

Hillyard Technical Center

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Annual Security Report

Hillyard Technical Center is concerned about the safety and security of students, faculty and staff on its campus, in the school's facilities, and at school sponsored activities. The school maintains a secure learning and working environment while monitoring potential risk factors and promoting the safety and welfare of all members of the campus community. This report is provided in compliance with the "*Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*" (as amended by the 2008 *Higher Education Opportunity Act*). The *Clery Act* requires institutions of higher education to publish and distribute an annual security report containing specific information regarding law enforcement, the prevention of crimes generally, disciplinary policies, timely warnings, and emergency preparedness. The report provides students and employees of Hillyard Technical Center with a description of the school's security arrangements, policies concerning alcohol and drug use, awareness of various kinds of sex offenses, and notification procedures in the event of an emergency. Its purpose is to help students and employees make informed decisions relating to their own safety and the safety of others. Hillyard Technical Center is committed to taking the actions necessary in order to ensure this collaborative effort is successful. A truly safe campus can be achieved only through the cooperation of all students, faculty and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures in place represent best practices in the field, and have been tested and evaluated for their effectiveness.

Law Enforcement Authority and Jurisdiction of Campus Security

Hillyard Technical Center does not employ campus police or persons specifically charged with security issues. The St. Joseph, Missouri Police Department (SJPD) is responsible for campus safety at Hillyard Technical Center. The jurisdiction of SJPD covers all campus property, and its officers have the authority to investigate any reports of criminal activity, full powers of arrest, and power to search. An SJPD officer is assigned to each school in the St. Joseph School District and makes periodic visits. Hillyard Technical Center does not have any officially recognized student organizations with off campus locations.

Reporting a Crime or Emergency

Security at Hillyard Technical Center is viewed as the responsibility of the entire school community. Students, faculty, staff and visitors are encouraged to take an active role by promptly and accurately reporting any criminal activity, accidents, injuries, or other emergencies. This includes awareness of any suspicious activity or strangers in the parking lots, loitering around vehicles, or inside buildings. Situations that pose imminent danger or while a crime is in progress should be reported to the St. Joseph Police Department. To request general police or fire assistance and to report a non-emergency, contact the SJPD Communications Center at **816-271-4777** (available 24 hours a day/ 7 days a week -- also serving the Buchanan County Sheriff's Department and St. Joseph Fire Department). In the case of an emergency, immediate danger, or crisis situation, dial **911**. An individual making the call from a cell phone must provide the address where the emergency occurred. After making the call, you should notify the Hillyard Technical Center Director (Campus Security Officer) or the Assistant Director at **816-671-4170**. Circumstances may dictate that the initial report of a criminal offense or danger be made to the Campus Security Officer.

Incidents involving student conduct will be referred to the appropriate school official. The Campus Security Officer is responsible for reporting all Clery Act crimes or allegations that he or she receives. The Campus Security Officer will first ensure the safety of the reporting party and seek medical attention for the victim, if the victim is unable. The Campus Security Officer will endeavor to protect the confidentiality of victims. Only those officials 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. Any victim of a crime who does not want to pursue action within the disciplinary or criminal justice system, should consider making a confidential report with the Campus Security Officer. With the victim's permission, the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but also helps the school take appropriate steps to investigate and assess the potential of an ongoing threat, in order to ensure the future safety of the victim and others on campus. The school can then keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing and alert the campus community to any potential danger. These confidential reports are counted and disclosed in the crime statistics for the school. However, consent from the victim may not be required in situations involving suspected child or adult abuse or neglect, court orders or subpoenas, or danger to self and others. As a federally mandated reporter, there are certain instances in which the Campus Security Officer will have to request assistance from law enforcement due to federal laws and regulations. Prior to formal questioning and before receiving information regarding an instance of sexual misconduct, the Campus Security Officer shall seek to confirm with the reporting party that an understanding exists with respect to the employee's obligations under the law and related disclosures.

Disclosure of the Outcome of Crime of Violence or Sex Offense

Upon written request, the District Title IX Coordinator will disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted against the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of said victim shall be treated as the victim in this instance. Under the *Violence Against Women Act (VAWA)*, victims of dating violence, domestic violence, sexual assault, or stalking do not need to make a written request.

