



**Bacone College  
2019 Combined Annual Safety  
Report and Annual Fire Safety  
Report Based on 2016-2018  
statistics**

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# About this Report

The landmark federal law adopted in 1990 and amended in 1998, now called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, section 485(f) of the Higher Education Act of 1965, requires institutions of higher education to disclose campus crime statistics and security information. This report meets the Clery Act's requirements, provides valuable information to current and prospective students, employees, and their families about safety and security at Bacone College, and outlines the College's policies on drugs, alcohol, and interpersonal violence, among others. Interpersonal violence includes sexual assault, domestic violence, dating violence, and stalking. This report is created out of a collaborative effort across campus. Those involved in compiling statistics and information include these CSU offices:

1. Bacone College Campus Police
2. Student Affairs Director
3. Housing

The Annual Fire and Safety Report and University Drug and Alcohol Policy informs the Bacone College community about Statistics for the types of crimes that the Clery Act requires the university to publish. These Clery crime categories are as follows:

1. Criminal homicide (murder and non-negligent manslaughter)
2. Sex offenses (sexual assault, rape, fondling, incest, statutory rape)
3. Aggravated assault
4. Arson
5. Robbery
6. Burglary
7. Motor vehicle theft
8. Hate crimes, defined as "a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim," including the above crimes plus larceny-theft, simple assault, intimidation, destruction or vandalism of property
9. Dating violence, domestic violence and stalking.

Statistics of these crimes are provided for the previous three years. The statistics show these crimes that occurred on campus property, certain non-campus property and public property associated with the university, including:

1. Crimes by type, location and year
2. Fires in on-campus student housing
3. Arrests for liquor law violations, drug law violations, and carrying and possessing illegal weapons.

In addition, statistics are reported for students referred to university disciplinary action for liquor law violations, drug law violations, and carrying and possessing illegal weapons, regardless of whether an arrest has been made.

Bacone College reports statistics for Clery crimes that occurred on properties that are within the college's "Clery geography," which are geographic areas defined by the Clery Act. This includes On-campus property, all properties that the university owns or controls within the same reasonably contiguous geographic area that are used in any manner related to the institution's educational purposes, including the residence halls and apartments. Public property including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus, not including private homes and businesses. All other property that the university owns or controls that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and that is located outside of the reasonably contiguous campus area, including buildings or property owned or controlled by Bacone College.

Statistical information is also requested from our partner law enforcement agencies within Muskogee County who share concurrent jurisdiction. These agencies include the Muskogee Police Department, The Muskogee County Sheriff's Office, The Oklahoma Highway Patrol and the Muskogee School District Campus Police.

Statistics are maintained for all fires that occurred during the previous three years in on-campus housing. The Bacone Police Department requests and compiles the statistics for the report each year, based on information received from the offices and agencies listed above and from other Bacone College employees. Those statistics are counted and compiled into classifications for the report. Then, a check and balance system is used to ensure that the report meets the requirements of the Clery Act and provides the most accurate information regarding crime, fire, safety and related policies at Bacone College to students, employees, parents, potential students and employees, and the general public.

The report also includes information about procedures, policies and crime prevention programs including:

1. How to report a crime to Bacone police
2. Law enforcement databases of registered sex offenders
3. Drug, alcohol and sex offenses
4. How and when Bacone College issues warnings to campus of potentially dangerous criminal and emergency situations
5. Campus evacuation procedures

This report is available online at [www.bacone.edu](http://www.bacone.edu) and clicking on the 2019 Clery Report link at the bottom. A paper copy can be printed from the website link in PDF format or a printed copy can be obtained by request from the Bacone Police Department. The Bacone College Campus Police Department also makes the daily crime and fire logs available to anyone on request. This annual report is published no later than Oct. 1 of each year and a notice of its publication is distributed via email to every Bacone student and current employee. The office of Admissions notifies prospective students of the report availability, and prospective employees are notified on the Human Resources website and in every job posting.

# Bacone Drug, Marijuana and Alcohol Policies

Bacone's alcohol and drug policy applies to all members of the college community, including staff, faculty, students, affiliates, volunteers, and visitors. A brief summary of this policy follows. The full policy is available at The College prohibits the following on any university owned or controlled property, or at school activities:

1. Illegally manufacturing, distributing, dispensing, possessing or using illicit drugs, including marijuana and its derivatives
2. Possessing a medical marijuana permit does not allow for the possession, use or storage of marijuana anywhere on College property, including in the residence halls and faculty residences. Possessing, selling or using drug paraphernalia
3. Anyone younger than 21 possessing or drinking alcohol on campus property
4. Intentionally or knowingly selling or furnishing alcohol to anyone younger than 21, or anyone obviously inebriated
5. Possessing or consuming alcohol/drugs. being impaired by alcohol or drugs while on Campus Property, Driving a Campus vehicle or machinery, Performing Campus job duties, Volunteering for the College, Interacting with students while working or volunteering at the college or at a college sponsored event.

**PRESCRIPTION MEDICATION TIP:** Protect yourself prescription medication abusers!! Prescription drugs are widely available and are as dangerous as street drugs. Pain pills, or opioids, such as Vicodin, OxyContin, and Percocet, are often abused. These are also highly addictive, and especially lethal when mixed with alcohol. Selling, sharing or using any prescription drugs without a prescription is illegal and can result in jail time and large fines. If you are prescribed medication, you may find that some people would like you to share or sell it. They do not hesitate to ask, may offer to buy or trade for other drugs, or even go so far as to steal your medications. Medications are your own business – keep your prescription medication information private. Keep medication in a safe spot that only you access. Explain that you don't want to be responsible for someone else's adverse reactions to your medications. Explain that you do not have enough to share. If you must, say that you stopped taking the medication or come up with another explanation that works for you. Ration your medications by storing excess supply at home or with nearby relatives who will safeguard it. It is often possible to request more frequent prescriptions from health care providers if you have a concern about solicitation from other students. The preceding information was adapted from Facts on Tap. Keeping our Campus Drug Free is a Priority for us.

## Violating Bacone, State or Federal Drug and Alcohol Policy or Law

All Bacone College students are required to comply with the policies in the Student Handbook which can be found on the Bacone website at <https://www.bacone.edu> and clicking the student handbook tab at the bottom. This policy sets behavior expectations for students, including expectations regarding drug and alcohol use. The Student Handbook prohibits student use, possession, manufacturing, and distribution of illegal drugs (including marijuana), possession and use of Drug Paraphernalia, and Prescription drugs used in a manner other than as prescribed. If a student is found to have violated drug or alcohol conduct

expectations, the student may be subject to discipline under the Student Conduct Code, as well as criminal prosecution under federal and state laws where they be assessed fines and/or imprisonment. Bacone College, through its College Housing employees, The Office of Student Services and The Bacone College Campus Police Department, vigorously enforces state underage drinking laws; local, state and federal drug laws; and the Student Conduct Code. The College may properly intervene when employee use of alcohol or drugs affects job performance and conduct. Employees covered by this policy may not report to work or be at work while impaired by alcohol or drugs, even those lawfully prescribed, as determined under a reasonable suspicion standard. Employees who violate the Bacone College policies concerning illicit drugs face discipline outlined in College policies and procedures. Employees may also be subject to criminal prosecution under federal and state laws for drug-related criminal offenses. Each employee must notify the College's Human Resources Executive Director in writing no later than five days after being convicted for any criminal alcohol or drug statute violation. A conviction is a finding of guilt (including a plea of no contest or nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the criminal drug statutes. The College may take disciplinary action after receipt of any notice; disciplinary sanctions include action up to and including termination. All employee discipline is handled in accordance with currently adopted Bacone Employee Policies.

## **Bacone College Campus Police Department Responsible Action Exemption Policy for Students**

Students who seek emergency medical attention for themselves or on behalf of another student related to drugs or alcohol consumption will not be assessed Student Conduct Code violations by the Police Department relating to that specific emergency call incident when they seek medical attention for themselves or another student either on or off campus. The student seeking exemption for the emergency must comply with the recommendations of the Vice President of Student Services, these may include an assessment related to drug or alcohol use and treatment recommendations, among others. Failure to complete an assessment may result in charges against the student filed with Student Services. Additionally, any student who contacts the Bacone College Campus Police requesting assistance in finding treatment for any Drug or Alcohol addiction will not be subject to questioning by the police about the source of the drugs provided to the student. The Objective of the Police is to help the student seek help.

