

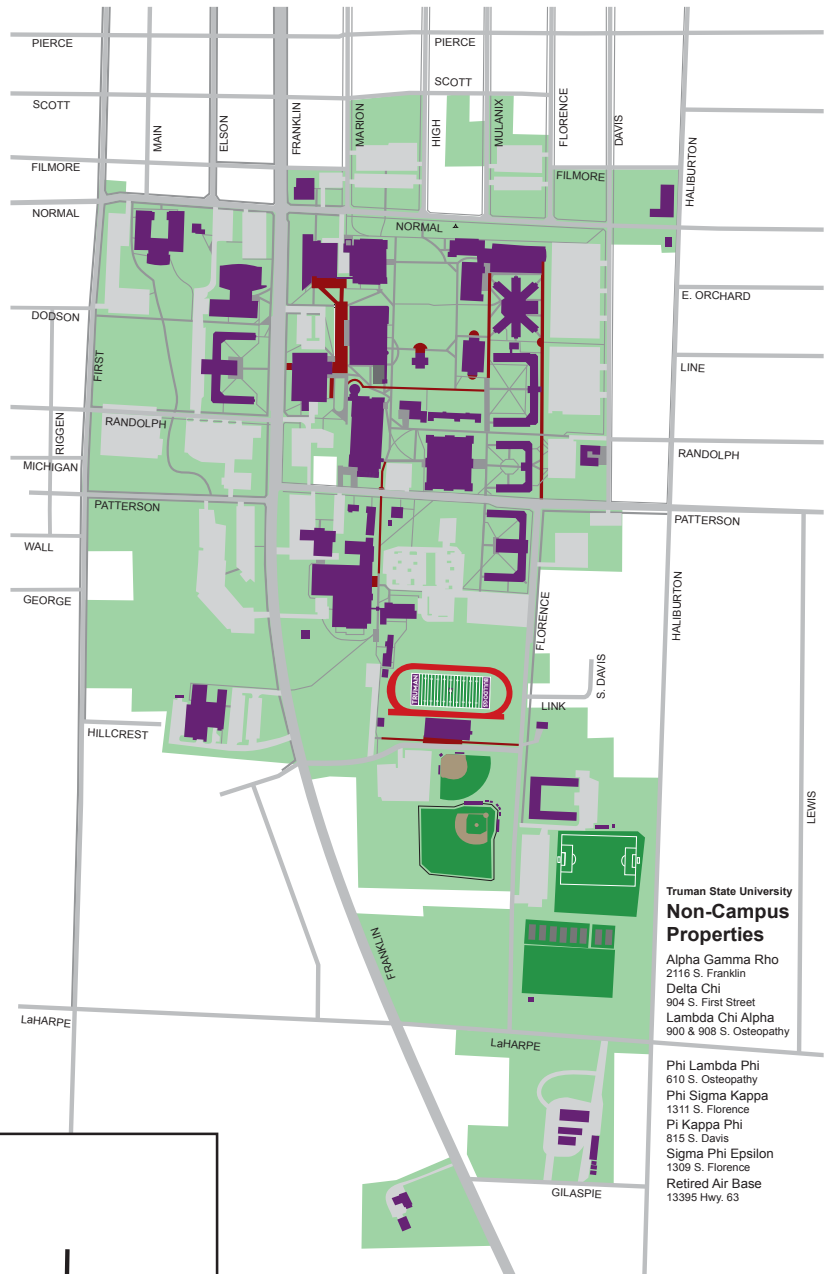
Annual Security and Fire Report

Main Campus and University Farm Campus

October 2024

Truman State University Department of Public Safety

Main Campus



Farm Campus



- Shaded areas are designated by the Clery act as on-campus property
- Non-campus properties are listed in the bottom right corner of the main campus map
- Public Property is the streets and sidewalks contiguous to the shaded area of the map.

2024 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT

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 Truman State University ("Truman" or "The University") with information on: the University'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 University 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 Director of Public Safety, Sara Seifert, in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Truman Police Department (Truman Police Department is housed within the Department of Public Safety), General Services Building, 100 E Normal Ave, Kirksville, MO 63501. The University 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.

General Safety and Security Policies

Campus Security Personnel & Relationship with Local Law Enforcement

The Truman State University Police Department is responsible for campus safety at the University main campus and farm campus. The rules, policies and programing contained in this report are the same for both the main and farm campuses unless otherwise noted.

Members of the Truman State University Police Department are commissioned law enforcement officers. They have the authority to make arrests and carry firearms. The department's jurisdiction covers all the University's property and the neighborhoods surrounding the campus. Truman officers have complete police authority to apprehend and arrest anyone involved in illegal acts on campus. Violators are subject to criminal prosecution, fines, and imprisonment. Truman Police Department may also refer the violator

to the Office of Citizenship and Community Standards or other appropriate University administrative offices.

The University has a close working relationship with local law enforcement agencies. The University has a written MOU agreement with the Kirksville Police Department. The agreement establishes that Truman Police Officer possessing a City of Kirksville commission, have concurrent jurisdiction within the City limits of Kirksville and have the power and authority to arrest and enforce city ordinances and state laws within the City limits of Kirksville. Even though the University is primarily responsible for enforcement of laws and criminal investigations on university property, both departments encourage a collaborative effort when necessary and/or beneficial. Sharing information, joint patrols, and cooperation throughout the various divisions of each department is highly encouraged. University officers will only respond to Kirksville calls when requested by on-duty Kirksville officers or when requested for mutual assistance.

Campus Security Authorities

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Office of Student Engagement at stuengage@truman.edu or 660.785.4111
- Truman Police Department at police@truman.edu or 660.785.4176
- Human Resources at hrstaff@truman.edu or 660.785.4031
- Title IX Institutional Compliance Office at titleix@truman.edu or 660.785.4354

Reporting a Crime or Emergency

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged when the victim of a crime elects to, or is unable to, make such a report.

- All crimes occurring on or near university property should be reported immediately to the University Police Department. The number to contact is 660.665.5621. A dispatcher is available 24/7.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to the police.

- Anonymous incident reports can also be made by at the following site: <https://police.truman.edu/safety-security/silent-witness-program/>

Confidential Reporting

The University 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.

Pursuant to the University's sexual misconduct policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Administrative Officer. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system, or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The University does not have pastoral counselors.

Security of and Access to Campus Facilities

Truman State University main campus and Farm campus in Kirksville, Missouri maintains academic and administrative facilities that are generally open to the public. These buildings are open to students, faculty/staff, and the community between the hours of 7 am - 12 am with the exception of Pickler Memorial Library which closes at 11 pm Sunday through Thursday and 6 pm on Friday and Saturday, McClain and Barnett Halls, which close at 10:30 pm, and the Health & Exercise Science building, that closes at 9:30 pm. Access to the buildings between the hours of 12 am - 7 am is limited to those with prior written approval by a faculty or staff member by calling the Truman Police Department to obtain entry.

The Truman farm campus academic building is open between the hours of 7 am – 5 pm, and occasionally open for events in the evenings upon request. The residence hall at the farm campus is limited to two apartments that are always locked and can be accessed only by residents.

The residence halls on the main campus are locked at 10:30 pm each night by Residence Hall staff members and reopen at 6:30 am every morning. Between the hours of 10:30 pm - 6 am, all doors to the residence hall buildings are locked and restricted to resident card access only.

Students must enter their residence hall via a door labeled as an "ID Access Door." Guests must be escorted by a resident of the building and are expected to carry identification while in the building. University police perform random "walk-throughs" in residence halls from 12 a.m. until 7 a.m. each night. University police officers also perform vehicle patrols of parking lots and surrounding areas.

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.

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.

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

Security Considerations in the Maintenance of Facilities

Physical Plant and the University Police Department personnel regularly check to ensure pathways are well lit and that egress lighting is working in hallways and stairwells. Facility entries and exits are checked for pathway debris and door functionality on a routine basis. Contact the Truman Physical Plant for all maintenance concerns at 660.785.4200.

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The University 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. These programs are discussed below.

- Campus security, emergency procedures, and fire safety procedures are discussed during new student orientation (during Truman Week). University Police Department, Counseling Center, Office of Student Life, Residential Life, and the Title IX/ Institutional Compliance Office participate in forums, town hall meetings, and programs to explain University security, public safety, and fire safety measures and procedures. Security awareness and emergency procedures information is also offered to all incoming international students.
- Orientation programming includes information about services such as Safe escorts, sexual/relationship violence, alcohol and drug policies, emergency procedures, active shooter response, and general safety. The mobile app, RAVE Guardian, is shared as well as information on weapons storage and pepper spray/self-defense courses.

- Crime prevention and sexual/relationship violence prevention programs are offered on a yearly basis or upon request. These sessions are provided the Title IX/Institutional Compliance Office. Additional crime prevention awareness sessions are offered to educate the campus community about personal safety, services offered and keep them informed of crime prevention strategies. Information is also disseminated via brochures, University Police Department's website, and social media. In addition, email blasts are periodically sent out to students and employees with crime prevention and other safety tips.

Monitoring Off Campus Locations of Recognized Student Organizations

The University monitors and records, through local police agencies, any criminal activity in which students have engaged at off-campus locations of student organizations officially recognized by the University, including student organizations with off-campus housing facilities.

Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the University 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 University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

Drug and Alcohol Policy

The University is committed to creating and maintaining an environment that is free of alcohol abuse. The University enforces the state's underage drinking laws and complies with state law and other applicable regulations governing alcoholic beverages for those on the University's premises or participating in its activities. The University strongly supports education and treatment programs as the most effective means to help prevent and reduce alcohol abuse. In addition, the University is committed to providing an academic and social environment that supports individual freedom while promoting individual responsibility, health and safety, and community welfare. To that end:

1. The University expects that those who wish to include alcohol as part of their activities will do so responsibly and lawfully.
2. Organizations may not plan events that promote or encourage the consumption of alcohol, nor may event planning be based upon the assumption of abusive or illegal alcohol consumption. Persons planning events should remember that the vast majority of events at the institution take place without alcohol, that most members of the undergraduate community are not of legal drinking age, and that among those who are, many do not drink alcoholic

beverages at all. Organizations or groups violating University policies or state laws may be subject to University disciplinary action, criminal prosecution, fines, and imprisonment.

3. Presidential approval has been given to residents of West Campus Suites, Centennial Hall, and Campbell Apartments who are 21 years or older to possess and consume alcohol responsibly in their room and in compliance with all other related policies. See the full policy on possession and consumption of alcohol in designated on-campus residences at: <https://www.truman.edu/residence-life/rules-and-regulations/the-rules/>

The University enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited under both state and federal laws. Such laws will be enforced by the University's law enforcement authority on campus (University Police). Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

Federal Drug Laws (updated 08.05.2024)

Denial of Federal Benefits (21 U.S.C. § 862) A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. § 841) Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "Rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Federal Drug Possession Penalties (21 U.S.C. § 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf.