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

Hillyard Technical Center conducts orientation and educational programs that help foster a healthy academic, social and work environment. All employees are required by the St. Joseph School District to complete compliance training on an annual basis. This training covers district policies on a variety of relevant topics, including armed intruder, discipline procedures, child abuse/neglect reporting, sexual abuse, cyber bullying, hazing, and blood borne pathogens. In addition, students attend a drug and alcohol abuse prevention session each year, presented by Missouri Highway Patrol personnel.

Building Security

All access to Hillyard Technical Center campus facilities is controlled. Faculty and staff are issued photo identification badges to be worn for admittance and while at school. Campus facilities are generally available only to students and employees of the school (and school related organizations) during normal business hours. The campus is further secured after evening classes and on weekends. All facilities are off limits to students and the general public after closing hours. Cameras are

located in strategic areas throughout campus for random real time monitoring and recording purposes. The maintenance staff follow guidelines of crime deterrent activities, such as periodically checking all campus entry/exit points, individual window and door locks, and security devices (including alarm systems and camera placement). Interior and exterior lighting (for hallways, stairwells, walkways, parking lots, and grounds) is inspected at regular intervals and safety hazards identified. Students and employees are asked to be alert and to not circumvent practices meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into a secured area
- Do not lend keys or id badges to non-students
- Do not give access to anyone that does not belong on campus

All students and employees on campus should visibly display their school issued photo identification badge. If anyone refuses or fails upon request to present evidence of his/her identification and proof of authorization to be in the building, or it is determined that the individual has no legitimate reason to be in the building, he/she will be asked to leave the premises and may be removed from campus. Persons who behave in a suspicious or threatening manner should be reported to the Campus Security Officer. Keys to offices, classrooms, and laboratories are issued to employees only with proper authorization. Each department supervisor is responsible for assuring his/her area is locked and secured. Students and employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to school property, and other criminal activity. Abusing or rendering inoperable fire prevention and detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including suspension/expulsion for students, or termination for employees and the filing of charges with law enforcement authorities.

Timely Warnings

In the event of criminal activity or a serious threat occurring on or near campus, a timely warning will be issued. Examples would be a rash of motor vehicle thefts, burglaries, or assaults in the area that represent a continuing threat to the campus community. The warning will be communicated to students and employees by campus email. Notification may also be posted on the school's website, bulletin boards outside the main administrative office or other offices, and in the student lounges. Individuals are advised to be cognizant of their surroundings, secure their personal possessions, and avoid situations that leave them vulnerable to significant risk or bodily harm.

Emergency Response and Evacuation

The St. Joseph School District has developed an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of members of the campus community. Some examples of these types of emergencies are:

- Fire
- Gas leak
- Explosion
- Earthquake
- Bomb threat
- Utility failure
- Armed intruder
- Terrorist incident
- Disease outbreak
- Chemical or hazardous waste spill
- Tornado or other extreme weather conditions

The St. Joseph School District has published a Safety Protocol & Crisis Management Manual, along with a Safety Procedure Booklet, available in district offices and classrooms. In the event of a crisis situation, the Superintendent's office should be notified immediately. The Superintendent will alert the remaining members of the District Office Crisis Team (Assistant Superintendent, Director of Student Services, and Directors of Secondary/Elementary Education). The District Office Crisis Team will assess the situation, determine the threat level, and decide on the procedure for crisis management, in cooperation with local law enforcement and emergency responders. Hillyard Technical Center employees and students participate in drills and training exercises described in the manual during the school year, as part of the testing process and evaluation of district emergency response and evacuation procedures on campus.

Drug and Alcohol Policy

In accordance with St. Joseph School Board Policy, the use, sale, transfer, distribution, possession, or being under the influence of unauthorized prescription drugs, alcohol, narcotic substances, unauthorized inhalants, controlled substances, illegal drugs, counterfeit substances and imitation controlled substances is prohibited on any district property, in any district owned vehicle or other district approved vehicle used to transport students to and from school or district sponsored activities. The use, sale, transfer, or possession of drug related paraphernalia is also prohibited (see St. Joseph School Board Policy JFCH for more information). No medication will be allowed on campus without prior approval. Hillyard Technical Center faculty may order random drug screening for an individual student or the entire class at any time. Failure to comply with this regulation or a drug screen resulting in a positive finding is cause for dismissal from the program. Sanctions may also include referrals for appropriate rehabilitation.

