct Officer may ask questions of any respondent, complainant or witness during the hearing.
  - a. Evidence will consist of oral and written testimony, incident reports and any other material directly related to the incident. The Student Conduct Officer may reasonably limit the scope of evidence considered in the hearing.
9. The Formal hearing will conclude with a review of the outcome notification and appeal processes. At the conclusion of the hearing, the respondent, advisors, and witnesses will be asked to leave the room. These individuals will not be present during the deliberations of the Student Conduct Officer and the hearing officers.
10. The Student Conduct Officer will determine if there was a Code of Conduct violation based upon a preponderance of evidence.
11. The respondent will be informed in writing of the outcome of the hearing within five (5) business days of the conclusion of the hearing, including any sanctions that may have been assigned.
12. A student has five (5) business days after letter date of the written notification of a disciplinary decision to file an appeal. Failure to appeal within the five (5) day period waives the right to appeal. Sanctions will not be implemented while an appeal is under consideration unless special circumstances apply.

## **Fines & Restitution**

In the event a fine is assessed to a student who has violated the Community Code, the following shall apply:

<b>Violation</b>	<b>Fine Amount</b>
Alcohol	\$50 and up (See policy)
Apartment or Room Cleaning	\$100 minimum
Driving on Campus Property	\$250 minimum
Guest Violations	\$50
Illegal Drugs	\$250 minimum (see policy)
Lock Out	\$10
Noise Violations	\$50
Open Flames/Candles	\$100
Parking Violations	\$25 minimum
Possession of Unauthorized Animal(s)	\$200 minimum + cleaning/damages
Scaling Buildings/Being on Ledges	\$500 + mental health assessment & fee
Tampering with Fire Department Devices	\$500 + law enforcement involvement
Unauthorized Removal or Use of Furniture	\$100

Student Affairs administration may add, remove, or alter consequences as appropriate.

Fines are meant to be paid within three (3) months of being issued; campus service is not an adequate repayment. However, Student Affairs administration may add community service in coordination with the fines if they believe that will best help the student or campus community. If fines are not paid, a hold will be placed on the student's account, which may prevent reentry into the College and/or graduation. Multiple sanctions can lead to disciplinary probation or dismissal from McPherson College.

### **Publicly Available Recordkeeping**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of domestic violence, dating violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

### **Victims to Receive Written Notification of Rights**

When a student or employee reports to the College that he or she has been a victim of sexual misconduct – including domestic violence, dating violence, sexual assault, and stalking – and whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above, including available resources, protective measures, and a description of the College's policies and procedures for addressing sexual misconduct.

### **Sex Offender Registration Program**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting The Division of Student Affairs, 620-242-0500. The Kansas Bureau of Investigation maintains a general registry of sex offender information, which may be accessed at the following link: <http://www.accesskansas.org/kbi/ro.shtml>.

### **Drug and Alcohol Policy**

McPherson College prohibits the possession or use, processing, distributing, manufacturing, selling, or being under the influence of alcohol or illegal drugs by any student, faculty, or staff person anywhere on campus or at College functions.

The College believes that the use and abuse of these substances is counterproductive to the educational process and often contributes to behaviors that are disruptive to the entire campus community. In addition, health risks are associated with misuse and abuse of such substances and



legal consequences for illegal drug use can be quite severe and greatly impact a person's future.

Under the current Kansas statute, "no person under the age of twenty-one (21) can legally purchase, possess or consume liquor or cereal malt beverages." In addition, "anyone who directly or indirectly sells to, buys for, gives or furnishes intoxicating liquor or cereal malt beverages to a person under 21 years of age is guilty of a Class B Misdemeanor." Students participating in the PELL Grant Program are required by the federal government to sign the "Anti-Drug Abuse Act Certification."

Alcohol is prohibited on McPherson College campus. Alcohol containers and/or drug paraphernalia including beer cans, bottles, bottle caps, and/or shot glass collections displayed in a room are prohibited on campus. Containers being used for art class projects are exempt, but the resident must receive written permission from Student Affairs Administration beforehand. The possession of kegs, party-balls, beer-bongs, beer pong tables, or similar paraphernalia is not permitted on campus or at campus-sponsored events.

The College may hold any and all students in the presence of alcohol to the same standard, and all students involved may face sanctions. As an example, all students at a "party" or "social gathering" where prohibited substances or behaviors are present will be subject to the same sanctions. Parent/legal guardians of students under the age of 21 may be notified of community code violations involving alcohol use or possession, and/or illegal drug use or possession.

The unlawful possession or use of narcotics and any controlled substances is not permitted. Students who violate this condition will be subject to disciplinary action. McPherson Police will always be involved in matters involving illegal narcotics.