Drug and Alcohol State Laws

Category	Summary (Missouri Revised Statues)
Possession of Marijuana	Statutorily, marijuana remains a Schedule I controlled substance. Mo. Rev. Stat. § 195.017(2)(3)(ff). Possession for personal use of 10 grams or less, for a first offense, is a class D misdemeanor with a maximum fine of \$500 and no jail time. §§ 579.015(4), 558.002(1)(5). For a second offense, the charge elevates to a class A misdemeanor with a maximum fine of \$2,000 and up to one year in jail. §§ 579.015(4), 558.002(1)(2), 558.011(1)(6). It is also punishable as a class A misdemeanor to possess more than ten grams but thirty-five grams or less of marijuana or synthetic cannabinoid. § 579.015(3). Possessing more than 35 grams is a class D felony with a maximum fine of \$10,000 and up to 7 years in jail. §§ 579.015(2), 558.002(1)(2), 558.011(1)(4). The delivery of 35 grams or less of marijuana constitutes a class E felony, punishable by imprisonment for up to four years and a fine of up to \$10,000. §§ 579.020, 558.002(1)(1), 558.011(1)(5). Notwithstanding the foregoing, and subject to limitations, individuals over the age of twenty-one may purchase, possess, deliver without consideration, and consume up to 3 ounces of dried marijuana. Mo. Const. art. XIV § 2. Medical marijuana for certain conditions is allowed, and up to six ounces may be purchased every 30 days. Mo. Const. art. XIV § 1.
Controlled Substances	Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. Mo. Rev. Stat. §§ 579.015–579.088. Knowing possession of a controlled substance, except thirty-five grams or less of marijuana, is a class D felony, with a term of up to seven years imprisonment and a fine up to \$10,000. §§ 579.015, 558.011. Delivery of a controlled substance other than 35 grams or less of marijuana is a class C felony, resulting in a prison term of not less than 3 years and not more than 10 years, and a fine up to \$10,000. §§ 579.020(2), 558.002, 558.011. If a controlled substance is distributed or delivered within one thousand feet of a park designed for public recreation purposes or on public housing

Category	Summary (Missouri Revised Statutes)
	<p>property, or within two thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, or on any school bus, the charge elevates to a class A felony, resulting in imprisonment between 10 to 30 years, or life imprisonment. §§ 579.030, 558.011.</p> <p>The offense of manufacturing or attempting to manufacture any amount of a controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C felony. § 579.055. Possessing, purchasing, or bringing into the state large quantities of controlled substances, also known as trafficking, can result in severe penalties, which vary depending on the substance and quantity involved. §§ 579.065, 579.068. It is also unlawful to possess drug paraphernalia, which is generally a class D misdemeanor. § 579.074.</p>
Alcohol and Minors	<p>In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor; a first violation is a class D misdemeanor carrying a fine not to exceed \$500. §§ 311.325, 558.002. A subsequent violation is a class A misdemeanor, subject to a term of up to one year in jail and a fine not to exceed \$2,000. <i>Id.</i>; § 558.011(6). Anyone between the ages of 17 and 21 who represents that they have attained the age of 21 for the purpose of obtaining intoxicating liquor is guilty of a misdemeanor. § 311.320(1). The use of a fake identification is a misdemeanor and subjects the offender to a \$500 fine. § 311.320(2). Additionally, any person who procures for, sells, gives away or otherwise supplies intoxicating liquor to any person under the age of twenty-one years is guilty of a misdemeanor. § 311.310.</p>
Driving Under the Influence (DUI)	<p>A person is guilty of a DUI if the person operates a vehicle while having a blood alcohol concentration of 0.08 percent or while in an intoxicated condition. § 577.012, 577.010. A first offense is generally a class B misdemeanor, punishable by a fine of up to \$1,000 and imprisonment for up to six months. §§ 577.012, 577.010, 558.002, 558.011. If the offender qualifies as a prior offender, the offense constitutes a class A misdemeanor. 577.012, 577.010. Penalties may increase depending on the circumstances of the offense and the presence of prior offenses. <i>Id.</i></p>

Drug and Alcohol Abuse Prevention Program

The University has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- The University’s Student and Employee Illegal Drug and Alcohol Policy is located in Chapter 16 of the Board of Governors Code of Policies at: <https://www.truman.edu/about/our-people/board-of-governors/board-of-governors-codes-of-policies/>
- The University’s Alcoholic Beverages on University Property Policy and Procedure is located at: <https://www.truman.edu/residence-life/rules-and-regulations/the-rules/> under “Alcohol & Alcohol Paraphernalia”

- The University’s Alcohol and Drug Abuse Education Policy is located in Section 5 of the Student Handbook at: <https://www.truman.edu/student-life/students-resources/student-handbook/>
- Employee Drug and Alcohol Use Policy: <https://hr.truman.edu/staff-handbook-3/>
- Biennial review of the University’s drug and alcohol abuse prevention program is conducted. The documentation of this review can be found in the Office of Student Engagement in the Student Union Building on Truman campus.

The institution does offer an Employee Assistance Program (EAP) to employees for a variety of needs. More information on the EAP can be found at: <https://hr.truman.edu/benefits/employee-assistance-program/>

Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Title IX policies and procedures: Sexual Harassment Policy, Nondiscrimination Reporting and Resolution Procedures, and Equal Employment Opportunity Policy <https://titleix.truman.edu/policies-and-procedures/>
- Student Code of Conduct: <https://www.truman.edu/conduct/>

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

Primary Prevention and Awareness Program:

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

Crime Definitions

Crime Type (Missouri Revised Statutes)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Missouri law does not define the term dating violence.
Domestic Violence	Missouri's protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):

Crime Type (Missouri Revised Statues)	Definitions
	<ul style="list-style-type: none"> • “Abuse”, includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner. • “Domestic violence” is abuse or stalking committed by a family or household member. • “Family” or “household member”, [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time. <p>In addition, Missouri criminal statutes include various degrees of the crime “Domestic Assault,” as follows:</p> <ul style="list-style-type: none"> • Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term “domestic victim” is defined under section 565.002. <ul style="list-style-type: none"> ○ Mo Rev. Stat. § 565.002(6) indicates that a “domestic victim” is a household or family member as the term “family” or “household member” is defined in 455.010, including any child who is a member of the household or family. • Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term “domestic victim” is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon. • Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term “domestic victim” is defined under section 565.002. • Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term “domestic

Crime Type (Missouri Revised Statutes)	Definitions
	<p>victim” is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</p>
Stalking	<ul style="list-style-type: none"> • Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person. • Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she

Crime Type (Missouri Revised Statues)	Definitions
	<p>purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</p> <ul style="list-style-type: none"> As used in the definitions of stalking above, the term “disturbs” shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.
Sexual Assault	<p>The institution has determined, based on good-faith research, that Missouri's criminal statutes do not define the term sexual assault.</p> <p>However, Missouri's protective order statutes indicate that “sexual assault” means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. (Mo. Rev. Stat. § 455.010(1)(f)).</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> Rape in the First Degree (Mo. Rev. Stat. § 566.030): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. Rape in the Second Degree (Mo. Rev. Stat. § 566.031): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent. Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling. Incest (Mo. Rev. Stat. § 568.020): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood. Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age. Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034): A person commits the offense of statutory rape in the second degree

Crime Type (Missouri Revised Statues)	Definitions
	<p>if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</p>
<p>Other "sexual assault" crimes</p>	<p>Other crimes under Missouri law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Sodomy in the First Degree (Mo. Rev. Stat. § 566.060): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. • Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent. • Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen (14) years of age. • Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064): A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age. • Child Molestation, First Degree (Mo. Rev. Stat. § 566.067): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen (14) years of age to sexual contact and the offense is an aggravated sexual offense. • Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense. • Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact. • Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071): A person commits the offense of child molestation in the fourth

Crime Type (Missouri Revised Statues)	Definitions
	<p>degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.</p> <ul style="list-style-type: none"> • Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child. • Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person. • Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm. • Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. • Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.
Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))	Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication,

Crime Type (Missouri Revised Statues)	Definitions
	a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.

University Definition of Consent

The University uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent - Mutually understood and unanimous agreement to engage in a specific sexual activity at a specific time among all participating parties. Consent must be knowing, clear, voluntary and unambiguous. Effective consent and withdrawal of consent may be communicated by words or actions. Consent must be obtained at the time of the specific sexual activity, and it can be withdrawn at any time. Silence or absence of resistance does not establish consent.

The person who wishes to engage in sexual activity with another bears the burden of specifically obtaining consent. If consent is in question or ambiguous, then the person wishing to engage in sexual activity must clarify or explicitly ask permission. Consent to engage in sexual activity with one person does not extend to sexual activity with another person. Consent to engage in one sexual activity does not extend to any other sexual activity.

Someone who is incapacitated cannot give consent. Consent is not effective or valid if it is:

1. Given by a person who lacks the intellectual or mental capacity to authorize the conduct, and such mental incapacity is known or should have been known to the person initiating sexual activity.
2. Given by a youth whose age is under the statutory age of consent.
3. Given by a person who is incapacitated due to voluntary or involuntary consumption of alcohol, and/or voluntary or involuntary use of legal or illegal drugs; or
4. Induced by force, coercion, duress or deception

Risk Reduction

Help Reduce Your Risk and Avoid Potential Attacks

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, and how to avoid potential attacks. If you are being abused or suspect that someone you know is being abused, speak up or intervene:

1. Contact Wellness Services and request to meet with a counselor for support.
2. Look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
3. Consider getting a protective order from the court, or a no-contact order from the Office of Title IX and Equity as a supportive measure.

4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
5. Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

Sexual Assault Prevention (From RAINN)

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from un-opened containers or from drinks you have watched being made and poured
- Avoid group drinks like punch bowls
- It's okay to lie. If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened.
- Be a good friend. Trust your instincts. If you notice something that doesn't feel right, it probably isn't.
- Social media safety: <https://www.rainn.org/articles/social-media-safety>
 - Turning off geolocation
 - Pause before you post
 - Do not post pics of yourself incapacitated, which predators look for.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

Traveling around campus

- Make sure your cell phone is easily accessible and fully charged
- Avoid dimly lit places and notify University Police if lights need to be installed in an area
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Walk with a friend
- Carry a noisemaker (like a whistle) on your keychain
- Carry a small flashlight on your keychain
- If walking feels unsafe, contact University Police for an escort (660.665.5621)

Bystander Intervention

Bystander Intervention Information

Be an intervener! Stop these incidents before they occur and talk to your friends about it so that they will intervene as well.

1. Notice the Incident: Bystanders first must notice the incident taking place. Obviously, if they don't take note of the situation there is no reason to help.
2. Interpret incident as an emergency: Bystanders also need to evaluate the situation and determine whether it is an emergency—or at least one in which someone needs assistance.
3. Assume Responsibility: Another decision bystanders make is whether they should assume responsibility for giving help. One repeated finding in research studies on helping is that a bystander is less likely to help if there are other bystanders present. When other bystanders are present responsibility for helping is diffused. If a lone bystander is present, he or she is more likely to assume responsibility.

Attempt to Help

- Whether this is to help the person leave the situation, confront a behavior, diffuse a situation, or call for other support/security.
- The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.
- Educate yourself about interpersonal violence AND share this info with friends.
- Confront friends who make excuses for other people's abusive behavior.
- Speak up against racist, sexist, and homophobic jokes or remarks.

Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic 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 such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

Ongoing Prevention and Awareness Campaign:

The University also conducts an 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 intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

PPAP and OPAC Programming Methods:

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are

not limited to presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of the programming is included below:

- PPAP's
 - New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through a presentation by the Title IX Coordinator and the Truman Police Department during orientation.
 - All new employees are educated on the prevention of dating violence, domestic violence, sexual assault, and stalking through a presentation by the Title IX Coordinator, along with their responsibilities as a mandated reporter during new faculty & staff orientation.
- OPACs
 - As part of its ongoing campaign, the University uses a variety of strategies, such as in person presentations by the Title IX Coordinator, emails blasts with pertinent information, social media announcements, etc. While programming occurs throughout the year, the University also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the University Police Department at 660.665.5621. You may also contact the University's Title IX Coordinator at 660.785.4354.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
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.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to 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. The priority of a victim of sexual assault, dating violence, or domestic violence is to get to a place of safety, then to obtain necessary medical attention as soon as possible. You can obtain a forensic examination at Northeast Regional Medical Center (NRMC). NRMC as certified emergency room hospital staff members who are authorized to perform medical/legal

examinations. NRMC is located at 315 South Osteopathy Street in Kirksville, MO, 660.785.1000.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

Security/Law Enforcement & How to Make a Police Report

- Truman State University strongly encourages any victim of sexual assault, dating violence, domestic violence or stalking to report the incident to Truman's Police Department in a timely manner. However, it is the victim's choice to make such a report, and the victim has the right not to involve the police. Truman State University Police Department (DPS), 660.665.5621 or 911
- Kirksville Police Department (KPD), 119 East McPherson St., Kirksville, MO 63501 660.665.5621 or 911.
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

Information about Legal Protection Orders

In Missouri, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at: <http://www.courts.mo.gov/page.jsp?id=533>.

A Protection Order may be obtained by filing a petition with the court. In Adair County (where Kirksville is located), a Petition for an Order of Protection can be filed at the Adair County Court House in the Circuit Clerk's Office on the 3rd floor of the Court House. The Court can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 15 days, until a court hearing, and (2) Full Orders of Protection, which may be issued for up to one year. Additional information about the orders may be found at: <http://www.courts.mo.gov/file.jsp?id=69655>.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The University will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and the University Police Department and provide a copy of the restraining order so that it may be

kept on file with the University and can be enforced on campus, if necessary. Upon learning of any orders, the University will take all reasonable and legal action to implement the order.

The University does not issue legal orders of protection. However, as a matter of institutional policy, the University may impose a no-contact order between individuals in appropriate circumstances. The University may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

Available Victim Services:

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

University Resources

- **University Counseling Services (UCS)** - Counseling services are available to all Truman students, and the University highly recommends that survivors speak with a counselor. These conversations are confidential in nature. UCS is located in the McKinney Center and appointments can be scheduled by calling 660.785.4014.
- **Student Health Clinic** - Students needing medical attention after an assault may seek treatment at the Student Health Clinic during regular business hours. Services include treatment for cuts/bruises/injuries, pregnancy tests, emergency contraception, and treatment for sexually transmitted infections. Appointments can be scheduled at 660.785.4182.
- **University Police** – The Truman Police Department ensures the overall safety of the Truman community, and officers are available 24/7 to respond to emergencies and receive reports of sexual and relationship violence involving students and staff. Additionally, officers can connect survivors with a Survivor Advocate after hours, regardless of whether the survivor chooses to file a police report. Truman Police can be contacted at 660.665.5621 or by calling 911 on campus.
- **Survivor Advocate** - Contact can be made with Avenues Advocacy Services through University Police, regardless of whether the survivor chooses to file a police report.
- **Truman State University Women’s Resource Center (WRC)** - This resource is available to Truman Students and can provide peer support to survivors throughout this process. The WRC can be contacted at 660.785.7224.
- **LGBTQ+ Resource Center** - This resource is available to Truman Students and can provide peer support and resources. This center is located at Baldwin Hall, Room 101.
- **Student Financial Aid** – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The University’s financial aid website can be found at: <http://financialaid.truman.edu>

- **Employee Assistance Program** – Provides free counseling and referral services to Truman employees and their immediate family members. EAP can be contacted by calling their 24/7 hotline at 1.888.293.6948

State/Local Resources

- **Kirksville Police Department (KPD)**– KPD is the law enforcement agency for the City of Kirksville and its officers are available 24/7 to respond to emergencies or receive reports of sexual and relationship violence that occur off-campus. The address is 119 E. McPherson St. KPD can be contacted at 660.665.5621 or by calling 911.
- **Northeast Regional Medical Center** – All survivors of sexual violence are highly encouraged to seek care from a sexual assault examine to collect any evidence available. Additionally, NRMC can provide treatment for injuries and/ or sexually transmitted infection and offers pregnancy tests and emergency contraception. Walk-in emergency care is available 24/7 at the hospital. The address is 315 South Osteopathy Street, Kirksville, MO 63501.
- **Adair County Juvenile Office and Normile Family Center** – This children and family Center can be contacted by calling the Bruce Normile Juvenile Justice Center at 660.665.4224.
- **Mark Twain Behavior Health** - Provides assistance with mental health conditions and substance use, along with a wide range of other services for youth, adults, couples, and families in Northeast Missouri. They can be contacted by calling 660.665.4612 or the crisis line at 1.800.356.5395.
- Other Support Agencies/Hotlines
- **Missouri Coalition Against Domestic & Sexual Violence:** <http://www.mocadsv.org/>
- **Stalking Resource Center:** <https://www.stalkingawareness.org/contact/>
- **Legal Assistance** – Free or low-cost legal services may be available through Legal Services of Eastern Missouri. These services are located at 801 Broadway, PO Box 1276, Hannibal, MO 63401. Their phone number is (800).767.2018.

National Resources

- National Domestic Violence Hotline: 1.800.799.7233
- National Sexual Assault Hotline: 1.800.656.4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

Accommodations and Protective Measures:

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 660.785.4354 or titleix@truman.edu, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

Procedures for Disciplinary Action

Allegations of dating violence, domestic violence, sexual assault, and/or stalking will be processed under the University's Nondiscrimination Reporting and Resolution Procedures. If, after performing a jurisdictional analysis, the University's Institutional Compliance Officer determines that the conduct does not fall within the scope of this policy, the allegations will be processed either through the Student Code of Conduct, or, for faculty disciplinary matters, through the procedures for employee discipline outlined in Chapter 6 of the Board of Governors Code of Policies, or, for staff disciplinary matters, the procedures for employee discipline outlined in the staff handbook.

To assist in providing a safe and healthful work environment for employees, the University has established a workplace safety program. Its success depends on the alertness and personal commitment of every individual.

All members of the University community are encouraged to report any crime committed or emergency on campus to the Department of Public Safety (DPS) in a timely manner. DPS shares a central dispatch center with the Kirksville Police Department (KPD) and the Adair County Sheriff's Department. In case of emergency call 911, otherwise call (660) 665-5621. Dispatchers are available at these respective telephone numbers 24 hours a day to answer your call. Reported calls are investigated and referred to the appropriate department or office for action.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify Human Resources or the appropriate supervisor. Such reports are necessary to comply with law and initiate insurance and workers' compensation benefits procedures.

First aid supplies are available in the Student Health Center and in several other offices. Building Coordinators have been designated to assist in emergencies.

The following policy governs disciplinary matters for faculty, pursuant to Chapter 6 of the University Board of Governors Code of Policies.

Faculty Conduct

1. General. Faculty members are expected to behave in a manner compatible with the University's function as an educational institution. These expectations are established in order to protect an environment conducive to research, teaching, learning, and service that fosters integrity, personal and professional growth, a community of scholarship, academic success, and responsible citizenship. Faculty members are expected to adhere to community standards in accordance with the University's mission and expectations.

2. Jurisdiction. Jurisdiction of the University generally shall be limited to conduct which occurs on University premises or at University-sponsored or University-supervised functions. However, the University may take action, including, but not limited to, the imposition of sanctions under Section 6.040.2, against faculty members for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, visitors, clients, or other members of the University community, (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment, (3) if the conduct is related to the faculty member's fitness or performance in the professional capacity of teacher or researcher or (4) if the conduct occurs when the faculty member is serving in the role of a University employee.

3. Alleged Violation of the University's Non-Discrimination Policies. Alleged violations of the University's Non-Discrimination Policies must be reported to the Compliance Officer and will be addressed in accordance with the University's Non-Discrimination Complaint Reporting and Resolution Procedure (NDCRRP). The Dean or other supervisory authority, as defined in the NDCRRP, may impose minor discipline upon a faculty member who has been found to have violated the University's Non-Discrimination Policies. Recommendations for serious discipline short of permanent removal and loss of tenure may be appealed under Section 6.040.6.2 of this Chapter. Recommendations for permanent removal and loss of tenure may be appealed under Section 6.040.7 of this Chapter. Prior to exercising appeal rights under this Chapter, the faculty member must first exhaust all rights to appeal under the NDCRRP.

Faculty Discipline

Disciplinary action normally falls into two general categories: minor discipline and serious discipline.

Regardless of whether minor or serious discipline is sought, in all matters where the Executive Vice President for Academic Affairs and Provost believes that a faculty member's continued performance of faculty duties poses a significant risk of harm to persons or property, the faculty member may be relieved of duties and suspended with pay during the pendency of the hearing and appeals process provided for below.

Minor discipline may be used to address unacceptable behaviors that, when taken alone, do not necessarily constitute cause for serious discipline.

Examples of misconduct that may result in minor discipline include, but are not limited to:

- Excessive tardiness or absenteeism;
- Uncooperative behavior (including disrespectful conduct toward students or colleagues);
- Failure to follow departmental procedures or directions;
- Failure to perform the terms of employment for reasons other than documented injury, illness, or bereavement (including, for example, failure to hold required office hours, to be reasonably available for students, or failure to attend mandatory meetings without excused absence);
- Unauthorized operation and/or misuse of University property;
- Neglect of duty or responsibilities, including unauthorized absence, which impairs teaching, research, or other normal and expected services to the University, and violation of safety procedures; and
- Use of profane, obscene, vile, abusive, or degrading language, gestures, or images that are not protected by law or academic freedom.

Minor discipline includes, but is not limited to:

- Verbal reprimand;
- Written reprimand; • Mandatory training;
- Loss of prospective benefits for a stated period (for instance, use of University funds and specified facilities, or suspension of "regular" or other increase in salary);
- Restitution;
- Monitoring of behavior and performance; and/or
- Reassignment of duties.

Implementation of Minor Discipline

It is the role of the Department Chair to monitor faculty performance and communicate concerns to faculty members and the Dean. Where the Dean seeks to impose minor

discipline, they shall first meet with the faculty member and the Department Chair to discuss the concern and the potential for discipline. The purpose of this informal consultation is to reconcile disputes early and informally, when that is appropriate, by clarifying the issues involved, resolving misunderstandings, considering alternatives, and noting applicable policies.

Should the Dean wish to proceed with disciplinary action after the informal consultation, the Dean shall provide the faculty member with written notice of the cause for disciplinary action in sufficient detail for the faculty member to address the specifics of the charges. If the Dean determines that the conduct or behavior in question constitutes misconduct as those terms are used in section 6.040.1.2. of the Code of Policies, the written notice shall so state.