## **Marijuana Use and Possession on Campus**

The use and possession of marijuana is prohibited on campus. The potential health and behavioral impacts of marijuana do not fit with Bacone's mission as an academic institution and a safe, fast-paced, high-functioning work environment. Possessing, using, or selling marijuana continues to be prohibited on campus and during Campus activities. Federal agencies continue to enforce federal law against those who facilitate the illegal use of marijuana, despite state law. Oklahoma law legalizes use of Marijuana for specific Medical Marijuana Card Holders, yet Bacone College – as a school and an employer – has set policies in place that prohibit the possession and use of marijuana. In addition, marijuana remains illegal under the federal Controlled Substances Act, which prohibits marijuana possession and use. This federal law applies to recreational and medical uses of marijuana. It is not a defense that the person holds a medical marijuana card. Students and employees who violate this policy are subject to College discipline. Federal laws such as the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act also restrict use of marijuana in the workplace. These federal laws require the university to prohibit

the use of marijuana on campus. The Bacone College Campus Police Department, along with Student Services, enforces the campus-wide prohibition of marijuana. Bacone strives to maintain a safe workplace. Employees who are under the influence of marijuana, just like with alcohol, create serious safety risks when operating machinery or working with potentially hazardous materials or substance in the workplace. While performing their job duties Bacone College employees are prohibited from consulting or providing assistance with the cultivation, sale, distribution, or use of marijuana, Any employee who provides such assistance shall be acting outside the scope of his or her employment and assumes personal liability for such action, Bacone College is not required to accommodate an employee's medical or recreational use of marijuana. Illegal drug use is a bar to the acquisition or renewal of a federal security clearance.

## **Bacone College Employee Drug Alcohol Policies, Treatment and Educational Programs**

The Bacone College Employee handbook specifically prohibits the abuse of ANY substances and subjects employees to disciplinary action up to and including termination. Treatment may be more appropriate for alcoholics and intoxicated individuals than criminal prosecution. Employees should be afforded a continuum of treatment to help them lead normal lives as productive members of society. Bacone College supports the following kinds of treatment facilities and services: Screening centers for alcoholics. Medical detoxification. Intensive treatment. Halfway-house care. Outpatient rehabilitative therapy, orientation, education, and in-service training. Patient transportation. To find a mental health or substance abuse treatment facility in your area, visit this list <https://findtreatment.samhsa.gov> More information on health effects, usage trends, and marijuana regulation: National Institute on Drug Abuse [www.drugabuse.gov/publications/drugfacts/marijuana](http://www.drugabuse.gov/publications/drugfacts/marijuana) The U.S. Substance Abuse and Mental Health Services Administration [www.samhsa.gov](http://www.samhsa.gov) .

## **Student Drug and Alcohol Treatment and Educational Programs and Legal Sanctions**

For the 2019 School year, Bacone College has adopted a comprehensive approach to ensure compliance with Bacone's Policies, meet our obligations under the Drug and Alcohol Abuse Prevention Act to ensure that we offer education and treatment to any student in need of services. Our campus wide comprehensive program to combat this problem is a coordinated three-tiered approach:

1. Education. At the 2019 Student Orientation, students were spoken to at student orientation. They were advised of the consequences of violating the Drug and alcohol policies. Working with our partners at W.I.S.H., Information brochures and Samhsa resources about the hazards of drug and alcohol are set up at information desks manned by our partners at McCoy hall, Posey Hall and at the cafeteria during alternating weeks to ensure a wide distribution coverage.

2. Enforcement: Bacone College has adopted a zero-tolerance alcohol and drug use policy. All offenders of this policy are subject to, at a minimum, administrative charges and sanctions as outlined in the Student Handbook and can range up to and including the filing of felony charges in District or Federal Court.

3. Intervention Assistance: The Bacone Police Department has adopted a "Don't Ask, Don't Tell" policy with regards to students who ask for assistance fighting an addiction. To overcome the fear of asking authorities for assistance in fighting addiction Campus Students were informed at orientation that if they

ever need assistance in finding treatment, they can approach or call a Campus Police Officer who will assist them in finding the right resources in the area and transport them to obtain those resources. Campus Police will not interrogate them about how the drugs/alcohol were obtained or question those asking for help to inform against their friends. Bacone Campus Police value our role as stewards of the students who come to our campus to learn

## How to Report a Crime

Pursuant to the Department of Education Campus Safety and Security guidelines, it is the policy of Bacone College to set up procedure for students and staff to report crimes that have occurred or are in progress on Bacone College Campus ground, any property owned or under the control of the College or on any public property that is adjacent to the campus. Bacone College policy states that is a **duty to report** if the student or staff member witness's criminal activity or any other situation that is an immediate threat to the safety of any person or property on the Campus. In these emergencies, the witness **shall** call 9-1-1 to ensure adequate resources, including the Bacone College Campus Police, are sent to the scene. If the crime is not an emergency, the caller should notify the Bacone College Campus Police Department's non-emergency number at (918)-781-7200 or (918)-360-5814.

If the student **DOES NOT** want Law Enforcement involved, the student can contact the Title IX Coordinator at 918-781-7277 or the Vice President of Student Affairs so that an administrative investigation can be completed. Students have the right to report crimes and remain anonymous to ensure that those crimes are documented in the Annual Security and Fire Safety Report.

If the student **DOES NOT** want to talk to Campus Authorities to report a crime (other than those in progress or an immediate threat to safety) the student may call The Oklahoma School Security Institute at 1-855-337-8300.

## Tips for Reporting an Emergency When Dialing 9-1-1

You can call 911 from any phone. All 911 calls in Muskogee county are answered by dispatchers of a combined 911 dispatch center that dispatches officers for all law enforcement agencies in the area including **OTHER** campus police departments. Do not assume that the dispatcher will know which Campus Police Authority you are asking for as there are other College and High School Campus Police departments in the area.

When using a cell phone, it is different from a land line-based phone, the address of where you are at will not show up automatically as an address. The dispatcher will need to know the address of the emergency, which is not necessarily where the call is coming from. If you are on campus, identify your location as Bacone College Campus first and then the specific on-campus location or building. When you are reporting a crime, it is important to report it immediately from a safe location. When speaking to a dispatcher, stay on the line and, as accurately as possible, tell the dispatcher everything you can remember about the incident. If reporting about a suspect, try to recall details such as the suspect's clothing, if they were driving a vehicle, what it looked like, and direction of travel either on foot or in a vehicle. If you are able to give first aid to someone or to relay information to another rescuer, the 911 local dispatchers may be able to assist you by telling you what to do until emergency responders arrive. If reporting a fire or someone in need of an ambulance, Bacone College Campus Police will immediately notify fire or emergency medical



personnel, then help with emergency measures such as evacuation and managing traffic so that fire trucks and ambulances can access the scene.

## Report a Crime Anonymously

To remain anonymous and report a crime to the Bacone College Campus Police Department you can still call the non-emergency number at 918-360-5814. You can also submit a mailed statement to the Bacone College Campus Police Department at 2299 Old Bacone Rd Muskogee, OK 74403. Include as much detail as possible. If the crime you are reporting is an emergency, please call 911. Crimes reported anonymously to Bacone College Campus police will be included in the Annual Fire and Safety Report as required by the Clery Act.

If the student **DOES NOT** want a Law Enforcement prosecution but does want to have the incident looked at for possible administrative sanctions, the student can contact the Title IX Coordinator at 918-781-7277 or the Vice President of Student Affairs so that an administrative investigation can be completed. Students have the right to report crimes and remain anonymous to ensure that those crimes are documented in the Annual Security and Fire Safety Report.

## Bacone College Campus Police Authority

Bacone College Campus Police officers are certified by the Oklahoma Council on Law Enforcement Education and Training (CLEET) and are duly sworn, armed and commissioned police officers having full powers of arrest. Their jurisdiction includes anyplace in which the College owns, leases, controls or otherwise holds property. Campus police officers have the additional authority to enforce all college rules, policies and regulations while on college property.

Bacone College Campus Police has a mutual aid agreement with the Muskogee Police Department and the Muskogee School District Campus Police for assistance in emergencies, for resources on major events, and for additional investigative assistance on Major case Investigations.

## Proceedings Involving Students

The following Policy is in place for the Fall 2019-Spring 2020 Student Code of Conduct handbook

### A. Administrative Summons

- i. An Administrative Summons may be issued by the administrative officers of the College and is to be honored by students duly enrolled. Failure to answer the summons could result in immediate temporary suspension from the College until the issue is resolved.

### B. Submitting Reports/Allegations

- i. Any member of the College community may submit a report of a potential Student Code of Conduct violation. A report shall be prepared in writing and directed to Student Affairs,

College Police or Residence Life. Any report should be submitted as soon as possible after the event takes place.

- ii. A submitted report will be reviewed to determine merit, need for further investigation, appropriate referral if necessary and/or dismissal.