Violation of the policy by employees can result in disciplinary action up to and including discharge. St. Joseph Police Department officers will confront and detain any persons on campus illegally possessing, distributing, or consuming alcoholic beverages and/or illicit drugs. Violators may be brought before the local court system in the enforcement of city ordinances and Missouri state statutes. Criminal prosecution for these acts could lead to a conviction, and such conviction could result in a sentence imposing a monetary fine, and/or imprisonment in a state or federal penitentiary.

Drug and Alcohol Abuse Prevention

Hillyard Technical Center is committed to creating and maintaining an environment that is free of drug and alcohol abuse. Students attend a drug and alcohol abuse prevention program annually, conducted by an officer of the Missouri Highway Patrol. The St. Joseph School District is charged with establishing a meaningful drug, alcohol and tobacco education program that is incorporated into the total curriculum. In addition, an ongoing professional development program for school personnel in the areas of drug, alcohol and tobacco use is provided (see Board Policy IGAEA). Contact numbers for treatment and counseling:

Mosaic Life Care at St. Joseph - Medical Center (816-271-6000)

Mosaic Life Care - Outpatient Behavioral Health (816-271-8133)

Mosaic Life Care - Counseling Care (816-271-6573)

Missouri Department of Mental Health (800-364-9687)

National Institute for Drug Abuse (301-443-4577)

National Drug & Alcohol Treatment Hotline (800-662-HELP)

Alcoholics Anonymous (816-279-5767)

Narcotics Anonymous (816-233-3095)

Discrimination, Sexual Harassment, and Sexual Misconduct

Hillyard Technical Center seeks to create and maintain a safe environment in which all members of the campus community can learn and work free from sex discrimination, sexual harassment, and sexual misconduct. The St. Joseph School District prohibits acts of discrimination, harassment and violence on the basis of sex (Board Policy SC). Following a prompt, fair, and impartial investigation and resolution, offenders may be subject to disciplinary action up to, and including dismissal, termination, and/or criminal proceedings.

Sexual Harassment: Sexual harassment is a serious form of sexual misconduct that shall not be tolerated. No one should be subject to unwelcome sexual overtures of verbal or physical contact. According to guidelines established by the Equal Employment Opportunity Commission, sexual harassment is defined as:

- Unwelcome and sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - Submission to or rejection of such conduct by an individual is used as the basis for any employment decision.
 - Such conduct has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.
- Academic sexual harassment is the use of authority to emphasize the sexuality of a student in a manner which prevents or impairs that student's full enjoyment of educational benefits, climate, or opportunities.

If a student believes that he/she has been the subject of sexual harassment, they should immediately report the incident to the Title IX Coordinator. All information will be held in confidence and only be disclosed on a need to know basis in order to investigate and resolve the issue. In instances where district personnel believes that the individual may be unaware that his/her behavior is perceived to be inappropriate, or where further occurrences may be averted (and personal safety will not be jeopardized), the employee should communicate the incident immediately to the administration for investigation. If district personnel or the student believes that any person who would normally handle a step in the investigative process is involved in sexual harassment, the employee or student may initially report the incident to the person handling the next succeeding step in the investigation. Any allegation of sexual harassment will be investigated fully and appropriate action to resolve the complaint shall be initiated while protecting the anonymity of all individuals involved. The St. Joseph School District Human Resources Office will retain confidential documentation of allegations and investigations.