The faculty member may respond in writing prior to the imposition of minor discipline. This response should be submitted to the Dean within seven (7) calendar days of receipt of the Dean's written notice. The Dean may extend this deadline in emergency situations, such as serious illness or incapacity of the faculty member or a member of the faculty member's immediate family. The written response, if any, will be provided to the Dean for further comment. The Dean, in consideration of the written response and further comments, if any, shall make a decision regarding the disciplinary action and notify the faculty member in writing within seven (7) calendar days of the faculty member's response. All documents from the minor disciplinary process will be maintained in the faculty member's official personnel file in the Executive Vice President for Academic Affairs and Provost's office.

Cumulative Minor Discipline

In the event that a faculty member is subject to minor discipline three or more times, such cumulative record of minor discipline shall constitute sufficient grounds for serious discipline as provided in section 6.040.4.

Serious Discipline

Serious discipline may be used to address significant unacceptable behaviors or cumulative minor discipline.

Examples of misconduct that may result in serious discipline include, but are not limited to:

- Violating University rules, regulations, policies, or procedures, including but not limited to those related to conduct of academic duties and those governing the use of University funds and University facilities;
- Violation of professional guidelines that apply to the field of the faculty member;
- Threats, intimidation, harassment, physical abuse, or any other conduct that endangers the health or safety of any person or unreasonably interferes with a person's ability to perform University duties, including teaching, research, administration, or other University activities, including public service functions on or off campus;
- Neglecting or refusing to perform reasonable assigned teaching duties or quitting duties without due notice;

- Intentional and habitual neglect of duty in the performance of academic responsibilities;
- Willfully damaging or destroying, improperly taking, or misappropriating property owned by the University, a member of the University community, or a campus visitor, or any property used in connection with a University function or approved activity, or unauthorized use of University facilities, or the attempt to commit any such conduct;
- Forgery, alteration, misuse of University documents, records, or identification, or knowingly furnishing false information to the University;
- The illegal or unauthorized possession or use of firearms, explosives, other weapons, or hazardous chemicals; and/or
- Conviction of a felony that is clearly related to performance of University duties or academic activities;
- Other repeated misconduct that has not been resolved through the implementation of minor discipline

Serious discipline includes, but is not limited to:

- Suspension without pay;
- Reduction of salary for a stated period or suspension of “regular” or other increase in salary;
- Reduction of academic rank or suspension of promotion eligibility; and/or
- Temporary or permanent removal of faculty appointment. The University will provide due process where loss of academic rank or permanent removal of faculty appointment is recommended in accordance with Code of Policies 6.040.5 and 6.040.7.

Implementation of Serious Discipline

The Deans are authorized to recommend serious discipline of a faculty member. Nothing in this policy is to be construed so as to require a Dean to pursue minor discipline or to exhaust the remedies available for minor discipline prior to pursuing serious discipline when, in the Dean's judgment, the unacceptable behavior is sufficiently egregious to warrant action under the serious discipline provisions of this policy.

Faculty Conduct Committee

The University Faculty Conduct Committee (“Committee”) shall be composed of tenured faculty members. It shall consist of one member and one alternate from different departments in each School elected by secret vote of the members of the tenured faculty. Department Chairs and University administrators may not serve on this committee. Committee members shall serve for a three-year term and shall not serve more than two consecutive terms. At the first meeting of the committee, it shall elect from among its members a chair and secretary. In the event that a procedure for conduct review is in process, in so far as possible, the committee constituted during the beginning of the process should complete that case before the committee is dissolved. This will not prevent a committee for the ensuing year being

selected and empaneled. The duties of the committee shall include such duties as indicated in Subsections 6.040.5.2, 6.040.6, and 6.040.7 and any other responsibilities as are assigned to it by the President of the University or the Chair of the Board of Governors.

Committee Rights and Duties.

The Committee is charged with reviewing whether the proposed serious discipline is warranted and making recommendations for discipline of a faculty member. The Committee shall have the following rights and duties:

1. To determine the relevance and admissibility of any evidence offered at the meeting or hearing;
2. To permit a stipulation of agreed facts by the University and the faculty member;
3. To permit the incorporation into the record by reference of any document, affidavit, or other exhibit produced and desired to be incorporated in the record by the University and the faculty member;
4. To question witnesses or evidence introduced by either the University or the faculty member at any time;
5. To call additional witnesses;
6. To dismiss any action or permit informal disposition at any stage of the proceeding if agreed to by the University and the faculty member;
7. To permit, at any time, amendment of the Charge or answer so as to include matters that come to the attention of the Committee before final determination of the case, provided, however, that in such event, the Committee shall grant to the University or the faculty member such time as the Committee may determine reasonable under the circumstances to answer or explain such additional matters;
8. To dismiss any person from the hearing who interferes with or obstructs the advancement of the hearing or fails to abide by the rulings of the Chair of the Committee;
9. To have present a legal adviser to the committee, who shall be designated by the General Counsel of the University, following consultation with the Committee.

Parties' Rights Upon a Disciplinary Meeting or Hearing.

The University and the faculty member shall have the following rights:

1. To be present at the meeting or hearing, which right may be waived by failure to appear;
2. To have present any legal or other adviser or counselor and to consult with such adviser or counselor during the hearing;
3. To review a statement in writing of the charges against them;

4. To present evidence by witnesses and by properly identified written statements or reports in support of the Charge or answer;
5. To hear or examine evidence presented by the other party or the Committee;
6. To question witnesses present and testifying for the other party or the Committee;
7. To make any statement to the committee in support of the Charge or answer or in mitigation or explanation of the conduct in question;
8. To be informed in writing of the findings of the Committee and its recommendation on the Charge. The faculty member, in all cases where hearings are involved, shall have the right to request a full audio recording or written transcript of procedures (the cost of which records shall be shared equally by the faculty member and the University). The audio recording or written transcript record of the case, the charges, exhibits, hearing records, appeals, and the findings and recommendation of the Committee, Executive Vice President of Academic Affairs and Provost, and President shall become the record of the case, shall be filed in the Office of the President of the University, shall be available only for official purposes, and, for the purpose of appeal, shall be accessible at reasonable times and places to the University, the Board of Governors of the University, and the faculty member.

Implementation of Serious Discipline Short of Permanent Removal and Loss of Tenure

Where a Dean seeks to impose serious disciplinary action short of permanent removal and loss of tenure, the Dean shall first meet with the faculty member and Chair to discuss the Dean's concern and the potential for discipline. If that meeting does not resolve the issue, the Dean shall provide the faculty member with written notice of the proposed disciplinary action in sufficient detail for the faculty member to address the specifics of the charges. The faculty member shall have seven (7) calendar days after receiving the notice of proposed disciplinary action to request a meeting with the Committee. A request to meet with the Committee should be made in writing to the Dean, who will forward it promptly to the Executive Vice President for Academic Affairs and Provost. If the faculty member does not request a meeting with the Committee within the seven calendar days, the discipline will take effect.

Review by the Committee

The Executive Vice President for Academic Affairs and Provost shall convene the Committee review panel within five (5) calendar days. The Committee shall meet with the faculty member and the Dean within 15 calendar days from the date of the faculty member's request for a meeting. The Dean shall provide the Committee with the factual basis for the proposed discipline, including any laws, policies, or regulations alleged to have been violated, as well as full explanation of why lesser or more severe discipline is not recommended. The faculty member will be provided an opportunity to respond to the allegations and to demonstrate that a lesser discipline, or no discipline, is warranted. Documentation in support of or opposition to the proposed discipline must be submitted prior to the meeting with the Committee. During the meeting with the Dean and faculty member, University Counsel and the faculty member's legal counsel may be present.

The Committee will provide its recommendation to the Executive Vice President for Academic Affairs and Provost, Dean, and the faculty member within 14 calendar days of the

meeting. The Committee's recommendation must be in writing and must set forth the facts on which it based its recommendation, any laws, policies, or regulations found to have been violated, along with the recommended discipline. The Committee may recommend that the Dean's proposed discipline should be imposed, lesser discipline should be substituted, or no discipline should be imposed. The recommendation of the Committee is not binding on the Dean but shall be given all due consideration. The Dean retains the authority to decide what discipline to impose. Within seven (7) calendar days of the committee's recommendation, the Dean will provide a written decision of the discipline to the faculty member and the Executive Vice President for Academic Affairs and Provost.

Appeal

A faculty member who has been assigned serious discipline following review by the Faculty Conduct Committee or following a finding under the Non-Discrimination Complaint Reporting and Resolution Procedure that the faculty member has violated the University's Non-Discrimination Policies may request that the Executive Vice President for Academic Affairs and Provost review the Dean's decision on appeal. The request for appeal must be submitted in writing within seven (7) calendar days of receipt of the challenged decision. The Dean and/or the appealing faculty member may supplement the written record if they so desire. In considering the appeal, the Executive Vice President for Academic Affairs and Provost shall review the written record of the proceeding and any supplemental documentation provided by either party. The Executive Vice President for Academic Affairs and Provost will affirm the Dean's decision unless it appears, based on the record of the underlying proceeding and all supplemental documentation, that the decision was clearly erroneous. In the event the Executive Vice President for Academic Affairs and Provost determines the decision was clearly erroneous, they may reverse the discipline or modify it. The Executive Vice President for Academic Affairs and Provost shall notify the faculty member and the Dean of the final decision in writing within seven (7) calendar days of receiving the written request for appeal. There shall be no further appeals from this decision. The appeal documents and decision will become part of the faculty member's personnel record.

Remediation

Serious discipline other than permanent removal of faculty appointment is intended to be temporary. Faculty members who receive serious discipline must remediate performance concerns to the satisfaction of the Dean who recommended the discipline before the discipline will be lifted. If a faculty member believes performance concerns have been remediated and the Dean disagrees or refuses to remove the discipline, the faculty member may appeal the question of remediation to the Executive Vice President for Academic Affairs and Provost in accordance with Section 6.040.3.2. A faculty member may not appeal the question of remediation before the conclusion of the initial disciplinary period.

Implementation of Permanent Removal and Loss of Tenure. In any case where removal for cause is the serious disciplinary action recommended by the Dean (or other appropriate administrative officer), the following due process procedure will be followed. The faculty member shall be notified in writing of the proposed action for dismissal and the charges against them, including any laws, policies, or regulations that have been violated. If the charges which have caused the action for removal are such that, in the best judgment of the Dean, they interfere with the faculty member's duties and/or effectiveness as a teacher, the

faculty member shall be suspended with pay from part or all assigned duties during the pendency of the disciplinary hearing and appeals processes. With the exception of conditions under which a faculty member is suspended, the faculty member shall continue to receive all the benefits of the conditions of the original appointment until and unless the Board of Governors decides to terminate the faculty member's tenure status. When tenure is finally terminated, all contractual obligations between the University and the faculty member shall cease. A faculty member found not guilty at the culmination of due process shall be reinstated without prejudice.

Review by the Committee

In the event that the faculty member desires to contest the charges presented, the faculty member shall give written notice of this request to the person notifying the faculty member of the charge against them within ten (10) calendar days from the receipt of the charge. Failure by the faculty member to make a timely written request for the hearing shall constitute a waiver of the faculty member's right to a hearing before the Committee.

Convening the Committee

The Executive Vice President for Academic Affairs and Provost shall convene the Committee review panel within five (5) calendar days.