**C. Notifications of Allegations/Conduct Conferences**

- i. All allegations shall be presented to the Respondent(s) in written form. A time shall be set for a Student Conduct Conference, not less than three College business days from the issue date of the letter. The Respondent may choose to waive the three College business day requirements. Scheduling of the Student Conduct Conferences may be extended at the discretion of the Student Conduct Administrator(s).
- ii. All allegations and time/location of the Student Conduct Conference shall be presented to the Complainant(s), in cases of a Title IX allegation or act(s) of violence, simultaneously, and in writing, with the written notification to the Respondent(s).

**D. Interim Safety or Preventative Measures:** Interim Measures may be appropriate for respondent and/or complainant pending the outcome of a student conduct conference, College Investigation, or other administrative process. Interim Measures may include, but are not limited to:

**i. Temporary Suspension**

- a. Temporary suspension may be imposed only:
  - i. to ensure the safety and well-being of members of the College community or preservation of College property;
  - ii. to ensure the student's own physical or emotional safety and well-being; and/or
  - iii. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.
- b. During the temporary suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the VPSA or his/her designee may determine to be appropriate.
- c. The temporary suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Conference, if required.
- d. The student shall be notified in writing of this action and the reasons for the temporary suspension. The notice will include an option for a subsequent show cause meeting at which the student may show cause why his or her continued presence on the campus does not constitute a threat during the interim of an investigation and student conduct conference.

- ii. **Alteration in Living Arrangements:** This may include a student being relocated to a different room within the same building, a different room in a different building, or removing a student from College housing altogether.

- iii. **Class Change/Academic arrangement:** This interim measure may involve, but is not limited to, a change in class section, location, delivery modality, or other appropriate accommodation.

- iv. **No Contact Order:** Any and all communications between two or more parties may be imposed in order to establish and maintain the safety of the campus community and its individuals.

- v. **Loss of Privilege:** Loss of privileges is denial of specified privileges for a designated (consecutive) period.

- vi. **Restricted Access:** May include restricting entry to, or use of, College controlled property including locations situated off-campus.

- vii. **Change of Student Employment:** This interim measure may involve, but is not limited to, a change in student work location, hours, duties, or other appropriate accommodation.

- viii. **Escort Arrangements:** In circumstances where an escort to and/or from classes, meetings, or other College functions may be arranged if doing so does not put undue burden on College resources.

**E. Student Conduct Conferences**

Student Conduct Conferences may be conducted by the Vice President of Student Services (or designee) and/or a conduct panel according to the following guidelines:

- i. Student Conduct Conferences shall be conducted in private.
- ii. During a Student Conduct Conference involving more than one Respondent, the Student Conduct Administrator(s), at his or her discretion, may permit the Student Conduct Conference concerning each student to be conducted either separately or jointly.
- iii. The Respondent (and Complainant in a Title IX or act of violence case) may be accompanied by one adviser each (may be an attorney at the student's expense) so long as the availability of the adviser does not hamper the timeliness of the conference. The selected adviser and/or counselor may not be an individual and/or student that is and/or may be charged as a result of the same incident. The adviser is limited to advising the student and may not present the case, question relevant parties, or make statements during the proceedings. The mere presence of a College attorney does not indicate representation.
- iv. The Respondent(s) and their adviser, if any, shall be allowed to attend the entire portion of the Student Conduct Conference at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Conference shall be at the discretion of the Student Conduct Administrator(s).
- v. The Respondent, Complainant, and/or the Student Conduct Administrator(s) may arrange for witnesses to present pertinent information to the Student Conduct Administrator(s). Witnesses will provide information to and answer questions from the Student Conduct Administrator(s). Questions may be suggested by the Respondent and/or Complainant to be answered by other witnesses. These questions shall be directed to the Student Conduct Administrator(s) rather than to the witness directly. Questions of whether potential information will be received shall be resolved at the discretion of the Student Conduct Administrator(s).
- vi. Relevant records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration.
- vii. The Student Conduct Administrator(s), at his or her discretion, may stop a Student Conduct Conference to evaluate new information obtained during a Student Conduct Conference and reevaluate the accusations (add or eliminate) against the respondent.
- viii. The Student Conduct Administrator(s) may choose, at their discretion, to end a Student Conduct Conference (to be reconvened at a later time) for reasons such as: disruptive, threatening, or disorderly conduct; emergency situation; or procedural issue.
- ix. After the portion of the Student Conduct Conference concludes in which all relevant information has been received, the Student Conduct Administrator(s) shall determine whether the Respondent is found to be responsible for the conduct code violation(s) of which they were accused.
- x. The Student Conduct Administrator(s) determination shall be made based upon whether a preponderance of the evidence (more likely than not) indicates that the Respondent violated the Student Code of Conduct. The burden of proof rests with the Respondent.
- xi. Formal rules of process, procedure and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in Student Code of Conduct proceedings.
- xii. The Student Conduct Administrator(s) will provide simultaneous notification of the outcome of the student conduct meeting. and will notify complainant(s) (in a Title IX case) of the time, date, and location of the conduct meeting.

- xiii. All procedural questions during the course of the Student Conduct Conference are subject to the final decision of the Student Conduct Administrator(s).
- xiv. The College reserves the right to create a single verbatim record or recording of a Student Conduct Conference, excluding deliberations. The record shall be the property of the College. No other recordings shall be permitted by other parties.
- xv. If a Respondent, with notice, does not appear before a Student Conduct Administrator(s), the information shall be presented and considered **even if the Respondent is not present**.
- xvi. The Student Conduct Administrator(s) may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Respondent, Complainant, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen and/or by permitting participation by telephone, video conferencing, written statement, or other means, as determined by the sole judgment of Student Conduct Administrator(s) to be appropriate.

#### F. Sanctions

- i. One or more of the following sanctions may be imposed upon any student(s) found to have violated the Student Code of Conduct. Sanctions include but may not be limited to:
  - a. **Warning** – A warning is a written reprimand to the student indicating a violation of the Student Code of Conduct has occurred.
  - b. **Conduct Review** – Conduct Review is severe enough in nature to warrant the monitoring of a student’s behavior for a specified amount of time. Conduct review rises to the level of conduct probation; however, is slightly less due to mitigating circumstances. If there is a finding of responsibility for subsequent violations of the Student Code of Conduct during this period of time, more severe sanctions may be administered. A student on Conduct Review remains in good standing with the College.
  - c. **Conduct Probation** – Conduct Probation is for a designated (consecutive) period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probation period. A student on Conduct Probation is not in good standing with the College. An individual not in good standing:
    - i. may not officially represent the College in any College sponsored event,
    - ii. may not hold any leadership position in any College recognized organization, and/or
    - iii. may affect receipt of institutional scholarships and/or financial aid.
  - d. **Student Account Hold** – A hold may be placed on a student’s account as part of the outcome of a conduct conference. This may be done as a result of failure to complete additional sanctions or as a sanction on its own.
  - e. **Loss of Privileges** – Loss of privileges is denial of specified privileges for a designated (consecutive) period of time.
  - f. **Restitution** – Restitution is the compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - g. **Educational Requirements** – The imposing of educational sanctions includes, but is not limited to: letter of apology, presentation of a workshop, preparation of a research paper or project, community restitution, counseling, assessment or evaluation.
  - h. **Residence Hall Review** – Residence Hall Review is notice to the resident that their behavior is unbecoming of a resident and Bacone student. If the resident is found responsible for another Housing Agreement violation, then previous conduct will be taken into consideration at the time of sanctioning.
  - i. **Residence Hall Suspension** – Residence Hall Suspension is the separation of the student from the residence halls for a designated (consecutive) period of time,

after which the student is eligible to return. Conditions for readmission may be specified.