Sexual Assault, Domestic Violence, Dating Violence, Stalking

Consistent with the requirements of *Title IX of the Education Amendments of 1972*, the *Jeanne Clery Act*, and the *Violence Against Women Act (VAWA)*, discrimination based on sex in programs and activities, including sexual harassment and acts of domestic violence, dating violence, sexual assault, and stalking is prohibited. Retaliation, intimidation, threats, coercion or any other discrimination against individuals exercising their rights or responsibilities pursuant to these laws is also prohibited. The following definitions and descriptions apply to these prohibited offenses within the state of Missouri:

Sexual Assault: Sexual assault is causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. For purposes of the *Clery Act*, it includes the crimes of rape, sodomy, forcible fondling, incest, and statutory rape as defined by the 2013 *Violence Against Women Act (VAWA)*, and the Revised Statutes of the State of Missouri (RSMo) Chapter 566.

- *Rape:* A person commits the offense of rape in the first degree if he/she has sexual intercourse with another person who is incapacitated, incapable of consent, lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. A person commits the offense of rape in the second degree if he/she has sexual intercourse with another person knowing he/she does so without the person's consent.
- *Fondling:* Missouri law does not define this term.
- *Incest:* A person commits the crime of incest if he/she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he/she knows to be, without regard to legitimacy, his/her: ancestor or descendant by blood or adoption; or stepchild, while the marriage creating that relationship exists; or brother or sister of the whole or half-blood; or uncle, aunt, nephew, or niece of the whole blood.
- *Statutory Rape:* A person commits the crime of statutory rape in the first degree if he/she has sexual intercourse with another person who is less than fourteen years old. A person commits the crime of statutory rape in the second degree if being twenty-one

years of age or older, he/she has sexual intercourse with another person who is less than seventeen years of age.

- *Sodomy*: A person commits the offense of sodomy in the first degree if he/she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. A person commits the offense of sodomy in the second degree if he/she has deviate sexual intercourse with another person knowing that he/she does so without that person's consent.
- *Statutory Sodomy*: A person commits the offense of statutory sodomy in the first degree if he/she has deviate sexual intercourse with another person who is less than fourteen years old. A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he/she has deviate sexual intercourse with another person less than seventeen years of age.
- *Child Molestation*: A person commits the offense of child molestation in the first degree if he/she subjects another person who is less than fourteen years old to sexual contact and the offense is an aggravated sexual offense. A person commits the crime of child molestation in the second degree if he/she subjects a child who is less than twelve years old to sexual contact; or, 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. A person commits the crime of child molestation in the third degree if he/she subjects a child who is less than fourteen years old to sexual

contact. A person commits the crime of child molestation in the fourth degree if, being more than four years older than a child less than seventeen years of age, subjects the child to sexual contact.

- *Sexual Misconduct Involving a Child:* A person commits the offense of sexual misconduct involving a child if he such person knowingly exposes his/her genitals to a child less than fifteen years of age under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm to the child; Knowingly exposes his/her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person; or 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 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:* A person commits the offense of sexual misconduct in the first degree if such person:
Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
Has sexual contact in the presence of a third person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.
A person commits the offense of sexual misconduct in the second degree if he/she solicits or requests another person to engage in

sexual conduct under circumstances in which he/she knows that such request or solicitation is likely to cause affront or alarm.

- *Sexual Abuse*: A person commits the offense of sexual abuse in the first degree if he/she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. A person commits the offense of sexual abuse in the second degree if he/she purposely subjects another person to sexual contact without that person's consent.

Consent (as it relates to sexual activity): Consent is sexual permission and must be clear, knowing and voluntary. In order to consent effectively to sexual activity an individual must be able to understand "who, what, when, where, why, and how" with respect to that sexual activity. Consent or lack of consent may be expressed or implied. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence—without actions demonstrating permission—cannot be assumed to show consent. Assent does not constitute consent if:

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

It is given by a person who by reason of youth, mental disease, defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

It is induced by force, duress, or deception.

- Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent requires an affirmative action or statement each participant. Consent is not passive.
- Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity. Consent consists of an outward demonstration indicating that someone has freely chosen to engage in sexual activity. In the absence of an outward demonstration, consent does not exist. Consent is informed, knowing, and voluntary. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in sexual activity. Consent is not effective if it results from the use of physical force, intimidation, coercion, or incapacitation. If a sexual act is occurring and physical force, intimidation, coercion, or incapacitation develops, there is no longer consent.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity
- Consent to engage in sexual activity may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Incapacitation is the inability, temporarily or permanently, to give consent, due to mental or physical incapability, unconsciousness, or vulnerability, due to drug or alcohol consumption (voluntarily or involuntarily), or for some other reason. Examples of incapacitation may include, but are not limited to vomiting, being unconscious, or being unable to communicate for any reason.