Materials Provided to the Committee

The Dean shall provide the Committee with the factual basis for the charges and proposed discipline, including any laws, policies, or regulations alleged to have been violated, as well as full explanation of why lesser discipline is not recommended. If a faculty member has been found to have violated the University's Non-Discrimination Policy, a copy of the Investigation Report, the Decision on Appeal, and all other documents considered by the Administrative Review Panel, Dean, and/or Appellate Officer shall also be provided to the Committee. The faculty member shall provide a written response to the allegations and demonstrate that a lesser discipline, or no discipline, is warranted. The answer shall specifically admit or deny the allegations set forth in the charge. A failure to answer or to deny an allegation of fact in the charge may be considered by the Committee as an admission of such fact. Documentation in support of or opposition to the proposed discipline must be submitted to the Committee no less than five (5) calendar days before the scheduled hearing of the Committee.

Hearing of the Committee

The Committee shall hold the hearing not less than 20 and not more than 30 calendar days from the date of the faculty member's request. The Committee or its designee shall notify the faculty member in writing of the date, time, and place of hearing before the Committee. Any request for continuance shall be made by the faculty member or the University in writing to the Chair of the Committee, and the Committee shall have discretionary authority to continue the hearing for a reasonable period of time and upon a determination that the request is timely and made for good cause. The hearing shall not be open to the public, pursuant to the Open Meetings Law of the State of Missouri, if the Committee, in its discretion, deems the matter to be a personnel matter appropriate for a closed hearing.

Conduct of the Hearing

The Chair of the Committee shall preside at the hearing, and the Chair's duties shall include, but not necessarily be limited to, the following: Call the hearing to order, call the roll of the committee in attendance, ascertain the presence or absence of the faculty member and the University or its representative, read the notice of hearing, read the charge and answer, unless the reading of the same is waived, verify the notice of the charge to the faculty member, report any continuances requested or granted, establish the presence of any adviser or legal representative of either party, call to the attention of the faculty member and the faculty member's adviser any special or extraordinary procedures to be employed during the hearing and permit the faculty member to suggest or object to procedures. The committee is not required to follow formal rules of evidence. Procedural questions that arise during the hearing but are not covered by these general rules shall be determined by the Committee Chair. The Chair's ruling shall be final unless a member of the Committee requests consideration by the entire committee. If so, the ruling of the Committee by a majority vote shall be final.

Opening Statements

The University shall make opening remarks outlining the general nature of the case. The faculty member shall also make opening remarks to the Committee about the Charge, either immediately following the University's opening statement or at the conclusion of the University's presentation of the evidence, at the faculty member's election. Opening statements shall not be considered as evidence.

University's Evidence

The University's witnesses shall be called and identified, and evidence, written statements, or reports introduced as appropriate. The faculty member may question the University's witnesses. The Committee may question witnesses or examine evidence at the conclusion of the University's presentation or at the conclusion of each witness's testimony, as it shall so choose.

Faculty Member's Evidence

The faculty member's witnesses shall be called and identified and evidence, written statements, or reports introduced as appropriate. The University may question the faculty member or their witnesses. The Committee may question witnesses or examine evidence at the conclusion of the faculty member's presentation or at the conclusion of each witness's testimony, as it shall so choose.

Rebuttal

The Committee shall permit the University or the faculty member to offer evidence in rebuttal of the other's presentation.

Recommendation by Committee

Following the hearing, the Committee shall discuss its findings in closed session out of the presence of the University and faculty member. The burden of demonstrating the existence of an adequate cause for dismissal shall rest with the University and shall be satisfied by a

preponderance of the evidence in the record taken as a whole. To recommend dismissal, the Committee shall determine that the charge or charges warrant dismissal. If the Committee concludes that adequate cause for dismissal has not been established but that some discipline or penalty less than dismissal may be appropriate, it may recommend such alternative discipline. Majority vote should determine the committee's recommendation based on the findings. The Committee shall make its findings of fact and its recommendations in writing and transmit them to the faculty member, Dean, and Executive Vice President of Academic Affairs and Provost within fourteen (14) calendar days of the hearing. The faculty member may provide a written appeal of the recommendation of the Committee to the Executive Vice President of Academic Affairs and Provost within seven (7) calendar days of notification of the recommendation.

Recommendation by the Executive Vice President for Academic Affairs and Provost

Following receipt of the findings of fact and recommendations from the Committee, the Executive Vice President of Academic Affairs and Provost shall review the recommendations of the Dean, the Committee, and any appeal made by the faculty member and make a recommendation to the President within seven (7) calendar days of receiving the faculty member's appeal or no more than seven (7) calendar days after the time for appeals has expired. The recommendation of the Committee is not binding but shall be given all due consideration. The faculty member and Dean will be notified in writing of the Provost's recommendation. The faculty member may provide a written appeal of the Provost's recommendation to the President within seven (7) days of notification of the recommendation.

Recommendation by the President

Following receipt of the recommendation of the Executive Vice President of Academic Affairs and Provost, the University President shall review all recommendations and appeals and make a recommendation to the Board of Governors within seven (7) calendar days of receiving the faculty member's appeal or no more than seven (7) calendar days after the time for appeals has expired. The faculty member, Dean, and Executive Vice President of Academic Affairs and Provost will be notified in writing of the President's recommendation. The faculty member may appeal the President's recommendation in writing within seven (7) calendar days by requesting a hearing before the Board of Governors of the University.

Hearing of the Board of Governors

In the event of an appeal to the Board of Governors, the Board of Governors shall have access to the full record of the case and the appeal documents, and the Board of Governors shall provide for a hearing for the purpose of receiving additional evidence not contained in the record of the case, or the Board of Governors shall remand the matter for further evidence to the Committee. The faculty member and the University may file a written argument confined to the issues and evidence previously submitted and contained in the record of the case for consideration by the Board of Governors. Any such written arguments shall be filed no fewer than five (5) calendar days before the date scheduled for the review hearing for consideration by the Board of Governors. The Board of Governors will attempt to schedule the hearing within 30 calendar days of the recommendation of the President; however, this deadline may be extended if necessary to ensure the attendance of a majority of members.

Decision by the Board of Governors

In the event that the faculty member does not appeal to the Board of Governors and upon receipt of a recommendation from the President of the University, the Board of Governors shall review the full record of the case and prior appeal documents, if applicable. The Board of Governors will affirm or reverse the case that adequate cause for termination has been established and can decide that some discipline or penalty less than dismissal may be appropriate. The Board of Governors shall notify the faculty member and the University in writing of its decision on the case within seven (7) calendar days of the hearing. The ruling of the Board of Governors in matters of removal shall constitute the final authority under the University's administrative structure.

The University's Nondiscrimination Reporting and Resolution Procedures include the complaint resolution procedures for allegations of dating violence, domestic violence, sexual assault, and/or stalking, when they are alleged to have occurred on University premises, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged conduct occurred.

Complaints of alleged prohibited conduct may be filed with the University's Institutional Compliance Officer. These complaints may be filed electronically or physically with the Institutional Compliance Officer. Electronic complaints may be submitted via email to titleix@truman.edu or through the University's website at <https://titleix.truman.edu/make-a-report/>. Physical complaints may be delivered to 1308 Violette Hall. The University's Institutional Compliance Officer is Ryan Nely, who may be reached via email at either titleix@truman.edu or nely@truman.edu, in person at Violette Hall 1308, or by phone at 660-785-4354.

Individuals who have concerns related to allegations or reports of prohibited conduct are welcome and encouraged to contact the Institutional Compliance Officer even if they are unsure of whether they want to file a formal complaint, or if they know they do not wish to do so. Supportive services are available regardless of whether a formal complaint is ever filed.

The timeline for these complaints will ordinarily result in a completed investigation within 120 business days, though this timeline may be extended as needed for good cause.

After the submission of a report or complaint of prohibited conduct, the Institutional Compliance Officer shall act as the Administrative Officer for these proceedings. If the Institutional Compliance Officer is unable to act as Administrative Officer, they will appoint a qualified individual to act in their place.

Following receipt of a report of prohibited discrimination or a formal complaint, the Administrative Officer will promptly communicate with the Complainant to:

1. Assess the immediate safety needs of the Complainant;
2. Inform the Complainant of available counseling, health services, mental health services, victim advocacy, legal assistance, visa and immigration assistance, and other

services on or off campus and to assist with scheduling if the Complainant makes a request;

3. Assess the need to implement other supportive and protective measures;
4. Explain the Grievance Procedure and process to file a formal complaint;
5. Provide the Complainant contact information for local law enforcement and, if requested, assist the Complainant with contacting local law enforcement; and
6. Consider the Complainant's wishes with respect to the outcome.

The Administrative Officer may initiate an inquiry to gather information after receiving a report of alleged dating violence, domestic violence, sexual assault, or stalking. This may occur before or after meeting with the reporting party and/or Complainant, before determining whether to accept or dismiss a formal complaint, or before the Administrative Officer decides to initiate a formal complaint in response to a report of discriminatory conduct which, if true, would be in violation of University Antidiscrimination Policies or as part of a concern for systemic disparate and/or differential treatment.

The Administrative Officer may, on an emergency basis, remove a Respondent from the University or University-recognized employment, classes, programs or activities, including removal from campus. This may occur before or after the filing of a formal complaint. Emergency removals are not punitive nor corrective.

Formal complaints must be filed with the Administrative Officer. A Formal complaint is a request to start the Grievance Procedure. "Formal Complaint" is defined in Section II, subsection O. of the University's Nondiscrimination Reporting and Resolution Procedures, which may be viewed at <https://titleix.truman.edu/complaint-reporting-resolution-procedure/>.

A formal complaint is different from a report. **A formal complaint must be a written document that is signed by the submitter/Complainant.** The Complainant's signature may be electronic, but the complaint must indicate that the submitter intends to use an electronic signature to create a formal complaint. The Formal complaint must indicate the basis for its submission. The formal complaint does not need to state which policy in particular was violated, but it must state the conduct which allegedly was in violation of one of the University's policies.

In the event that a report is made, and not a formal complaint, or the complainant does not wish to proceed with the Grievance Procedure, the Administrative Officer has discretion to initiate the Grievance Procedure when failing to do so would be deliberately indifferent to the University's obligation to maintain a safe and discrimination-free living, learning and working environment. The decision of the Administrative Officer to file a formal complaint shall be thoughtful, intentional and only reached after consideration of a variety of factors. Specific factors that warrant signing a complaint include, but are not limited to, when there is a pattern of alleged misconduct by the particular Respondent; when violence, threatening behavior, or the use of a weapon is alleged; or when the Administrative Officer believes that with or without the Complainant's cooperation, given the known facts and circumstances, it

would be unreasonable and inconsistent with the University's commitment to provide a safe and discrimination-free environment if an investigation was not pursued.

Following receipt of a formal complaint, the Administrative Officer will promptly provide a written Notice of Charges to the known parties. The Notice shall include the following information:

1. A description of the alleged discriminatory and/or harassing conduct, with sufficient details to include the identities of the Complainant and Respondent, if known, and the date and location of the alleged incident(s);
2. A description and copy of the Grievance Procedure, including Informal Resolution;
3. A statement that if a party is accused of sexual harassment, they may be found responsible under the University's general definition of harassment, even if they are not found responsible for sexual harassment.
4. A statement that the parties will have the opportunity to inspect and review any evidence obtained during the investigation that is directly related to the alleged discriminatory conduct including inculpatory and exculpatory evidence.
5. A statement that the Complainant and Respondent may have the assistance of an advisor of their choosing, who may or may not be an attorney, at any or all meetings, interviews, and proceedings.
6. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will not be issued until the conclusion of the Grievance Procedure.
7. A statement that the parties are expected to be truthful and forthcoming when making statements or offering evidence and that making false or misleading information is prohibited and may subject the party to disciplinary actions.
8. A statement that the University prohibits the personal recording, both video and audio, of meetings, interviews, and all proceedings under this Grievance Procedure.
9. A statement that the University will direct all correspondence to the Parties' University-issued email accounts; and
10. A statement that Retaliation is prohibited.