- j. **Residence Hall Expulsion** – Residence Hall Expulsion is the permanent separation of the student from the residence halls.
  - k. **Residence Hall Transfer** – Administrative room reassignment for a determined or indefinite period of time.
  - l. **College Suspension** – College Suspension is the separation of the student from the College for a designated (consecutive) period of time, after which the student is eligible to return. Conditions for readmission may be specified. A suspension hold will be placed on the transcript during the period of suspension. (RUSO Student Policy 4.4.5d)
  - m. **College Expulsion** – College Expulsion is the permanent separation of the student from the College. When a student is expelled, a record of this action will be made a part of the student’s permanent record. (RUSO Student Policy 4.4.5e)
  - n. **Determination or Reduction of Grade(s)** – Grade(s) for a specific course, assignment, paper, project, or other academic work, may be determined, or reduced should a student be found responsible for academic or other misconduct.
  - o. **Removal from Class(es) or Program(s)** – May be permanent or for a designated (consecutive) period of time.
  - p. **Revocation of Admission and/or Degree** – Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation or other violations of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - q. **Deferred Sanction** – Deferred Sanction is the delay or postponing of any sanction. If a student is found responsible for any violation of the Student Code of Conduct while on a deferred sanction the original sanction will be implemented, in addition, a new conduct process may be initiated.
  - r. **Parental Notification** – When students, who are under the age of 21, are found responsible for violating the Student Code of Conduct, or local, state, and federal laws in regard to alcohol and/or controlled substances the College reserves the right to parent or legal guardian notification.
  - s. **No Contact Order** – Any and all communications between two or more parties may be imposed in order to establish and maintain the safety of the campus community and its individuals.
- ii. More than one of the sanctions listed above may be imposed for any single violation.
  - iii. Other than College expulsion, revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student’s permanent academic record but shall become part of the student’s disciplinary record.
  - iv. A student may request in writing to expunge a disciplinary record no less than one academic year after completion of sanction(s). An expunged disciplinary record is the process in which student’s disciplinary record is cleared for disclosure purposes only; however, the disciplinary record will remain on file. Such written request shall be made to the VPSA or his/her designee.
  - v. In cases where a student is found responsible for a violation(s) of the Student Code of Conduct, the sanctions shall be determined and imposed by the Student Conduct Administrator(s).
  - vi. Following the Student Conduct Conference, the Student Conduct Administrator(s) will advise the appropriate parties of the outcome.

#### G. **Conduct Conference Outcomes**

- i. All outcomes shall be presented to the Respondent(s) in written form (by Bacone email, postal service, and/or campus mail) following the Conduct Conference.

- ii. All outcomes shall be presented to the Complainant(s), in cases of a Title IX allegation or act(s) of violence, in writing, simultaneously with the written notification to the Respondent(s).
- iii. A student is considered notified of the outcome as of the date the written notification is sent.

#### H. **Separation Procedures**

- i. Any student suspended from Bacone (excluding temporary suspension) will be withdrawn from both current and future classes in which they are enrolled. The date of the withdrawal will be determined as the last date of the conduct process including appeal or the last date they could have appealed if the student had chosen to do so.
- ii. Following a decision to suspend, the student's ID, housing key, and any other College property should be turned in to Bacone Officials.
- iii. The student will be accompanied by a College representative to collect belongings from their room in College Housing.
- iv. Students under suspension may not enter or use any College property or facilities until such time that the Suspension is lifted. Additionally, you may not participate in classes or any College sponsored events or activities. Failure to abide by the Suspension may result in further disciplinary and/or criminal action. If for any reason you believe you may need access to the campus, you must contact the College Police or Student Affairs to obtain permission and an escort if permission is granted.

#### I. **Appeals**

##### i. **Appeal Requests**

- a. To request an appeal, the student must submit the reason for their appeal in writing (typed, not hand-written). The request may be signed, dated, and delivered to Student Affairs (Samuel Richards Hall) or may be emailed to Student Affairs ([harjok@bacone.edu](mailto:harjok@bacone.edu)) within seven College business days following the date the outcome letter was sent. Any email should be sent from the student's Bacone email account.
- b. An appeal request allows a respondent(s) (in all cases) or complainant (in a Title IX case or act of violence) the opportunity to bring forward concerns about the outcome of the case in which they were a part. An appeal may be requested for one or more of the following<sup>1</sup>:
  - i. Sanctioning is believed to be too severe or too lenient.
  - ii. New Information becomes available which could significantly impact the original findings or sanctions and was not available during the original conduct meeting. (This new information must be included with the written appeal request).
  - iii. Errors in procedure occurred which may have significantly impacted the outcome.

##### ii. **Additional Guidelines**

- a. During the appeal process, records reviewed may include but are not limited to: Investigation reports, findings, sanctions assigned, the appeal request, and/or other procedural documents.
- b. Appropriate parties shall be notified regarding the submission, denial or acceptance, and outcome of an appeal, simultaneously when required, and within a reasonably determined timeframe.
- c. All sanctions assigned by the original conduct administrator(s) shall remain in effect during the appeal process to ensure the safety of the campus community. Exceptions may be requested in writing to the VPSA or designee. Graduation, internships, co-curricular activities, athletics, exams, and other activities are generally not seen as reasons for delaying sanctions. Should the appeal result in

reinstatement to the College, Student Affairs will assist in the transition back into good standing but cannot guarantee that there will not be implications or losses.

**J. Denied Appeals**

- i. Appeal requests are reviewed by the VPSA (or designee) in order to determine that the criteria are met. Following a review, the appeal may be denied by the VPSA (or designee) if it is determined that the appeal request did not meet the above-mentioned criteria. If a request is denied the VPSA (or designee) will notify the requesting party (and complainant if applicable).

**K. Approved Appeals**

- i. If an appeal is approved, both complainant(s) and respondent(s) involved in the same case may respond to the appeal. All responses must be in writing. Any party wishing to provide a response should do so, as there will be only one appeal.
- ii. If the appeal does not involve suspension, temporary suspension, expulsion, degree revocation, or rescission of credit, it will be reviewed by the VPSA (or designee).

**L. Disciplinary Files and Records**

- i. Case referrals will result in the development of a disciplinary file in the name of the respondent. If the student is found not responsible for the charges, the file will be marked no action, no record, and shall not constitute a disciplinary record. Such files will be destroyed after one year.
- ii. The files of students found responsible for charges against them, with sanctions less than suspension or expulsion, will generally be maintained in the Student Conduct Office for seven years from the calendar year of record, after which they are destroyed.
- iii. Records of cases in which suspension or expulsion from the College occur are kept for 10 and 15 years respectively.
- iv. Confidentiality – All disciplinary records are confidential and may not be disclosed in whole or in part except as provided by law or by the written authorization of the student, under legal compulsion, or where the safety of other persons may be involved. Disciplinary records are maintained separate from the student's academic record but are part of the student's educational record.
- v. Re-release of disciplinary information/records – Individuals participating in disciplinary proceedings are bound by law to not disclose information discussed in the proceedings. When disciplinary records are permitted to be disclosed to an individual only, that information should not be re-disclosed, under penalty of law.

## **Confidentiality of Proceedings**

Confidentiality –All disciplinary records are confidential and may not be disclosed in whole or in part except as provided by law or by the written authorization of the student, under legal compulsion, or where the safety of other persons may be involved. Disciplinary records are maintained separate from the student's academic record but are part of the student's educational record. Re-release of disciplinary information/records. Individuals participating in disciplinary proceedings are bound by law to not disclose information discussed in the proceedings.

# Crime Prevention, Sexual Assault Prevention and Security Awareness Programs

Bacone College Campus Police, residence hall staff, and the Women In Safe Home are among groups on campus that provide safety and crime prevention educational programs. General campus educational programs include fire safety protocol, personal safety, interpersonal violence prevention, alcohol and drug awareness, and computer crimes. Many programs can be tailored to fit the needs of the audience. For the 2019 academic year we are instituting a comprehensive three-tiered approach to help educate and combat incidents of interpersonal, domestic, dating and sexual assault prevention.

1. Tier one is the initial education of our students on the policies about Bacone's Policies strictly prohibiting Assault, Harassment, Sexual Assault and stalking. All of these policies are defined and prohibited in the 2019-2020 Student Code of Conduct. The first presentation on Crime Prevention occurred at 2019 Fall Student Orientation. Tips about the prevention of Property Crimes on Campus were given as well as discussion about Bacone's Policies.

2. Tier two is in our ever-growing our Partnership with Women in Safe Homes (W.I.S.H). W.I.S.H provides continuing support, education and availability for victims of all crimes with a specific emphasis on Interpersonal and sexual violence. They also serve as a conduit for providing support, educational materials and information for students in need of any other services. We have set up three separate locations for a staffed information booth. This includes the boy's dorm, the girl's dorm and the combined cafeteria student center. The booth contains resource information on Interpersonal violence and available resources as well as information about drug/alcohol dangers, suicide prevention and available resources.

3. Tier three is Campaign to bring the problem of sexual violence to the forefront on campus. Sexual assault prevention posters have been hung in the dorms and in the cafeteria/student center. The Bacone College Campus Police Department has instituted its own new for 2019 social awareness campaign titled "**#consentdefined**". This is a campaign to use our students most common form of communication, social media and computers, to educate all of our students about the absolute, truthful, moral and legal definition of consent between two persons who engage in a relationship.