Domestic Violence: 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. “*Domestic assault*” also includes conduct that is considered to be domestic violence:

- A person commits the crime of domestic assault in the first degree if he/she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family member, including any child who is a member of the family or household.
- A person commits the crime of domestic assault in the second degree if the act involves a family or household member, including any child who is a member of the family or household and he/she:
Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or
Recklessly causes serious physical injury to such family or household member; or
Recklessly causes physical injury to such family or household member by means of any deadly weapon.
- A person commits the crime of domestic assault in the third degree if the act involves a family or household member, including any child who is a member of the family or household, and he/she:
Attempts to cause or recklessly causes physical injury to such family or household member; or

With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

Dating Violence: Missouri law does not define this term.

Stalking: Stalking is when anyone repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct. A person commits the crime of stalking if he/she purposely, through his or her course of conduct, disturbs or follows with the intent of harassing another person. A person commits the crime of aggravated stalking if he/she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and:

- Makes a credible threat; or
- 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

- 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
- At any time during the course of conduct, the other person is seventeen years of age or younger and the person harassing the other person is twenty-one years of age or older; or
- He or she has previously pleaded to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was a victim; or
- The other person is a participant of the address confidentiality program, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.

Prevention and Awareness of Sexual Violence

Hillyard Technical Center promotes positive and healthy behaviors to foster mutually respectful relationships and encourage safe bystander intervention. The School Counselor presents programs that address harassment and bullying. If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far
- Communicate clearly = verbally and with body language
- You can withdraw consent to sexual activity at any time.
- Do not hesitate or be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the area. Grab someone nearby and ask them for help.
- Be responsible about alcohol and drug use. Alcohol and drugs can lower sexual inhibitions and allow vulnerability to someone who views an intoxicated/high person as a sexual opportunity.

- Attend large parties with friends you can trust. Watch out for your friends and ask that they watch out for you.
- Stay with the crowd and don't ignore signs of trouble
- Decide ahead of time how you will get home and with whom
- Keep track of your drink (whether alcoholic or not) and be aware of someone trying to slip you an incapacitating club or rape drug like Ecstasy, Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you reduce your risk of being accused of sexual assault or another sexual crime:

- Communicate clearly = verbally and with body language
- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far he/she is willing to go. Not everyone who wants to flirt or kiss wants to have sex.
- Communicate your sexual intentions so that the other person has a chance to clearly tell you his/her intentions.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- If your partner indicates a withdrawal of consent (implicitly or expressly), stop immediately.
- Asking repeatedly in order to get a different answer is coercion
- Being drunk is not a defense to your behavior. Purposely getting someone drunk so that they can't resist is a crime.

- Don't take advantage of someone whose judgment is impaired because of the consumption of alcohol or drugs, even if they knowingly and intentionally put themselves in that state.
- Be aware of the signs of impairment, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, or staggering. Drunk, drugged or sleeping people cannot consent.
- Don't be afraid to step in if you see someone else trying to take advantage of a person whose judgment is impaired.

It is also important to be aware of the warning signs of an abusive person. Some examples include:

- Past abuse, threats of violence or abuse
- Insults, humiliation, name-calling, jealousy, hypersensitivity
- Pattern of unwanted texting, phone calls, emails, messaging, monitoring social network sites, stealing passwords
- Intimidation, controlling behavior, unrealistic expectations, isolation, threats of suicide, blames others for problems
- Interfering with finances or ability to work, quick involvement
- Unwanted touch, nonconsensual sex, withholding affection
- Using force during an argument, breaking things, destroying property, cruelty to animals or children, slapping, shoving, hitting, kicking, strangling