The Notice of Charges will be sent to the parties' official University-issued email. If the party does not have a university-issued email address, the Notice of Charges will be sent to the local address of each respective party as indicated in official University records. If there is no local address on file, mail will be sent to the party's permanent address. Once sent in any manner indicated herein, notice will be deemed to have been provided.

The parties may voluntarily elect to participate in alternate dispute resolution processes. The parties shall document their decision to participate in Informal Resolution in writing, and if

successful, shall document the settlement agreement. Participation in Informal Resolution is not a condition of participation in the Grievance Procedure, a condition of continued employment, or a condition of continued admission, and either Party may withdraw at any time prior to execution of a written resolution agreement. The parties' voluntary decision to enter into a resolution agreement will halt further processing of the formal complaint although the University may take prevention and/or remedial actions.

Informal Resolution is not available for formal complaints alleging that an employee sexually harassed a student.

The University bears the burden of gathering evidence sufficient to reach a determination as to whether University Antidiscrimination Policies have been violated. To do so, the University will utilize a trained investigator or investigators to gather and consider evidence. In each matter, the Administrative Officer shall have the authority to appoint a qualified, appropriately trained individual to serve as the Investigator, or Investigators. These individuals will be trained on these policies and procedures prior to initiating an investigation. The Administrative Officer may choose to serve as the Investigator, or to serve as the Lead Investigator alongside other Assistant Investigators. The Administrative Officer may choose to appoint as Investigator someone who is affiliated with the University, someone who is unaffiliated with the University, or a combination of these two categories.

The Investigator is authorized and expected to contact any and all individuals with potentially relevant information and access and/or request records or any additional evidence, outside of those legally protected as confidential or privileged, relevant to the allegations raised in the formal complaint. The nature and scope of the investigation is within the discretion of the Investigator.

The Investigator will consider all evidence they deem necessary to complete a prompt, thorough, and impartial investigation, but is not required to interview all witnesses identified by the Complainant or Respondent or to ask every question provided by the Complainant or Respondent. However, in determining whether to interview witnesses or ask particular questions, the Investigator should consider such factors as equity, fairness, and impartial treatment of both parties.

The Investigator has the right to reject or disregard information that is not directly related to the allegations when drafting the investigative report.

The Investigator shall draft an investigative report that synthesizes, analyzes and summarizes all relevant evidence obtained during the investigation. The Investigator will consider any written responses provided by the parties following review of the relevant evidence, and any information relevant to the Hearing Officers' credibility assessments. The Investigator may conduct further investigation in response to the parties' written responses.

The Administrative Officer will distribute the investigative report to the parties and their advisors at least ten (10) days before the first scheduled hearing date. The investigative report shall be in hard copy or electronic form, at the discretion of the Administrative Officer.

The parties have the option to respond in writing to the investigative report. If a party elects to respond, the response should be directed to the Administrative Officer. The written response must be delivered no later than ten (10) days after the investigative report is delivered to the parties. The Administrative Officer will then deliver a copy of the written response to the other parties and the Hearing Officers. The Investigator may, at their discretion, supplement the investigative report in response to any written responses submitted by the parties. No further written responses shall be permitted by the parties.

When adjudicating formal complaints alleging conduct in violation of Title IX, the University shall secure a three-member panel of neutral Hearing Officers to hear and decide whether the evidence establishes that a violation of the University's Antidiscrimination Policies occurred. The Hearing Officers may be affiliated with the University, they may be external personnel who are unaffiliated with the University, or the panel may have a combination of these two categories of affiliation.

The Hearing Officers have the authority to:

- 1) Convene, facilitate, suspend, and postpone the hearing;
- 2) Set reasonable time periods and time limits for the hearing, but may allow deviations that are fair and equitable;
- 3) Manage live, oral, direct, real time questioning of parties and witnesses;
- 4) Determine relevancy of questioning, both direct and cross-examination or follow-up;
- 5) Determine relevancy and admissibility of statements, documents and other evidence offered;
- 6) Disclose to the parties in advance of the hearing any bias or conflict of interest known to the Hearing Officer;
- 7) Remove from the hearing any person, including a party, that violates the standards of decorum and/or is disruptive to the orderly process of the hearing. While it is desirable that the Hearing Officer first provides a warning, it is not required;
- 8) Call additional witnesses;
- 9) Question witnesses prior to any questioning from other parties or their advisors;
- 10) Issue a written determination of responsibility that addresses each allegation of Title IX Sexual Harassment submitted to the hearing panel.

The Hearing Officers shall deliver a written determination of responsibility that shall include:

- a) Identification of each allegation of prohibited conduct in the formal complaint as defined by the University's Antidiscrimination Policies and this Grievance Procedure;

- b) Description of procedural history including all supportive measures provided to each party, notifications to parties, and appellate actions taken;
- c) Findings of fact relevant to the determination(s) of responsibility;
- d) Credibility assessments and inculpatory and exculpatory evidence;
- e) Statement of rationale for each allegation, including determination of responsibility;
- f) Any disciplinary sanctions imposed;
- g) Any recommended remedies to preserve or restore Complainant's access to employment, admission, programs and activities;
- h) The permissible grounds and the process for filing an appeal.

The hearing will be scheduled as soon as reasonably possible, but no sooner than ten (10) days after the parties receive the final investigative report. The Administrative Officer will notify the parties of the hearing date, time, location and participants in writing with sufficient time for the parties to prepare to participate.

The parties must have an advisor present to conduct cross-examination, if they choose to cross-examine any witness. If a party does not have an advisor, a University-provided hearing advisor will be present. If a party elects not to attend the hearing, their advisor may be present and ask questions on their behalf. If the party does not have an advisor, a University-provided hearing advisor will be present to ask questions on the party's behalf.

The Hearing Officer shall allow the advisor to each party the opportunity to ask the parties and other witnesses all relevant questions and follow up questions, including those that challenge credibility. Only relevant cross-examination and other questions may be asked of a party or witness. The Hearing Officer may request the advisor explain the relevancy of any questions. The Hearing Officer shall explain any decision to exclude a question as irrelevant.

The Administrative Officer shall inform the parties and the Hearing Officers of the witnesses, the University and the parties intend to call for the live hearing. The Hearing Officers may provide the Administrative Officer with the names of any witnesses, any of them wish to appear at a hearing. The Administrative Officer will provide witnesses with notice of the date, time and location of the hearing. The Parties shall submit a proposed witness list to the Administrative Officer and Hearing Officers at least five (5) days prior to hearing. Inclusion on a witness list does not mean the witness has knowledge of relevant evidence nor that the witness' testimony will be allowed by the Hearing Officers. Witnesses that elect not to participate in the investigation will not be permitted to participate at a hearing unless permitted, on a showing of good cause, by the Hearing Officers. An active law enforcement investigation or court proceeding alone does not establish good cause.

The Hearing Officers shall apply the preponderance of the evidence standard. Any determination of responsibility must be made by agreement of a majority of the Hearing

Officers participating in the Grievance Procedure, but the decision does not have to be a unanimous one.

For cases where a determination of responsibility has been made against the Respondent following the Grievance Procedure, before the imposition of any disciplinary sanctions or other actions that are not supportive measures against the Respondent, the University may provide remedies to the Complainant. Remedies must be designed to restore or preserve equal access to the University or University-recognized employment, classes, programs or activities. Such remedies may include the same individualized services described as “supportive measures”; however, until the appeals process is complete, and sanctions are imposed, the remedies for the Complainant may not be punitive or overly burdensome on the Respondent.

For cases involving formal complaints or reports made against students, the Hearing Officers shall determine the sanction, taking into account the range of appropriate sanctions, mitigating and aggravating circumstances, and the Respondent’s conduct record. Any sanction imposed shall be proportionate to the violation. Possible sanctions for students include: a letter to the student’s file, removal from programs or activities (residence hall, athletics, recognized student organizations, etc.), mandatory training, probation with or without transcript notation, suspension from the University, expulsion from the University, and suspension from student organizations. Any sanction or disciplinary action that may be imposed in response to a violation of the Student Code of Conduct may be imposed on a student who is found responsible for violating these policies and procedures.

For cases involving formal complaints and reports against staff, the Hearing Officers shall determine the sanction, taking into account the range of appropriate sanctions and mitigating and aggravating circumstances, and the staff member’s disciplinary history. Any sanction imposed shall be proportionate to the violation. The Administrative Officer shall inform the Respondent’s supervisor and/or the cabinet level supervising authority prior to imposition of sanctions. Failure to comply with any discipline or other action issued by the appropriate supervisory authority may be grounds for further discipline.

For cases involving formal complaints and reports against faculty, if the Hearing Officers determine that the faculty member violated University Antidiscrimination Policies, the applicable provisions of Chapter 6 of the Board of Governors Code of Policies will be followed. Failure to comply with any discipline or other action issued by the appropriate supervisory authority may be grounds for further discipline.

Either the Complainant or Respondent may appeal a determination of responsibility, regardless of the sanction imposed. However, no sanction shall be implemented until the appeals process has been completed, or, if no appeal is requested, until the timeline to request an appeal has passed. The process for appealing a sanction or determination of responsibility shall generally mirror the process for appealing the dismissal of a formal complaint.

Basis for appeal

Either party may submit a written appeal of the determination of responsibility or of the sanction, or both, based on the following grounds for appeal:

1. Procedural irregularity or deviation that materially affected a dismissal determination or the outcome of the Grievance Procedure; or
2. New evidence that was not known to the party or not available at the time of the determination that could reasonably affect the dismissal determination or the outcome of the Grievance Procedure; or
3. The Administrative Officer or Hearing Officer acted upon a conflict of interest or bias to the benefit or detriment of the Complainant or Respondent and that affected the dismissal determination or the outcome of the Grievance Procedure; or
4. The sanctions are inconsistent with the range of appropriate sanctions, taking into account mitigating and aggravating factors, and the Respondent's conduct or disciplinary record.

Requests for Appeal.

The written request for appeal must be received by the Administrative Officer within five (5) days of the date the written determination of responsibility was sent to the parties. The written appeal must clearly state the basis for the appeal. The appeal should be directed to:

Ryan Nely
Administrative Officer
Title IX Coordinator/Section 504 Coordinator
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The President shall appoint a cabinet level supervisory authority to serve as the Appellate Officer to evaluate appeals of determinations of responsibility and/or sanctions.

Review of the Request for Appeal.

The Appellate Officer will make an initial review of the appeal request(s). The original determination of responsibility and sanctions are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the other party will be notified. The party requesting an appeal must show that the grounds for an appeal request have been met, and the other party or parties may respond in writing to show the grounds have not been met. The non-appealing party must submit this written response within five (5) days of receiving the request for appeal. The Appellate Officer will then review the request for an appeal to determine whether:

1. The request is timely; and
2. The appeal is on the basis of any of the four articulated "Grounds for Appeal" listed above; and

3. The request clearly states the basis for the appeal; and
4. When viewed in the light most favorable to the appealing party, the appeal states grounds that could result in an adjusted determination of responsibility or sanction.