Any class, club, group, or other Campus organization can schedule education programs on the above topics by contacting the Bacone College campus Police Department at 918-781-7200. Some programs are hosted and publicized on a continual basis throughout the year on the website. The Bacone College Campus Police Department also implements the following crime prevention strategies on campus:

- Regularly patrolling residence halls
- Regularly patrolling all buildings on campus and checking doors and windows for security concerns, particularly after hours
- Reporting facilities issues such as lights and door locks that do not work correctly
- Surveying campus for security and safety issues
- Educating the campus community about crime prevention strategies
- Presenting educational programs to students, parents, and employees about general safety, sexual violence safety, DUI enforcement, substance abuse, bike safety and education upon request



- Teaching personal protection classes
- Offering SafeWalk, a Bacone College Campus Police service that provides a security escort from any campus location to another campus location or a location within a half mile of campus, year- round, from dusk to dawn
- Educating campus about proactive reporting options to connect people who are struggling with mental health issues or who may be a risk to themselves or others with university resources and alerting campus offices that can address safety concerns presented by these individuals
- Collaborating with committees and individuals across campus to identify and address safety and security needs for special events, sporting events and campus traffic issues
- Safety alert bulletins describing specific crimes or perpetrators

## **Building Access**

Most campus buildings and facilities are accessible to members of the campus community, guests, and visitors during normal business hours Monday through Friday, excluding holidays, or when the university is closed, such as during a snow day. Some buildings are open for designated hours on weekends, such as the Cafeteria and Warrior Gym. Exterior doors on campus buildings are locked each evening by Faculty or Campus Police. Students are prohibited from propping open doors and Bacone College Campus Police and student housing employees aggressively enforce this policy. Do not prop building doors open or allow strangers into campus buildings that have been secured. Do not lend keys or key cards or leave them unattended in your work or living space. Do not give door entry or alarm codes to anyone you don't know or who doesn't have an authorized reason to have the code. Report unlocked buildings after hours, problems with locks or security devices, and any other building security or safety issues to the Bacone College Campus Police at 918-781-7200 or 918-360-5814. Emergencies and situations posing an immediate threat to safety should be reported to Bacone College Campus Police immediately by calling 911.

## **Residence Hall Security**

Residence Hall Security is one of the most important canons of The Bacone College Campus Police comprehensive campus safety philosophy. Residence hall security includes the following measures:

- Residence Hall entrance doors are locked 24 hours a day, seven days a week
- The identity of individuals requesting lockouts is verified to prevent unauthorized entry
- Residents should not allow strangers access to the building, either by propping doors, lending keys, or opening doors for anyone waiting outside the building.
- Visitors and delivery people must contact Bacone College Campus Police to gain entry.
- Students must accompany any guests they allow inside of the dorm. Guests are NOT allowed to be in the residence halls without the student

# Community Oriented Policing

The Bacone College Campus Police Department believes that forming partnerships with others is the only true way to ensure a comprehensive approach to Campus Safety. The Bacone College Campus Police Department works towards this goal with all of our other Campus employees/organizations, government agencies and community resources dedicated to keeping our campus safe. These partnerships include the following approaches:

- Working with the Student Housing Resident Assistants to ensure compliance with Bacone College Student Policies relating to safety and a drug and alcohol-free campus are strictly enforced.
- Ensuring that W.I.S.H representatives have free access and adequate campus resources to maintain maximum availability to students in need of any services or personal crisis support
- Ensuring that Drug, Alcohol and Suicide Prevention Educational materials from the United States Department of Health and Human Services are available to students in need
- Making the Bacone College Campus Police Department Officer's approachable and understanding to the needs and pressures that our college age young adults face today.

## Crimes on Non-Campus Property and Concurrent Jurisdiction

Crimes occurring in public properties adjacent to the Bacone Campus fraternities and sororities are included in Bacone College's crime statistics for purposes of reporting under the Clery Act. Campus security authorities are individuals designated under the Clery Act as having responsibility to report Clery crimes of which they become aware. Many individuals on campus are considered to be campus security authorities based on their position and responsibilities at the college. The Bacone Police Department is required to annually request statistics from other Law enforcement agencies that have concurrent jurisdiction over Bacone Campus Properties and adjacent public property.

## Clery Reporting Policies and Accuracy in Crime Reporting

Bacone College takes the Safety of our students, staff and faculty seriously. Bacone College understands the importance of accurate crime and fire statistics to the public, staff/faculty, active students, prospective employees and students and the United States Department of Education Office of Postsecondary Education. To ensure compliance for the 2019 Annual Safety and Security Report, the Bacone College Campus Police department has reviewed and adjusted its policy on statistical data collection in accordance with recommendations from the United States Department of education. That policy is follows:

REPORTING, COLLECTING, CLASSIFYING, COUNTING, RECONCILING AND CRIME STATISTICS

This policy describes the roles and responsibilities of key units that are involved in reporting, collecting, classifying, counting, reconciling and/or disclosing crime statistics in the Annual Security and Fire Safety Report (ASFSR) and to the Department of Education via the Campus Safety and Security Data Analysis Collection Tool (CSSDACT), as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (a.k.a., the “Clery Act”).

The policy is intended to ensure that all crimes reported to Campus Security Authorities and local law enforcement agencies are properly evaluated for inclusion into BACONE College annual statistical disclosures and are accurately and completely disclosed in the ASFSR and the CSSDACT.

**DEFINITIONS:**

**Clery reportable crimes.** The phrase *Clery crimes*, as used in this policy, means the crimes of

1. Criminal Homicide, including:
  - A. Murder/Non-negligent Manslaughter
  - B. Manslaughter by Negligence
2. Sexual Assault, including:
  - A. Rape
  - B. Fondling
  - C. Incest
  - D. Statutory Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Hate crimes, to include any of the crimes noted above (except Manslaughter by Negligence) as well as any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias
9. Arrests for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations
10. Referrals for Disciplinary Action for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations
11. Domestic Violence
12. Dating Violence
13. Stalking

The following definitions will be used for reporting the Clery crimes, which are derived from the Federal Bureau of Investigation’s Uniform Crime Reporting (FBI’s UCR) program and Department of Education regulations:

1. The definitions for *Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Weapons: Carrying, Possessing, Etc., Law Violations, Drug Abuse Violations, and Liquor Law Violations* are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program.
2. The definitions of Fondling, Incest, and Statutory Rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program.
3. The definitions of *Larceny-Theft (except Motor Vehicle Theft), Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property* are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.
4. The definitions of *Domestic Violence, Dating Violence, and Stalking* are from the Department of Education's Clery Act implementing regulations at 34 C.F.R. 668.46.

**Primary Crimes.** A category of crimes that includes Criminal Homicide (including Murder and Non-Negligent Manslaughter and Manslaughter by Negligence); Sexual Assault (including Rape, Fondling, Incest and Statutory Rape); Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

**VAWA Offenses.** A category of crimes that includes Domestic Violence, Dating Violence and Stalking.

**Classifying.** Determining the proper crime category or categories in which to report an offense.

**Counting.** Counting the number of offenses after they have been classified.

**Reconciling.** Comparing offenses reported from different people or entities to ensure, whenever possible, that unique incidents/crimes are being included in the University's annual statistical disclosure.

**Clery Geography.** Those locations determined by the Bacone College Campus Police Department (BCCPD) to conform to one or more of the Clery Act location categories of On Campus, On Campus Student Housing Facilities (a.k.a. "Residential Facilities"), Noncampus buildings or property, and Public Property.

**Unfounded report.** A crime report made to a Campus Security Authority (including BCCPD) or State or local law enforcement agencies that has been determined by sworn or commissioned law enforcement personnel to be false or baseless using Clery Act standards (as outlined in the *Handbook for Campus Safety and Security Reporting, 2016 Edition*). 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. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place.

**Business Days.** Monday through Friday, excluding any day when the institution is closed.

#### Roles and Responsibilities

The following roles and responsibilities are established pertaining to the documentation, collection, classification, counting, reconciliation and reporting of Clery crimes that must be included in the University's annual statistical disclosure in compliance with the Clery Act.