Individuals are encouraged to take safe and positive steps to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another person. Often, people don't intervene because they assume a situation isn't a problem, or feel it is none of their business. They may assume that someone else will do something, or believe that other people weren't bothered by the problem. In some cases, a person might believe their

personal safety is at risk. When people do intervene in a situation, they often say it was the right thing to do, and they would want someone to intervene if the roles were reversed. While taking action to prevent or intervene in an incident, they should also constantly be aware of events occurring around them, and think about their response to ensure that their actions don't actually escalate the situation. Telling friends that behavior is not acceptable, and speaking up so that others know what is going on is appropriate. Notifying officials in authority is also always appropriate. Other steps to remember include:

- Look out for those around you and keep yourself safe
- Treat everyone respectfully – do not be hostile or antagonistic
- Be confident, honest and direct when intervening
- Recruit help from others if necessary
- Don't hesitate to contact the police if things get out of control

Procedures for Reporting Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Crisis intervention measures include an appropriate administrative response for both the complainant and respondent, referring individuals to law enforcement agencies, and educating and promoting discussion on interpersonal abuse and violence issues. If you are the victim of a sexual assault, domestic violence, dating violence, or stalking offense, go immediately to a safe place and call **911**. At the earliest opportunity, you should also contact Jill Huntsman, Campus Security Officer, Hillyard Technical Center (816-671-4170). In addition, you may elect to contact the St. Joseph School District Title IX Coordinator, Dr. Brian Kraus, Director of Human Resources and Compliance Officer (816-671-4000). Victims will be notified in writing of the procedures to follow including:

- To whom and how the alleged offense should be reported. In addition to filing a report with the St. Joseph Police Department, a report may also be made to the Title IX Coordinator, St. Joseph School District.
- The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding, disciplinary action, or to obtain a protective order. To that end, keep in mind the following:

You should not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence.

Don't bathe, wash your hands, brush your teeth, eat, smoke, or otherwise clean the environment in which the assault occurred.

You can obtain a forensic examination at the Mosaic Life Care Emergency-Trauma Center, 5325 Faraon, St. Joseph, MO 64506 (816-271-6000).

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 to file a police report at a later date.

Evidence in electronic formats should also be retained (text messages, emails, photos, social media posts, screenshots, etc.).

Victims of stalking should also preserve evidence of the crime to the extent possible.
- The victim's options regarding notification to law enforcement, which are: the option to notify local police; the option to be assisted by the campus security official in notifying law enforcement if the victim so chooses (the school is obligated to comply with such a request if it is made); and the option to decline to notify such authorities.

To make a police report, a victim may contact the local police agency by phone (816-271-4702) and an officer will be dispatched to your location, or in person at St. Joseph Police Department, 501 Faraon, St. Joseph, MO 64501. The officer will ask for specific details including a description of the assailant, scene of the crime, any witnesses, and what happened before and after the incident. The officer will take a statement regarding times, dates and places in which the suspect made contact with the victim after being told that he/she no longer wanted to be contacted. Reporting an incident is a separate step from choosing to prosecute. When a report is filed, the victim is not obligated to continue with legal proceedings.

- 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. To obtain one of these orders, after reporting the incident to the St. Joseph Police Department, the victim may go to the Buchanan County Courthouse to request the order. They may ask for a copy of the police report or to speak with the investigating officer. To meet the criteria of being awarded a protection order, the victim must demonstrate that a present or former family member has abused them, or that they have been the victim of stalking, domestic or dating violence. Any student or employee who has a restraining order, order of protection, no contact order, or any other such order ordered by a court against another individual, is encouraged to notify the Campus Security Officer or Title IX Coordinator of the threat and to provide a copy of the restraining order so that it is kept on file and can be enforced, if necessary. The school will honor the order and do everything possible to ensure the safety of the victim.

Available Victim Services

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

- Hillyard Technical Center, Financial Aid Office: 816-671-4170
- National Sexual Assault Hotline: 800-656-4673
- National Domestic Violence Hotline: 800-799-7233
- Missouri Coalition Against Domestic & Sexual Violence:
www.mocadsv.org
- Legal Aid of Western Missouri (LAWMO): 816-474-6750
- Buchanan County Prosecuting Attorney: 800-809-6032
- YWCA St. Joseph – Victim Services: 800-653-1477
- U.S. Citizenship and Immigration Services: www.uscis.gov

Accommodations and Protective Measures

Hillyard Technical Center will provide written notification to victims about options for, and available assistance in, changing academic, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available, the school is obligated to provide them, regardless of whether the victim chooses to report the crime to law enforcement. Requests of this nature should be made to the Campus Security Officer. In consultation with other school officials, a decision will be made regarding what, if any, accommodations or protective measures will be implemented. When considering the feasibility of such a request, the following factors, and potentially others may be considered:

- 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, student lounge, transportation or job location.
- Whether other judicial measures have been take to protect the complainant (civil protection orders).