The Appellate Officer will reject the request for appeal if all four of the above are not met. Such a decision is final.

Decision on Appeal.

If all four requirements for appeal listed above are met, the Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:

1. Decisions by the Appellate Officer are to be deferential to the original decision, making changes to the determination of responsibility only where there is clear error, and to a sanction or remedial action only if there is a compelling justification to do so.
2. Appeals are not intended to be full re-hearings of the formal complaint. In most cases, appeals are confined to a review of the written determination and evidence. Appeals granted based on new evidence should normally be remanded to the Hearing Officers for reconsideration. The substance of an appeal should be evaluated by the Appellate Officer in the light most favorable to the non-appealing party. Even if the Appellate Officer may have made a different decision than the Hearing Officers, if the decision of the Hearing Officers was not made in error based on one of the four articulated “Grounds for Appeal” listed above, their decision(s) shall stand.
3. Sanctions shall not be implemented until the final decision on appeal has been issued by the Appellate Officer, or, if no appeal is requested, when the deadline to request an appeal has passed.
4. The Appellate Officer may communicate with the Hearing Officers or Administrative Officer regarding any questions the Appellate Officer has about the live hearing or procedures leading to the determination of responsibility. These conversations, if they occur, will be audio recorded, audiovisual recorded, or transcribed, and the recording or transcript shall be maintained by the University for seven (7) years after the Appellate Officer’s written determination is delivered to the parties.
5. Absent extenuating circumstances, the decision of the Appellate Officer will ordinarily be issued within fifteen (15) days from the date of receipt of the request for appeal. If this timeline is extended, the Complainant and Respondent will be notified of the extension and the reason for the extension in writing. The decision of the Appellate Officer is final.
6. When a decision from the Appellate Officer is provided to the Administrative Officer, the Complainant and the Respondent will be simultaneously notified in writing of the result of the appeal and any changes in the determination of responsibility or the sanction(s) or other action(s) imposed.

Once an appeal is decided, the outcome is final. Further appeals are not permitted. The University will maintain documentation of these procedures alongside any other records it is required to maintain from the proceedings.

Retaliatory action of any kind against any individual as a result of a person's exercise of their right and privilege to make a report, testify, assist, participate or refuse to participate in the Grievance Procedure and applicable University Antidiscrimination Policies is prohibited. Retaliatory action shall be regarded as a separate and distinct harm for formal complaint under these policies and will be cause for sanctions.

Protection from retaliatory action under the University Antidiscrimination Policies is extended to any individual who has made a report of discrimination, any Complainant, any individual who has been reported as being the perpetrator in an incident/event of discrimination, any Respondent, any witness and any other individual who participates or who refuses to participate in any investigation, proceeding or hearing.

At all times throughout the Grievance Process, the parties shall have the following rights:

- A. To be treated with dignity, courtesy and respect;
- B. To be free of any prejudgment or pre-determination of fault or responsibility;
- C. To describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat the incident;
- D. To be free from retaliation;
- E. To request reasonable supportive and protective measures;
- F. To have sufficient information to make a reasoned decision of whether or not to make a report with the University and/or to make a report with law enforcement;
- G. To participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard;
- H. To have an advisor of their choice accompany them to all interviews, meetings, and proceedings throughout the Grievance Procedure, although the role of the advisor is limited to silent support outside of cross-examination during a live hearing for a formal complaint alleging Title IX sexual harassment;
- I. To have an equal opportunity to present a list of potential witnesses and provide evidence and have timely and equal access to information throughout the Grievance Procedure, to the extent permitted by this procedure and applicable law;
- J. To expect that credibility assessments will be conducted in a neutral and unbiased manner;

K. To expect that the names of the parties and witnesses, the existence and substance of the report of discrimination, the findings and sanctions imposed remain confidential, to the extent permitted by this procedure and applicable law;

L. To be informed of the findings and sanctions consistent with the University's Nondiscrimination Policy and related Grievance Procedure and applicable law;

M. To reasonable accommodations during any meeting or proceeding under these Grievance Procedures if the party has a disability; and

N. To receive any supportive measures and services available regardless of whether a formal complaint is ever filed and regardless of whether a report is ever made to law enforcement

The following shall govern complaints filed under the Student Code of Conduct:

For complaints that allege sexual misconduct, stalking, dating violence, and/or domestic violence, but that do not fall within the jurisdiction of the Institutional Compliance Office, the Student Conduct Code shall govern the proceedings if the Respondent is a student. When a complaint is received, the conduct officer will conduct an initial review which most likely will include a conference with the complainant and possibly the respondent. The initial conference will be followed by an investigation. This may mean interviewing witnesses and gathering information from other agencies (law enforcement, campus offices, etc.). This investigation is not the same as a police led investigation and standard rules of evidence used in the criminal court do not apply. After the complaint has been investigated and allegations of violation of the Code have been identified, the conduct officer will decide the appropriate course of action. Complainants and/or respondents may be consulted prior to the conduct officer's decision to move forward with informal or formal resolution procedures. Both parties may also be consulted regarding the type of hearing that will be used to resolve the complaint. The conduct officer will make the final decision regarding the resolution process based on input from the parties, the severity of the charges and potential sanctions, the complexity of the evidence, and the availability and preparation of appropriate Student Conduct Board (SCB) members.

Informal resolution is available for all complaints under the Student Conduct Code. If informal resolution is not reached, the matter will proceed to formal resolution through an administrative hearing.

The administrative hearing process is the most commonly used method for formal resolution of conduct complaints. Administrative hearings are rarely utilized then the complaint involves complex or controversial testimony or documentation, or when the sanctions of suspension, expulsion, or non-recognition of an organization are possible outcomes; otherwise, a full panel hearing would be utilized. Administrative hearings may be used in these situations at the discretion of the Director of the Office of Citizenship and Community Standards.

Hearings to determine whether a student or student organization has violated the Code will be conducted by a conduct officer according to the Student Conduct Code and any other procedures as issued by the Vice President for Student Engagement. Minor variations in established hearing procedures may be approved on an ad hoc basis by the Vice President for Student Engagement and the Director of Citizenship and Community Standards as long as

they do not materially impact the fairness of the proceedings. Every effort will be made to assure fair and impartial hearings. The hearings will be conducted in closed session, and all hearings and records will be administered in compliance with Family Educational Rights and Privacy Act (“FERPA”). The respondent has the right to consult a process advisor of their/its choice before, during, and after any hearing, or review. Typically the administrative hearing process is facilitated through one meeting with the respondent, which includes an opportunity to discuss the respondent’s rights within the process and to hear information regarding the facts of the case from the respondent. During this conversation the respondent will state whether they are responsible for the allegations and the administrative hearing officer will make a finding as to whether it is more likely than not that the violation occurred.

If a finding is made that the respondent is responsible for a policy violation, the conduct officer will determine an appropriate sanction and educational outcomes based on considerations listed in section 8.110 of the Code. The conduct officer will communicate the finding, sanction, and educational outcome(s) to the respondent in writing via the respondent’s University email address and also may be mailed to the local or permanent address of the respondent. Pertinent information regarding the outcome will also be shared with the complainant when appropriate. Once mailed, such notice will be presumed to be delivered. Decisions following an administrative hearing are final except in cases where the sanction is suspension or expulsion from the University for a student and suspension or revocation of University recognition for a student organization.

If a Respondent makes an appeal of a determination as allowed under the Student Code of Conduct, the following procedure from the Student Code of Conduct shall govern said appeal:

Appeal of Decision

When the sanction of a case is suspension or expulsion, or non-recognition of a student organization, the student or student organization may appeal the decision. Any request must be submitted in writing, addressed to and delivered to the Vice President for Student Engagement, and include all supporting facts and arguments, no later than seven (7) business days after the notification of decision has been delivered to the appellant unless an extension has been granted by the conduct officer for the case. The written appeal must include the grounds for the appeal as well as supporting facts and arguments. Failure to meet either or both of these conditions will be sufficient cause to deny an appeal. The Vice President for Student Engagement will make the determination as to whether both conditions have been met. Normally, a sanction is in place from the time of imposition, but the Vice President for Student Engagement has discretion to suspend a sanction during the period in which the complaint is being appealed.

- a. New information, unavailable at the time of the hearing, is now available and could materially affect the decision that was rendered;
- b. The process was not conducted according to the procedures described in the Code and the process failure materially influenced the decision rendered;
- c. The evidence was not substantially supportive of the finding;

d. The sanction was inappropriate when the circumstances of the act and prior record of the respondent or the impact on the complainant are considered.

Review Process

The Vice President for Student Engagement or their designee has ten (10) business days after the date the appeal is delivered to the Vice President for Student Engagement to respond to a petition for appeal, unless there are extenuating circumstances that require additional time for the appeal to be considered. The Vice President for Student Engagement or their designee may grant the appeal, and if so, decide whether to return the complaint to the CHP or conduct officer for reconsideration, or to conduct the reconsideration. Generally, appeals will involve a review of the hearing record, but the Vice President for Student Engagement or their designee may conduct a new hearing, interview witnesses, or otherwise direct further investigation at their discretion. The standard for review is a deferential standard.

The Vice President for Student Engagement or their designee's decision will be sent to the student's University e-mail address and may also be delivered via US Postal Service mail or hand delivered to the respondent and complainant, if applicable, to the last known address and will include a concise summary on why the decision was upheld or amended as well as information on the appeal process. Once mailed, such notice will be presumed to be delivered. Any decision rendered by the Vice President or their designee will be final.

Conduct panel hearings (CPHs) are used to resolve a minority of complaints. CPHs are most often used in the resolution of more serious allegations of violations of the Code or in situations where students face potential suspension or expulsion from the University or student organizations face potential suspension or revocation of their University recognition. CPHs may also be used in situations involving complex evidence or circumstances.

Hearings to determine whether a respondent has violated the Code as alleged, or as reasonably related to the facts as alleged, will be presented to a conduct hearing panel according to this Code and any other procedures as issued by the Vice President for Student Engagement and the Director of the Office of Citizenship and Community Standards (OCCS). Minor variations in established hearing procedures may be approved on an ad hoc basis by the Vice President for Student Engagement or the Director of OCCS provided they do not materially impact on the fairness of the proceedings. Every effort will be made to assure fair and impartial hearings. The hearings will be conducted in closed session, and all hearings and records will be administered in compliance with FERPA. The respondent has the right to consult a process advisor before, during, and after any hearing or appeal. If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant, or may request to have the Director of OCCS or their designee serve as complainant. Where there is no victim, the Director of OCCS or their designee will serve as complainant. A student serving as complainant has the same rights to a process advisor as the respondent. Parents or other support persons for the complainant or respondent may also attend, but like process advisors are not permitted to speak, (e.g., make opening or closing remarks, examine or cross examine, ask questions, to submit and object to information, to address the hearing panel), or delay scheduling any hearing, conference, or appeal. While previous conduct violations by the respondent are not generally admissible as information about the present alleged violation, the conduct officer may supply previous complaint

information to the panel when the respondent has previously been found responsible for a similar section of the Code, which may be used to establish a pattern of behavior.