1. The official(s) leading each unit listed below are responsible for ensuring that personnel within their unit carries out these functions in a timely fashion and have received sufficient training commensurate with their roles and responsibilities.
2. The **Bacone College Campus Police Department (BCCPD)** will be responsible for the following:

- A. Creating and maintaining a Clery Map to visually depict the institution's core campus boundary and the reportable public property that is within or immediately adjacent to and accessible from the campus.
- B. Maintaining an updated list of the University's Clery Geography.
- C. Distributing the Clery Geography list and Clery Map internally to Officers and Supervisors and externally to the Office of Judicial Affairs and Community Education and providing an updated list/map when the College's Clery Geography changes.
- D. Documenting all crimes reported directly to the BCCPD.
- E. Investigating all fires not immediately known to be accidental for purposes of making an Arson determination.
- F. Investigating all reports of incidents involving possible bias to determine if a crime occurred that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim (i.e., a Hate Crime).
- G. Ensuring that Unfounded reports are only identified as such following a formal determination made by sworn or commissioned law enforcement personnel that a crime report is false or baseless (in accordance with Clery Act standards for unfounded crimes).
- H. Reviewing all crimes reported directly to BCCPD for purposes of determining which reported offenses should be included in the University's annual crime statistics.
- I. Requesting, in writing and early in the calendar year, applicable crime statistics from all State and local law enforcement agencies with jurisdiction on or within the Bacone College Clery Geography.
- J. Determining which crimes reported by State and local law enforcement agencies should be included in the University's annual statistical disclosure.
- K. Requesting crime reports (at least annually, in writing) directly from all persons or organizations identified by Bacone College as Campus Security Authorities.
- L. Classifying and counting all crime reports received from Campus Security Authorities to determine which offense(s) should be included in the College's annual statistical disclosure. (Note: The Office of Student Affairs shall have primary responsibility for classifying and counting any offenses uniquely reported to them and other non-law enforcement Bacone officers in those cases where the victim does not want to report the incident to law enforcement.)
- M. Maintaining an audit trail of all offenses reported to BCCPD, to State and local law enforcement agencies in the service area, and to other Campus Security Authorities that were included in the most recent calendar year's annual statistical disclosure. Minimally, the audit trail will include the following:
  - Case Number/Incident Number (if applicable)
  - Date of incident
  - Time of incident
  - Type of Offense

- Name of Accused (if known)
  - Location of the Offense
  - Clery Geography
- N. Meeting on a regular basis (monthly, when feasible) with the Office of Student Affairs to reconcile offenses reported between that office and BCCPD.
- O. Entering all crime reports that occurred within the Bacone College Clery Geography or the BCCPD patrol jurisdiction within two business days of the BCCPD being notified of the crime, including crimes reported directly to BCCPD as well as crimes that are first reported to other Campus Security Authorities or State and local law enforcement agencies which are subsequently reported to BCCPD.
- P. Maintaining documentation of all crime reports for a period of no less than seven (7) calendar years
- Case Number/Incident Number (if applicable)
  - Date of incident
  - Time of incident
  - Type of Offense
  - Name of Accused (if known)
  - Location of the Offense
  - Clery Geography
3. The **Office of Student Affairs** shall be responsible for:
- A. Immediately notifying BCCPD of any reported incidents that could represent a serious or continuing threat to students and employees so that the report can be evaluated for potential issuance of a Timely Warning Notice.
- B. Training professional staff to document essential information regarding reported offenses and include this information in all incident reports submitted through in-house data bases helping ensure sufficient information is available to classify and count the reported offense, in the event the offense is a Clery crime.
- C. Ensuring all professional staff promptly document all crime reports in in house data bases.

#### Procedures

1. The BCCPD and the Office of Student Affairs will engage in an ongoing review of reports for purposes of determining whether reported offenses should be included in the University's annual statistical disclosure.
  - A. Normally, the BCCPD Chief will be the individual with primary responsibility for collecting, classifying and counting crime reports from the individuals and entities identified in Section II.A. of this policy; for maintaining an accurate and detailed audit trail of reported offenses, and; for meeting with the Director of Student Affairs (hereafter, "the Director") for purposes of reconciling crime reports.

- B. Normally, the Director will be the individual with primary responsibility for reviewing, classifying and counting incident reports submitted through other Bacone offices for maintaining an accurate and detailed audit trail of reported offenses, and; for meeting with the BCCPD Chief for purposes of reconciling crime reports.
2. On a regular basis (at least monthly, when feasible), the BCCPD Chief and the Director will meet to review and compare their respective audit trails.
- A. Clery crimes brought to the BCCPD Chief's attention during this meeting (i.e., those Clery crimes about which the BCCPD was previously unaware) will be added to the BCCPD audit trail as soon as practicable (and to the Daily Crime Log within two (2) business days of the crime being brought to the BCCPD Chief's attention). The Director will be responsible for providing necessary information to the BCCPD Chief for purposes of adding the offense to the BCCPD audit trail and the Daily Crime Log. (Note: It is not necessary for the Director to apprise the Chief of the outcome of a disciplinary proceeding in order for the Chief to add the "Disposition" of the report to the Log.)
- If the Chief and the Director have arrived at differing classifications or counts for the same offense, each unit's documentation should be reviewed during the meeting to determine if consensus on the proper classification can be reached. The BCCPD Chief bears ultimate responsibility for determining the proper classification and count in disputed cases.
  - Any incident reports or other supporting documentation giving rise to the Director's classification of Primary Crimes or VAWA Offenses which have not previously been reported to BCCPD (and therefore are not already included on the Daily Crime Log or the BCCPD audit trail) will be reviewed during the meeting to confirm the Director's initial classification. The BCCPD Chief bears ultimate responsibility for determining the proper classification and count in disputed cases.
  - The BCCPD Chief will review all crime reports received from Campus Security Authorities and classify and count any reported Clery crimes. These crimes will be added to the Daily Crime Log within 2 business days of the Chief's receipt of the crime report. The crime will also be added to the BCCPD audit trail to ensure its inclusion in the University's annual statistical disclosure.
  - The BCCPD Chief will review all crimes reported by State and local law enforcement agencies that were received in response to the written request for crime statistics to determine which offenses should be included in the College's annual statistical disclosure. These crimes will be added to the Daily Crime Log within two (2) business days of the Colleges receipt of the crime report. The crime will also be added to the BCCPD audit trail to ensure its inclusion in the University's annual statistical disclosure.
    - If the BCCPD Chief reviews the responses from State and local law enforcement agencies and identifies any of the "red flags" listed on page 4-13 of the *Handbook for Campus Safety and Security Reporting, 2016 Edition*, obtains non-UCR statistics; obtains statistics that cannot be attributed to the Bacone College's Geography; or has the request for statistics denied, the BCCPD Chief will follow the guidance appropriate to

the circumstances as outlined in the *Handbook for Campus Safety and Security Reporting, 2016 Edition*.

- After the BCCPD Chief has reviewed all crime reports from Campus Security Authorities as well as statistics received from State and local law enforcement agencies, the BCCPD Chief and the Director will meet to reconcile the entire calendar year's statistics to serve as a double-check of past reconciliation efforts and to ensure all cases from the calendar year have been reviewed and included in the crime statistics, where appropriate.
- The BCCPD Chief will prepare the final audit trail of Clery crimes that will be included in the College's annual statistical disclosure.
- The BCCPD Chief will populate the applicable statistics into the draft ASFSR no less than two (2) other BCCPD personnel to double-check the accuracy of statistics populated into the ASFSR from the audit trail to ensure there are no statistical discrepancies.
  - The BCCPD Chief will conduct a final review of the statistics populated into the ASFSR from the audit trail to confirm there are no statistical discrepancies and the statistics, as populated, represent an accurate and complete disclosure.
- When statistics are initially entered into the CSSDACT, the BCCPD Chief will populate the applicable statistics into the CSSDACT based on the totals contained in the audit trail. When inputting statistics, the BCCPD Chief will adhere to any instructions and/or guidance contained in the applicable *User's Guide for The Campus Safety and Security Web-Based Data Collection* made available by the U.S. Department of Education for that reporting cycle.
- The BCCPD Chief will then compare those statistics populated from the audit trail to the statistics included in the ASFSR to ensure the statistics are identical.
- The BCCPD Chief will then direct no less than two (2) other BCCPD personnel to double-check the accuracy of statistics populated in the CSSDACT to ensure there are no statistical discrepancies between the CSSDACT statistics, the audit trail, and the ASFSR.
- The BCCPD Chief will conduct a final review of the statistics populated into the CSSDACT to confirm there are no statistical discrepancies and the statistics, as populated, represent an accurate and complete disclosure that matches both the audit trail and the statistics included in the ASFSR. The CSSDACT survey submission will then be locked by following the procedures outlined in the applicable *User's Guide for The Campus Safety and Security Web-Based Data Collection*

To ensure compliance with the new Policy, Bacone College campus Police sent out a formal request e-mail to those concurrent jurisdiction agencies asking for crime information within the Clery geography. These concurrent jurisdiction agencies include the Muskogee Police Department, The Muskogee County Sheriff's Office, The Muskogee School District Campus Police Department and the Oklahoma Highway Patrol requesting any reportable cases that they may have handled. Bacone College Campus Police Department strives to ensure the accuracy and transparency of our crime reporting.