Disregard for College alcohol and prohibited substance policies may result in disciplinary action, including loss of residential privileges, suspension, and expulsion.

McPherson College does not encourage nor promote the consumption of alcohol. McPherson College's expectations and policies have been designed to provide a positive environment to promote personal development and growth through accountability and reflective practices. Promotion or references to alcohol at institutional funded events or on institutional material is prohibited.

McPherson College defines the possession of controlled or illegal substances as the presence of such substances or associated paraphernalia on the student's person, in his or her room, automobile, or among properties controlled, owned or used by the student.

All parties who are present at the time that illegal drug possession or consumption is established are subjected to the same sanctions as the individual(s) who brought the drug into the environment or were possession or consuming it.

Given reasonable cause, drug testing may be required if students suspected of a drug related offense. Refusal to participate in testing may be used as grounds for disciplinary action.

Student(s) who possess expired prescription drugs and/or unreasonable, large quantities of prescription drugs will be asked to provide independent, medical verification that the quantity and the prescription is valid. If medical verification is not obtained, he or she will be subject to the sanctions outlined in this policy.

Any student found in violation of the McPherson College drug policy will be subject to disciplinary actions. When large quantities of illegal drugs are involved or there is evidence of drug distribution, the implicated student will be subject to criminal charges by law enforcement.

Visit <http://www.mcpherson.edu/students/resources/> for more information about policies.

## Crime Statistics

The Clery Act requires institutions of higher education to disclose crime statistics covering the previous three years on various crimes and offenses. The definitions of these offenses, consistent with FBI guidelines and VAWA regulations, are as follows:

### Primary Crimes

- *Murder and non-negligent manslaughter*: The willful (non-negligent) killing of one human being by another.
- *Negligent manslaughter*: The killing of another person through gross negligence.
- *Sex offenses*
  1. *Rape*: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  2. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  3. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  4. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.
- *Robbery*: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- *Aggravated assault*: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapons is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- *Burglary*: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

- *Motor vehicle theft:* The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)
- *Arson:* Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## **Hate Crimes**

Hate crimes involve those crimes motivated by the following biases: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. Hate crimes include all primary crimes (except negligent manslaughter) that were motivated by one or more of these biases. They also include the following crimes and offenses:

- *Larceny-theft* (except Motor Vehicle Theft): The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- *Simple assault:* An unlawful physical attack by one person upon another where the offender neither displays a weapon nor the victim suffers obvious severe or aggravated bodily injury, such as apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- *Intimidation:* Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- *Destruction/damage/vandalism of property:* Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

## **Arrests and Disciplinary Referrals for Violations of Laws Related to Weapons, Liquor, and Drugs**

Statistics must also be disclosed related to arrests and referrals for disciplinary action for violations of law relating to weapons, drugs or liquor. For this purpose, the following definitions apply:

- *Arrest:* A person processed by arrest, citation or summons.
- *Referral for disciplinary action:* The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

- *Weapons (Carrying, Possessing, Etc.) Violations:* The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- *Drug Abuse Violations:* The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- *Liquor Law Violations:* The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

## **VAWA Crimes**

VAWA also requires the disclosure of statistics for the following crimes:

- *Domestic violence:* A felony or misdemeanor crime of violence committed (A) by a current or former spouse or intimate partner of the victim; (B) by a person with whom the victim shares a child in common; (C) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (E) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- *Dating violence:* Violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- *Stalking:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress.

## Crime Statistics

The statistical summary of the above crimes and offenses for this campus over the past three calendar years follows:

Offense	Year	On-Campus	On-Campus Student Housing Facilities	Public Property
Arson	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Criminal Homicide: Manslaughter by Negligence	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Criminal Homicide: Murder and Non-negligent Manslaughter	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
<b><u>Sex Offenses</u></b>				
Sex Offenses: Forcible	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0

	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Rape	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Fondling	2014	0	1	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Sex Offenses: Non-Forcible	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Incest	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Statutory Rape	2014	0	0	0
	2015	0	0	0
	2016	0	0	0

	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Robbery	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Aggravated Assault	2014	1	1	0
	2015	0	0	0
	2016	1	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Burglary	2014	0	0	0
	2015	2	0	0
	2016	1	1	0
	2017	0	0	0
	2018	0	0	0
	2019	1	0	0
	2020	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2014	0	0	0
	2015	0	0	0
	2016	1	1	0
	2017	3	0	6
	2018	4	4	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Domestic Violence	2014	0	0	0



	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Dating Violence	2014	1	1	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Stalking	2014	0	0	0
	2015	0	0	0
	2016	2	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Arrests: Weapons (Carrying, Possessing, etc.)	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	1
	2021	0	0	0
Disciplinary Referrals: Weapons (Carrying, Possessing, etc.)	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

	2021	0	0	0
Arrests: Drug Abuse Violations	2014	1	1	0
	2015	2	2	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2014	0	0	0
	2015	1	1	0
	2016	3	3	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Arrests: Liquor Law Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Disciplinary Referrals: Liquor Law Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	1	1	0
	2021	0	0	0

*The campus had no reported hate crimes for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020, or 2021.*

No crime reports were determined to be “unfounded” and subsequently removed from the summary of crime statistics chart above.