Hillyard Technical Center will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the school'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 Title IX Coordinator 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 school district 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 domestic violence, dating violence, sexual assault or stalking will be processed through the St. Joseph School District's complaint resolution policies. The resolution procedures are invoked once a complaint is made to the School District Title IX Coordinator, regardless of the status of the complainant and the respondent.

- Once a complaint is made, the District Title IX Coordinator will commence the investigatory process as soon as practicable, but not later than seven days after the complaint was filed. The District Title IX Coordinator or designee will analyze the complaint and notify the respondent that a complaint has been filed. Informal resolution may be considered in certain circumstances if agreeable to both parties.
- During a formal investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The investigators will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Upon completion of the investigation, the investigator makes a recommendation as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. The investigator will then prepare a report outlining the findings and include, if necessary, sanctions or other remedial measures to impose. The parties will be notified of the determination within three days of it being made. The institutions strives to complete investigations of this nature within sixty calendar days.

During the course of the investigative process, both the accuser and the individual accused of the offense are entitled to:

- A prompt, fair and impartial process that is completed within 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 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 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 accused.
- Proceedings are conducted by officials who, at a minimum, receive annual training on the issues related to domestic and dating violence, sexual assault and stalking, and on how to conduct an investigation and hearing process that protects the safety and promotes accountability. Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.
- 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.
- Have the outcome determined using a preponderance-of-the-evidence standard based on the totality of the evidence presented.
- 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 Imposed for Domestic Violence, Dating Violence, Sexual Assault or Stalking Offenses

Following a final determination in the District’s disciplinary proceeding that one of the above offenses has been committed, a penalty may be imposed depending on the mitigating and aggravating circumstances involved. They include:

- If a complaint of sexual misconduct is found to be substantiated, the District will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects. Students found to be in violation of this policy will be subject to discipline up to and including a warning, probation, suspension, expulsion, dismissal, or discretionary consequences based on the specific circumstances involved (such as evaluation for alcohol/drug abuse or mandatory counseling). Employees found to be in violation of this policy will be subject to discipline up to and including a warning, letter of reprimand, transfer, suspension, demotion, or termination. Affiliates and program participants may be removed from school programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, or work accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

- In addition, the District can make available to the victim a range of protective orders. They can include such steps as forbidding the accused from entering the victim's classrooms/laboratories, communicating with the victim, other institutional no-contact orders, escorts, modifications to academic requirements or class schedules, changes in learning/working situations, etc.

Publicly Available Recordkeeping

Hillyard Technical Center and the St. Joseph School District will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of domestic violence, dating violence, sexual assault, and stalking who make reports of such offenses to the District to the extent permitted by law.

Victims to Receive Written Notification of Rights

When a student or employee reports to the District that he/she has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, the St. Joseph School District 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 (CSCPA)* of 2000, which amended the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Wetterling Act)*, the *Jeanne Clery Act*, and the *Family Educational Rights and Privacy Act* of 1974, provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus. This act requires sex offenders already mandated to register under a state offender registration program to notify the state of each institution of higher education at which they are enrolled, employed, or carrying on a vocation. They must also notify the state of any change in enrollment or employment at an institution of higher education. The state is required to notify the institution of any such information it has received. Sex offender registration information is to be transmitted from each state to the law enforcement entities where the sex offenders reside. In Missouri, the sex offender list is maintained at the county level. Convicted sex offenders must register with the Sheriff's Office in the county in which they reside, and the sex offender database is maintained by the Missouri State Highway Patrol. To obtain information regarding registered sex offenders in the area, please contact 888-767-6747 or visit the online [Missouri Highway Patrol Sex Offender Registry](#)

Crime Statistics

Institutions must disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus, at certain non-campus facilities, and remote classrooms. The *Clery Act* requires institutions of higher education to disclose crime statistics covering the previous three years separated into four general categories of crimes: 1) Criminal Offenses 2) Hate Crimes 3) *Violence Against Women's Act (VAWA)* Offenses 4) Arrests and Referrals for Disciplinary Action.