Deliberations will take place in a private setting with only members of the CHP in attendance. When a respondent is found not responsible for any alleged violation, the CHP has completed its responsibilities, and the respondent is provided notice in writing which will also be included in their conduct record. If the CHP determines a finding of responsible for any of the alleged violations, the CHP will recommend an appropriate sanction and/or educational outcomes to the conduct officer. Prior to making a recommendation, the chairperson will contact the conduct officer to learn if there is a previous history that should be considered in the sanctioning process. The chairperson will provide a report to the Director of OCCS stating the findings of the panel and, when appropriate, recommendations regarding the sanction and educational outcomes, including concise rationale for the outcome and their relationship to the alleged violations. This report should be brief and be submitted to the Director of OCCS within two (2) business days after the business day that deliberations concluded. The Director of OCCS or their designee will inform the parties of the results within seven (7) business days after the hearing panel report is submitted to OCCS as allowed under FERPA.

A sanction is a consequence placed upon students and student organizations when found in violation of the Code. Sanctions help define the relationship between the student or student organization and the University. The following sanctions may be imposed upon any student or student organization found to have violated the Code.

1. **Written Warning.** A notice in writing to the student or student organization that they have been found responsible for violating one or more provisions of the Code.
2. **Probation.** Probation is assigned for a designated period of time which may include conditions (e.g., periodic review meetings). An additional violation of the Code while on probation may lead to additional outcomes.
3. **University Suspension.** Separation of the student or student organization from the University for a definite period of time, after which the student or student organization is eligible to return. Conditions for readmission may be specified. Records will note a sanction of suspension due to conduct proceedings. The period of time may begin immediately or begin at some time in the future (e.g., at the end of the current semester, after an appeal process, etc.) While on University Suspension, the student or student organization may be denied access to University premises, and University or student organization sponsored activity. In the case where a student is a member of a student organization, the student may be prohibited from attending the student organization's activities on or off-campus.
4. **University Expulsion.** Permanent separation of the student from the University or non-recognition of the student organization. Records will note a sanction of expulsion due to conduct proceedings.

When the sanction of a case is suspension or expulsion, or non-recognition of a student organization, the student or student organization may appeal the decision; other sanctions are not appealable. Any request must be submitted in writing, addressed to and delivered to the Vice President for Student Engagement, and include all supporting facts and arguments, no later than seven (7) business days after the notification of decision has been delivered to the

appellant unless an extension has been granted by the conduct officer for the case. The written appeal must include the grounds for the appeal as well as supporting facts and arguments. Failure to meet either or both of these conditions will be sufficient cause to deny an appeal. The Vice President for Student Engagement will make the determination as to whether both conditions have been met. Normally, a sanction is in place from the time of imposition, but the Vice President for Student Engagement has discretion to suspend a sanction during the period in which the complaint is being appealed.

The Vice President for Student Engagement or their designee has ten (10) business days after the date the appeal is delivered to the Vice President for Student Engagement to respond to a petition for appeal, unless there are extenuating circumstances that require additional time for the appeal to be considered. The Vice President for Student Engagement or their designee may grant the appeal, and if so, decide whether to return the complaint to the CHP or conduct officer for reconsideration, or to conduct the reconsideration. Generally, appeals will involve a review of the hearing record, but the Vice President for Student Engagement or their designee may conduct a new hearing, interview witnesses, or otherwise direct further investigation at their discretion. The standard for review is a deferential standard.

The Student Conduct Code may be viewed in its entirety at: <https://www.truman.edu/wp-content/uploads/2022/08/CHAPTER-8-REVISED-August-6-2022-1.pdf?x34525>.

Rights of the Parties in an Institutional Proceeding:

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.

A prompt, fair and impartial process is one that is:

- Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and the accused.
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on

how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- The Truman Title IX Administrative Officer, advisors, facilitators, investigators, Hearing Officers, and Appellate Officers receive training on the definition of discrimination and sexual harassment, the scope of university programs and activities, how to conduct an investigation, the University Grievance Procedure including hearings, appeals and informal resolution, and the identification and avoidance of conflict of interest, bias, stereotyping, and flawed prejudgment.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
 4. Have the outcome determined using the preponderance of the evidence standard.
 5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:

Following a final determination in the institution’s disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include: warning; reprimand; probation; restitution; fine; loss of privileges; including student employment; housing probation; suspension or expulsion/termination; restriction on eligibility to represent the University at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Vice President of Student Engagement, Enrollment and Marketing (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

In addition, the University can make available to the victim a range of protective measures. They include forbidding the accused from entering the victim’s residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, and assistance in obtaining University Counseling Services.

Publicly Available Recordkeeping:

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about

victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

Victims to Receive Written Notification of Rights:

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

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 University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Director of Public Safety/Chief of Police Sara Seifert at tt0-785-4176 or sseifert@truman.edu. State registry of sex offender information may be accessed at the following link: <https://www.mshp.dps.missouri.gov/CJ38/searchRegistry.jsp>

Timely Warnings and Emergency Response

Timely Warnings

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Director of Public Safety/Chief of Police or his/her designee constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Truman State University Police Department, 660.665.5621

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

Emergency Response

The University 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, fires, active shooters, etc. The University has communicated with

local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Truman State University Police Department at 660.665.5621 in any emergency or potentially dangerous situation.

The Chief of Police or the Chief's designee(s) 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 institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the University Police Department will consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified.

The University Police 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 University Police Chief or his/her designee will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of University Police Chief or his/her designee, the University's Police Department will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

Method	Sign Up Instructions
TruAlert Emergency Notifications	There is no sign up needed because the alerts are publicly posted on the University's web page. You may sign up for text messages through you University TruView account.
Campus Email	All faculty, staff, and students are enrolled automatically

Testing & Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the University's emergency response plan.

The University Police Department 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 University will distribute to its students and employee's information to remind them of the University's emergency response and evacuation procedures.

Missing Student Policy

If a member of the Truman community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the Truman Police Department at 660.665.5621. Any University employee receiving a missing student report should immediately notify the University Police Department so that an investigation can be initiated.

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the Truman will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

A student who wishes to designate a confidential contact may do so when applying for housing, through the online housing portal on their TruView account.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the University will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the University will also notify that student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Crime Statistics

The statistical summary of crimes for Truman State University main campus over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	6	5	3	6	4	3	0	0	0	0	0	0
Fondling	2	0	1	2	0	1	0	3	3	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	1	0	0	0	0	0	0
Burglary	1	1	1	0	1	0	0	1	3	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	1	2	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	1	1	0	0	1	0	0	0	0	0	1
Arrest - Drug Abuse Violation	0	1	4	0	1	3	0	0	0	0	0	2
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	1
Disciplinary Referral - Liquor Law Violation	4	12	6	4	10	4	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	2	4	8	2	4	8	1	1	0	0	0	0
Disciplinary Referral - Weapon Violation	0	1	1	0	1	1	0	0	0	0	0	0
Domestic Violence	1	0	4	1	0	3	0	0	0	0	1	2
Dating Violence	0	1	1	0	1	1	0	0	0	0	0	0
Stalking	0	1	2	0	0	0	0	0	0	0	0	0

Hate crimes:

2023: No hate crimes reported.

2022: In 2022, there was one count of intimidation based on gender identity on campus and one count of stealing based on sexual orientation in a residence hall.

2021: No hate crimes reported.

Crimes unfounded by the University:

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

Data from law enforcement agencies:

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University’s Clery Geography.

Crime Statistics

The statistical summary of crimes for the Truman State University Farm Campus over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

Hate crimes:

2023: No hate crimes reported.

2022: No hate crimes reported.

2021: No hate crimes reported.

Crimes unfounded by the University:

2023: 0 unfounded crimes.
2022: 0 unfounded crimes.
2021: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2023: 0 unfounded crimes.
2022: 0 unfounded crimes.
2021: 0 unfounded crimes.

Annual Fire Safety Report

Housing Facilities and Fire Safety Systems for the Main Campus

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Truman Main Campus, 100 E Normal Ave, Kirksville, MO 63501-4221

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Blanton/Nason/Brewer , 1009 S Mulanix St	X		X	X	X	X	2
Campbell Apartments, 1601 S Florence St	X		X	X	X		2
Centennial Hall , 1000 S Franklin St	X		X	X	X	X	2
Dobson Hall, 1111 S Mulanix St	X		X	X	X	X	2
E.C. Grim Hall, 208 E Patterson St	X			X	X	X	0
Missouri Hall, 809 S Mulanix St	X		X	X	X	X	2
Patterson House, 200 E Patterson St				X	X		0
Ryle Hall, 1215 S Mulanix St	X		X	X	X	X	2

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
West Campus Suites, 215 W Normal St	X		X	X	X	X	2

- (1) Partial Sprinkler System is defined as having sprinklers in the common areas.
- (2) Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.
- (3) Randolph Apartments was torn down in the summer of 2021.

Housing Facilities and Fire Safety Systems for the Farm Campus

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Truman Farm Campus, 1813 West LaHarpe St, Kirksville, MO 63501

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Farm Hall #1, 1816 S. Boundary St.				X	X		0
Farm Hall #2, 1816 S. Boundary St.				X	X		0

Policies on Portable Appliances, Smoking and Open Flames are the same on both Campuses

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Only surge-protected extension cords are permitted. Only the following portable cooking appliances are permitted to be used in campus housing:

- Alarm Clock/ clock
- Automatic iced tea maker
- Blender, Food Processor, Coffee Grinder
- Bread Machine
- Coffee Maker, Electric Tea Kettle, Cappuccino Maker
- Computer
- Crock-pot/ Slow Cooker
- Curling Iron or Hot Rolling Curlers
- Electric Blanket
- Electric Mixer
- Electric Razor
- Fan
- Food Dehydrator
- Gaming Console
- Hair Dryer
- Heating Pad
- Hot Air Popcorn Popper
- Indoor Holiday Lights
- Instant Pot
- Iron with Automatic shut-off
- Microwave, 1000 watts or smaller
- Non-halogen Lamps
- Radio
- Rice Cooker
- Small Refrigerator (2' x 3' x 2')
- Stereo
- Television
- Toaster
- DVD/ Blu-Ray Player

Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action. The University 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, if found, will be confiscated and donated or discarded without reimbursement.

Fire Evacuation Procedures

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

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 University'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 given the option of having a "buddy" assigned to assist him or her.

Reporting Fires

The University is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also 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 Truman State University Police Department. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

Plans for Future Improvements for both Campuses

The University periodically reviews its fire safety protections and procedures. At this time, it has no plans for future improvements.

Fire Statistics

Truman Main & Farm Campuses

2023

Reported Fires

Residential Facility	Total Number Fires
Ryle Hall	1

Additional Information about Reported Fires

Residential Facility	Cause of Fire(s)	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Ryle Hall	Unintentional Fire/Subject turned on the wrong stove burner igniting a	0	0	\$0-99

Residential Facility	Cause of Fire(s)	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
	oven mitt laying on the stove.			

2022

No fires were reported in 2022.

2021

No fires were reported in 2021.



Emergency:

911

Central Dispatch (non-emergency):

(660) 665-5621

Department of Public Safety:

(660) 785-4176

Website:

<http://police.truman.edu>



TRUMAN
STATE UNIVERSITY

Department of Public Safety
100 E. Normal Ave.
Kirksville, MO 63501