## 2021 ANNUAL FIRE SAFETY REPORT

### Housing Facilities and Fire Safety Systems

The College maintains on-campus housing for its students. These facilities were built at different times and have a variety of fire safety systems installed within them. Periodically the College also conducts fire drills. The following chart lists each housing facility, the fire safety system or systems within it and the number of fire drills conducted during the previous calendar year.

Fire Safety Systems in MC Residential Facilities 2021							
Facilities	Fire Alarm Monitoring	Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans	Evacuation Placards	Number of Evacuation drills per year
Metzler Hall 1808 E. Euclid St.	Alarm Central	NO	YES	YES	YES	NO	2
Bittinger Hall 1812 E. Euclid St.	Alarm Central	NO	YES	YES	YES	NO	2
Morrison Hall 1811 E. Gordon St.	Alarm Central	NO	YES	YES	YES	NO	2
Dotzour Hall 1515 E. Gordon St.	Alarm Central	NO	YES	YES	YES	NO	2
Harter Hall 400 N. Lehmer St.	Alarm Central	NO	YES	YES	YES	NO	2
Baer Apartments	NO	NO	YES	YES	YES	NO	0

### Policies on Portable Appliances, Smoking and Open Flames

Candles, oil lamps, potpourri burners, incense, kerosene lamps, etc., that have flames or may be ignited with a flame are not allowed in campus buildings, including the residence halls, because of their potential fire danger. Lamps may not use a halogen bulb, and grow lights are not permitted.

The storage or use of flammable liquids such as gasoline, kerosene, etc., is strictly prohibited. Only the following portable cooking appliances are permitted to be used in campus housing: coffee makers, microwaves, and other approved appliances. No appliances containing open heating elements may be used in student rooms as they pose distinct fire hazards and overload

existing electrical circuits. Prohibited appliances include hot plates, heaters, toaster ovens, and microwave ovens.

Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

The Division of Student Affairs and Facilities Management reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items will be confiscated and donated or discarded if found without reimbursement.

### **Fire Evacuation Procedures**

Multiple fire drills are scheduled for the residence halls during the year. Each student is responsible for cooperating and following evacuation plans. Students must evacuate the building whenever an alarm goes off, even if they are confident there is no danger. Lack of cooperation during fire drills or alarms will result in disciplinary action. There is a \$500.00 fine for not evacuating.

Residence Life staff will train students where to go while waiting for fire, EMS, and / or police to arrive.

Fire equipment is to be used only as necessary in case of fire; its use or misuse must be reported to Residence Life staff immediately so that it may be restored to useful condition without delay. Anyone identified as responsible for tampering with or theft of any College-owned Fire Extinguisher or other fire apparatus in any College-owned residence will be subject to a \$500 fine and severe disciplinary action.

If a person or persons responsible for tampering with fire equipment are not apprehended, the students living on the floor, wing, or section of the residence hall will be billed \$500. The fine will be split among the residence living in that space. Students who dismantle or improperly manipulate their fire alarm will be subject to sanctions.

Decorations or furniture must never hinder exit from a room. No items may be affixed to, installed in or suspended from the ceiling in any student room. Students must not decorate their rooms with combustible materials (paneling, combustible fabrics, etc.). Fabric decorations may only cover a maximum of 50% of one wall in any student room. Posters may only cover a maximum of 50% of the wall space in any student room.

### **Fire Education and Training Programs**

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on

procedures to follow if there is a fire and inform them of the College's fire safety policies. Information distributed includes maps of each facility's evacuation route and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory and any student with a disability is instructed to shelter in place.

## **Reporting Fire**

McPherson College is required to disclose each year statistical data on all fires that occurred in on-campus student housing facilities. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. However, there may be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the following person: Maintenance and Safety Supervisor, 620-242-0472. When notifying one of these individuals as much information as possible about the location, date, time and cause of the fire should be provided.

## **Plans for Future Improvements**

McPherson College has a planned replacement/upgrade program for its fire alarm monitoring systems with the most recent upgrade being completed in December of 2017 to the Hoffman Student Union. Future upgrades include, Metzler Hall and two administrative buildings. In addition, any future work done to any college building as a renovation or new construction will always include applicable improvements to fire sprinkler systems, emergency lighting, exit signs, and portable extinguishers.