# Emergency Response and Evacuation Procedures

Bacone College Campus Police Department conducts fire alarm tests and emergency evacuation Procures training to students. The Spring 2019 drills were conducted on March 14<sup>th</sup>, 2019 and the Fall 2019 Semester drills are scheduled for October 2019. This included an unannounced fire alarm and building evacuation. At the conclusion of the fire alarm and building evacuation test, the housing director and Bacone Police officers conducted training on evacuation rally points/procedures, consequences for failure to evacuate and tornado drill training as our campus is also located in the heart of "Tornado Alley". Bacone College will conduct the Fall Emergency Response and evacuations procedures test later in 2019 to ensure compliance. Fire alarm evacuation procedures for residence halls as well as Tornado Shelter procedures are also in the Student Handbook which can be found at [www.bacone.edu](http://www.bacone.edu) and click the student handbook link at the bottom of the main website page.

## Emergency Notifications and Timely Warnings

Pursuant to the Department of Education Campus Safety and Security guidelines, it is the duty of the Bacone College to ensure the issuance of timely warnings, emergency notifications, and ensure that evacuation procedures are established and known. Bacone Faculty, Staff, Students and Volunteers that become aware of an active criminal threat, weather emergency or fire emergency shall call 9-1-1 first to ensure the proper resources are sent for the emergency and ensure that the Bacone College Campus Police are informed. The Bacone College Campus Police shall utilize the BlackboardConnect notification system to issue the emergency notification or timely warning to the Campus Community. Nothing in this policy shall prohibit the Bacone College Campus Police from first dealing with the life-threatening emergency to save lives prior to sending out this notice. Evacuation routes shall be posted in Campus dormitories and other buildings. At the beginning of each semester, all Faculty Staff, volunteers and students shall receive training in Campus Emergency protocol and evacuation procedures. The BlackboardConnect system, emergency procedures and fire alarm dormitory evacuations shall be tested at least twice each semester.

## Emergency Notifications and Procedures used for Issuance

Under the Clery Act, the university issues emergency notifications to students and employees when certain threatening events take place within Bacone College's Campus Clery geography. When is an emergency notification necessary? Under the Clery Act, the institution is required to notify the Bacone College campus community as soon as there is reasonable confirmation of a significant emergency or dangerous situation occurring on or near the Bacone College campus that involves an immediate threat to the health or safety of students or employees. The College is not required to alert the campus community if a threat to campus is immediately contained. An immediate threat includes an imminent or impending threat, such as an active assailant, approaching tornado, flood or other natural disaster. This could include an active fire currently in a campus building

Bacone College Campus Police immediately gather information upon responding to a report of an emergency or dangerous situation and evaluate the situation as quickly as possible for any immediate risk to the campus community. Officers who respond will evaluate the situation to determine if there is an immediate threat, such as an active shooter, hazardous material released, fire, or other threat. Information can be limited in the first moments of a police response, but officers will work to quickly gather initial information from as many people as possible, visually assess the situation, and look for evidence of a crime. However, if the information available indicates that there is an immediate risk to health and safety of campus, even if a report has not been verified as credible, the responding Bacone Campus Police Officer will initiate the process of sending an emergency alert. The Officer weighs possible risk of compromising law enforcement efforts or endangering a victim of a crime before sending an emergency alert. If a threat has been immediately contained by law enforcement, or if the incident appeared to be targeted toward specific individuals known to the assailant and there is no threat to other individuals, no warning is issued. Some examples of situations in which an emergency notification would also be considered include but are not limited to:

- Approaching tornado, other extreme weather conditions, earthquakes
- Gas leak, chemical spill, outbreak of communicable disease as determined by health authorities on or near campus
- Terrorist incidents, Riots or civil unrest on or near campus
- Armed intruder, active assailant/active shooter or fleeing fugitive on or near campus
- Bomb threat on or near campus
- Explosion or large fire on campus

Generally, all university employees and students will receive alerts, including email messages, and a text message to subscribers. All employees and students are strongly urged to sign up for text alerts, no segment of the university population is automatically enrolled. Students can verify if their phone number is enrolled to receive message alerts by contacting the Vice President of student affairs or the Chief of Police. In some cases, the main university social media accounts also will share emergency information.

## **Timely Warnings and Procedures used for issuance**

When is a timely warning necessary? When a Clery category crime is reported to Bacone Campus police, the report is assessed for whether a serious or continuing threat is present. Bacone Campus Police department is responsible for issuing a timely warning if a Clery Act crime has been reported and the department determines there is a serious or continuing threat to the campus community. The Clery Act does not define “timely,” but the intent of the warning is to promptly provide information to people to help them prevent or protect themselves from similar crimes. Timely warnings are issued on a case-by-case basis to help reduce the risk of a campus community member becoming the victim of a similar crime. Warnings sometimes are issued before complete information is available and before police can determine if a report is credible. Once an initial report of a crime has been received that may fit the criteria for a

timely warning, Bacone College campus Police will determine if a timely warning should be issued. Determining if a timely warning will be sent depends on the information reported, the timing of the report (if the report is made after a threat has passed), and if continuing concern to the campus community is probable. Timely warnings may be issued to the entire campus community through:

- The Bacone College emergency email system, which is moved as a priority message before all other email traffic into and out of the university system. This system sends emails to all students and employees, and **no one** can opt out of receiving messages.
- Postings to the Bacone College website, [www.bacone.edu](http://www.bacone.edu).
- The Bacone BlackBoard Connect emergency text alert system. Students and employees must sign up for text alerts – no individuals are automatically enrolled. This system is generally reserved for emergency notifications. Students and employees are strongly encouraged to sign up for the university's emergency text notification system and to periodically check to make sure that their mobile number in the system is correct. Employees may enroll and verify their information by contacting the Bacone College Campus Police chief or the Vice President of student services. It only takes a few moments to sign up for alerts and doing so may help save your life or the life of another.
- Fliers sent to specific offices or areas of campus where the threat is targeted and not immediate. Warnings may also be posted on one or more of the Bacone campus's Social media sites, or by sharing paper notices to specific audiences on campus that may be threatened.

## Sharing Information with the Community outside of Campus

Timely warnings of threats will be issued to the non-campus community through the use of other measures including but not limited to press releases, calls to the local media, website postings or the use of concurrent jurisdiction press information officers. Bacone College is a longstanding institution of the community and understands the need for open communication, especially in matters relating to the safety of our students and the surrounding community.

## Active Shooter and Active Killer Procedures

Bacone College Campus Police Department is aware of the threats that a College campus can face. Bacone College Campus Police Department has established a policy and created procedures in the event of an active killer situation. That policy is as follows:

### **POLICY:**

This policy describes the procedures for students to follow in the event of an active killer (commonly referred to as an active shooter) incident on campus. Bacone College prescribes to a practice commonly known as RUN/HIDE/FIGHT

### **DEFINITIONS:**

**ACTIVE SHOOTER/KILLER** is “an individual actively engaged in killing or attempting to kill people in a confined and populated area.” In most cases, active shooters use firearms and there is no pattern or method to their selection of victims.

**ACTIVE THREAT** is defined as any incident which by its deliberate nature creates an immediate **threat** or presents an imminent danger to the campus community.

#### **PROCEDURES IN THE EVENT OF AN ACTIVE KILLER INCIDENT**

##### **I. ALERT (NOTIFY)**

- A.** In the event of an active shooter situation on campus, Faculty, Staff or Students Shall notify the emergency communications center by dialing 911. This procedure will not only notify Bacone College Campus Police, but it will also allow for response from other law enforcement agencies as well as medical and fire agencies in the fastest manner Possible.
- B.** Stay on the phone and continue to provide critical information to the 911 center until they advise to break contact, or you no longer feel it is safe to talk.

##### **II. EVACUATE (RUN)**

- A.** In the event of an active shooter situation on campus, Faculty, Staff and students shall, providing that it can be done safely, evacuate themselves and students from the building where the incident is occurring.
- B.** It should be noted that since we are a college campus with multiple buildings, evacuation should only occur in the building where the event is taking place. All other buildings shall go into **Lock Down Mode**.

##### **III. LOCKDOWN (HIDE)**

- A.** In the event of an active shooter situation on campus and if evacuation is not achievable then Staff and Faculty should go into **Lock Down Mode**.
- B.** Lock down mode consist of closing and locking all doors, turning out the lights, closing blinds if possible, and heavily barricade the door using desk, tables, or whatever is available.

##### **IV. CONFRONT (FIGHT)**

- A.** If Evacuation is not an option and Staff, Faculty and Students have barricaded themselves but have been located and confronted by the killer(s), it may be necessary to confront the threat. This means taking appropriate action such as fighting, tackling, or attacking the killer with whatever is available to them. Simple items such as fire extinguishers and staplers have been used in situations as defensive objects when thrown. **DO NOT** take this lightly!! You are in the very fight for your life!! Your survival may depend on your ability to keep your wits about you, your acceptance that this is a real threat as well as your awareness of the campus and your surroundings.