- Statistics must be disclosed separately for each of these four general categories. This means that when an incident meets definitions in more than one of these categories, it must be reported in each category. For example, any criminal offense that is also a hate crime, should be counted both as the appropriate criminal offense and also a hate crime.
- As defined by the U.S. Department of Education, a Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Bias is a preformed negative opinion or attitude toward a group of persons. The *Clery Act* requires the following eight categories of Hate Crimes to be reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.
- The *Clery Act* requires sex offenses to be categorized into four separate categories: 1) Rape 2) Fondling 3) Incest 4) Statutory Rape

The definitions of **Criminal Offenses** follow FBI Uniform Crime Reporting Standards and are as follows:

Murder/Non-negligent manslaughter: The willing killing of one human being by another.

Negligent manslaughter: The killing of another person through gross negligence.

Sexual Assault (Sex Offenses)

- *Rape:* Any sexual act directed against another person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent.
- *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- *Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is expressly prohibited by law.
- *Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury, usually accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes

Hate crimes involve those crimes motivated by the following biases:

- Race = A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair, facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, Blacks or African Americans, Whites.
- Religion = A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- Sexual Orientation = A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.
- Gender = A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, i.e., male or female.

- Gender Identity = A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.
- Ethnicity = A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- National Origin = A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- Disability = A preformed negative opinion or attitude toward a group of people based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

For an incident to be considered a hate crime, bias must be a component of one of the following crimes: murder, non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, or arson.

The following crimes are also included as Hate Crime based offenses:
Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Constructive possession is the condition in which a person doesn't have physical custody or possession, but is in a position to exercise dominion or control over something.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without consent of the owner or the person having custody or control of it.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

VAWA Offenses

- *Domestic Violence:* A felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- *Dating Violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with

consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition:

Dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts that are covered under the definition of domestic violence.

- *Stalking*: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purpose of this definition:

Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Arrests and Disciplinary Referrals for Violation of Weapons, Drug Abuse and Liquor Laws

This category of crime statistics discloses violations of the law resulting in arrests, or persons being referred for disciplinary action of these laws. Arrest is defined as a person processed for arrest, citation or summons. Referral for disciplinary action is the referral of any person to an official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Weapons Law Violations: The violations of laws and ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. The manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned will be classified as a weapons carrying, possessing, etc. violation.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives

(morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of state laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing, or use of alcoholic beverages, not including driving under the influence and drunkenness; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession, drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Unfounded Crimes

The standard for unounding a reported crime is very high. As such, crimes may be classified as unfounded or baseless, only after a full investigation by sworn or commissioned law enforcement personnel. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

Geography

For purposes of the *Clery Act*, the following property descriptions are used to identify the locations of crimes on and around the Hillyard Technical Center campus.

On Campus = any buildings or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purpose.

Public Property = all public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus, or immediately adjacent to and accessible from the campus.

Crime Statistics = Hillyard Technical Center

Crimes Reported	On Campus			Public Property			Total		
	2018	2017	2016	2018	2017	2016	2018	2017	2016
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrest- Weapons Violations	0	0	0	0	0	1	0	0	1
Arrest- Drug Abuse Violations	0	2	2	1	0	1	1	2	3
Arrest- Liquor Law Violations	0	0	2	0	0	0	0	0	2
Referral- Weapons Violations	0	0	0	0	0	0	0	0	0
Referral- Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Referral- Liquor Law Violations	0	0	0	0	0	0	0	0	0

There were no *Hate Crimes* reported for the years 2016, 2017, and 2018. There were no crimes determined to be *unfounded* by a commissioned law enforcement officer after a full investigation and subsequently withheld from the crime statistics disclosure for this reporting period.