## **Fire Statistics**

The McPherson College Facilities Management department maintains a fire statistics log of any fire or fire alarm that occurred in any of the college's buildings. The log is maintained in the Furnas Maintenance building located at 320 N. Lehmer. McPherson College has not experienced a reportable fire incident.

LOCATION	DATE	CAUSE OF FIRE	NUMBER OF DEATHS	NUMBER OF INJURIES	DAMAGED PROPERTY VALUE
Metzler Hall	10/10/18	Grease on burner. no damage	0	0	0
Bittinger Hall	10/27/18	Burnt food. No damage	0	0	0
Templeton Hall	11/01/18	Small gas (engine) fire. No loss, no alarm or response.	0	0	0
Harter Hall	01/15/19	Burnt food. No damage	0	0	0

Templeton Hall	01/27/19	Fire Alarm - malfunction	0	0	0
Templeton Hall	01/27/19	Fire Alarm - malfunction	0	0	0
Templeton Hall	01/30/19	Fire Alarm - malfunction	0	0	0
Templeton Hall	01/30/19	Fire Alarm - malfunction	0	0	0
Templeton Hall	01/30/19	Fire Alarm - malfunction	0	0	0
Dotzour Hall	02/16/19	Burnt food. No damage	0	0	0
Dotzour Hall	02/23/19	Burnt food. No damage	0	0	0
Dotzour Hall	02/26/19	Burnt food. No damage	0	0	0
1600 E. Euclid	03/01/19	Fire Alarm - malfunction	0	0	0
Dotzour Hall	03/20/19	Burnt food. No damage	0	0	0
Dotzour Hall	03/21/19	Burnt food. No damage	0	0	0
Dotzour Hall	05/20/19	Burnt food. No damage	0	0	0
Harter Hall	05/25/19	Burnt food. No damage	0	0	0
Harter Hall	06/08/19	False Alarm - Steam from shower.	0	0	0
Dotzour Hall	06/29/19	False Alarm - Malfunction	0	0	0
Harter Hall	08/04/19	Burnt food. No damage	0	0	0
Sports Center	12/09/19	Burnt popcorn. No damage	0	0	0
Hoffman Student Union	01/10/20	Steam - No fire	0	0	0
Harter Hall	02/04/20	Fire Alarm - No Fire	0	0	0
Harter Hall	02/15/20	Fire Alarm - No Fire	0	0	0
Brown Auditorium	02/20/20	Fire Alarm - No Fire	0	0	0
Harter Hall	03/21/20	Fire Alarm - No Fire	0	0	0

Dotzour Hall	04/01/20	Fire Alarm - No Fire	0	0	0
Student Union	05/06/20	Fire Alarm - No Fire	0	0	0
Dotzour Hall	05/22/20	Fire Alarm - No Fire	0	0	0
Mohler Hall	05/29/20	Fire Alarm - No Fire	0	0	0
Brown Auditorium	05/30/20	Fire Alarm - No Fire	0	0	0
Brown Auditorium	06/01/20	Fire Alarm - No Fire	0	0	0
Brown Auditorium	06/02/20	Fire Alarm - No Fire	0	0	0
Mohler Hall	08/05/20	Fire Alarm - Burnt popcorn	0	0	0
Furnas	08/06/20	Fire Alarm - No Fire	0	0	0
Harter Hall	09/04/20	Fire Alarm - No Fire	0	0	0
Morrison Hall	02/14/21	Fire Alarm - No Fire	0	0	0
Harter Hall	02/26/21	Fire Alarm - No Fire	0	0	0
Harter Hall	03/02/21	Fire Alarm - No Fire	0	0	0
Harter Hall	03/26/21	Fire Alarm - No Fire	0	0	0
Harter Hall	04/05/21	Fire Alarm - No Fire	0	0	0
Harter Hall	09/02/21	Fire Alarm - No Fire	0	0	0
Morrison Hall	09/07/21	Fire Alarm - No Fire	0	0	0
Morrison Hall	09/07/21	Fire Alarm - No Fire	0	0	0
Brown Auditorium	09/21/21	Fire Alarm - No Fire	0	0	0
Metzler Hall	11/07/21	Fire Alarm - No Fire	0	0	0
Dotzour Hall	03/06/22	Fire Alarm - No Fire	0	0	0
Morrison Hall	03/21/22	Fire Alarm - No Fire	0	0	0
Harter Hall	04/14/22	Fire Alarm - No Fire	0	0	0

Metzler Hall	05/04/22	Fire Alarm - No Fire	0	0	0
Metzler Hall	06/03/22	Fire Alarm - No Fire	0	0	0
Harter Hall	07/04/22	Fire Alarm - No Fire	0	0	0
Metzler Hall	07/31/22	Fire Alarm - No Fire	0	0	0