## **Bacone College Critical Incident Response**

The Bacone College Campus Police Department Officers have received training in responding to critical incidents on campus. When a serious incident occurs on campus, BCCPD is usually the first emergency responder on scene. Depending upon the nature of the incident, Muskogee Police Department, Muskogee Public Schools Police Department and other agencies if needed may be requested to assist.

In an ongoing or multi day Major Campus emergency, the incident will be coordinated from an Emergency Operations Center. The Emergency Operations Center may be located on or off campus depending on the nature and scope of the incident. Other authorities may assist in setting up a joint Emergency Operations Center. The center will oversee and support field operations of the incident, with the Bacone College President and the Bacone Police Chief making strategic decisions for actions to be made.

Every Bacone College employee is responsible for:

- Surveying buildings to proactively mitigate and plan for emergencies
- Helping notify the College about risks in buildings and on campus grounds, and educating colleagues about risks in their areas
- Knowing and understanding the building safety plan for the buildings they primarily occupy
- Learning the locations of exit routes, exit stairwells, pull stations, fire extinguishers and automatic external defibrillators, called AEDs
- Knowing and posting emergency phone numbers
- Participating in all fire drills, treating every alarm as an actual emergency and evacuating a building during an alarm
- Learning the needs of anyone for whom you are responsible who may need assistance during an emergency
- Knowing rally point locations
- Calling 911 immediately during an emergency
- Faculty who are teaching classes at the time of an emergency are responsible for the orderly evacuation of class participants and should be the last one out of the classroom to verify evacuation for responders.
- DO NOT take time to turn off computers, printers or office lights. Close, but DO NOT lock, office door and windows.
- Gather your personal belongings if it is safe to do so. (Reminder: take prescription medications out with you if at all possible; it may be hours before you are allowed back in the building.)
- Exit the building through the closest exit. DO NOT use the elevator.
- All personnel should be familiar with exit paths for their areas. REFER TO YOUR FLOOR PLAN and be familiar with the shortest path possible and a secondary exit.
- Proceed in an orderly manner as quickly as possible to the nearest exit and then to the designated rally point. Be alert for individuals with disabilities or injuries who may need assistance. However, under no circumstances should an individual risk or jeopardize his or her personal safety in an attempt to rescue another person. All occupants who are physically incapable of exiting the building without assistance should go to the nearest stair tower or area of refuge and await rescue. Notify the building proctor or responding emergency personnel of any known individual that may be unable to independently exit the building.

- Stay at the designated rally point until you are instructed to leave. This way an accurate head count can be taken. Faculty and lab assistants are responsible for the students. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel.
- Upon arrival of Campus police, an Officer will assist them in whatever manner they request or direct.
- Emergency alarms being turned off DOES NOT mean the building is clear and safe to re- enter. They are silenced so that emergency response personnel are able to communicate with each other. DO NOT RE-ENTER THE BUILDING for any reason until instructed to do so by fire department, EHS, or police officials.

In case of a full campus evacuation:

- Evacuate as instructed in emergency announcement.
- Leave by vehicle unless instructed otherwise.
- Do not return to campus until instructions are received saying it is safe.
- Move to designated campus rally points if unable to go home or if you are instructed to do so.
- Also see the evacuation procedures for fire emergencies described in the section on Fire Safety on Campus and Evacuation Procedures.

## **Missing Student Policy and Official Notification Procedures, Confidential Student Contacts**

Pursuant to the Department of Education Campus Safety and Security guidelines, it is the duty of all Bacone Faculty, Staff and Volunteers to report Missing Persons that occur on Bacone College Campus ground or on any public property that is adjacent to the campus. If the Faculty, Staff or Bacone College Volunteer has firsthand knowledge OR information from another reporting person of a missing person the employee should notify the Bacone College Campus Police Department Immediately at numbers (918)-781-7200 or (918)360-5814. If the Faculty, Staff or Bacone College Volunteer knows where the missing person was last seen on campus, the employee should secure that area and deny access to others until Police arrive. The department of Student Affairs shall notify the missing persons contact person of the disappearance as soon as practical but NEVER more than 24 hours after the initial report.

These procedures apply to students who reside in on-campus housing. If anyone believes that any Bacone student who resides in on-campus housing is missing for more than 24 hours, he or she should immediately notify the Bacone College Campus Police Department at 918-781-7200 or 918-360-5814. A person also may report that a student is missing to a residence hall advisor or to the Residence Supervisor at 918-360-9703. Bacone College notifies all students who reside in on-campus housing that they may designate a confidential contact person to be notified no later than 24 hours after the student is determined to be missing. Students designate this person by completing the confidential contact form provided when they first move into the residence halls and may change their designation at any time. The confidential contact information provided by the student is accessible only to authorized campus personnel, including law enforcement, and may not be disclosed to anyone else. If the student does not

register a confidential contact person, then the student's designated emergency contact person or people shall be contacted.

# Interpersonal Violence Education and Response: Sexual Assault, Domestic Violence, Dating Violence and Stalking

Bacone College is aware of the toll that interpersonal violence can take on a victim. Bacone College expressly prohibits any physical violence, sexual assault, domestic violence, dating violence and stalking.

## Definitions You Should Know

The College has adopted the definition of "dating violence", "domestic violence" and "stalking" as found in 42 U.S.C. §13925(a).

Offenses prohibited under the College's policy include, but are not limited to sexual harassment, sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), non-consensual sexual intercourse (or attempts to commit same), non-consensual sexual contact (or attempts to commit same), sexual coercion, domestic/dating violence, stalking, and sexual exploitation, and any attempts to commit the same.

*Sex Discrimination:* includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of gender (hereinafter defined as including sexual orientation, gender identity, or gender expression) discrimination. It may include acts of verbal, nonverbal, or physical aggression.

intimidation, or hostility based on gender or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

*Pregnancy Discrimination:* The College prohibits discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom. Discrimination on the basis of pregnancy should be reported in accordance with this policy. Employees with questions regarding accommodations during pregnancy are encouraged to contact the Office of Human Resources, students and visitors with questions regarding accommodations during pregnancy are encouraged to contact the Office of Student Support Services. For complaints arising under this policy, please report to the Title IX Coordinator.

*Sexual Harassment:* Sexual harassment is a form of sex discrimination. Sexual harassment is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, employees, and visitors who are subject to or who witnesses unwelcome conduct of a sexual nature are encouraged to report the incident(s).

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*Hostile Environment Sexual Harassment* includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;
- whether the conduct was deliberate, repeated humiliation based upon gender;
- the effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other
- discriminatory conduct;
- continued or repeated verbal abuse of a sexual nature, such as
- gratuitous suggestive comments and sexually explicit jokes; and
- whether the speech or conduct deserves constitutional protections.

*Quid Pro Quo Sexual Harassment* exists when individuals in positions of authority over the complainant:

- make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

*Retaliation* is any attempt to penalize or take an adverse employment, educational or institutional benefit action, including but not limited to making threats, intimidation, reprisals or other adverse action, against a person because of participation in a complaint or the investigation of discrimination, sexual harassment or sexual misconduct.

*Sexual Violence* means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual misconduct and sexual coercion.



*Non-Consensual Sexual Intercourse* is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

*Non-Consensual Sexual Contact* is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.

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*Sexual Coercion* is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.

*Sexual Exploitation* occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses.

Other forms of misconduct based on one's gender also constitute violations of this policy including threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

*Discrimination*, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;

*Harassment*, defined as unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or that is sexual in nature that has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities.

*Gender-based intimidation*, defined as implied threats or acts that cause an unreasonable fear of harm in another;

*Gender-based hazing*, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining or other group-affiliation activity;

*Gender-based bullying*, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment);

*Violence*, including assault, battery or other physical abuse between those in an intimate or dating or romantic relationship with each other, when the accused is or has been in a social relationship of a romantic or intimate nature with the accuser.

*Domestic Violence* under College policy means violence committed by a:

- Current or former spouse of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse;
- A person similarly situated to a spouse of the victim under Oklahoma domestic or family violence laws;
- Any other person against an adult or youth victim who is protected from that person's acts under Oklahoma domestic or family violence laws

*Stalking*, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family members of the community.

*Coercion* is unreasonable pressure for sexual activity.

*Consent* is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes". Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent does not imply consent to future sexual acts.

Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/ sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent cannot be given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent (e.g. to understand the "who, what, when, where, why or how" of their sexual interaction). Incapacity may result from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. It is less severe than alcohol poisoning or overdose. Whether a person is incapacitated is a subjective determination that will be made after the incident and in light of all facts available. Individuals reach incapacitation at different points and as a result of different stimuli [and] exhibit incapacity in different ways. Note that indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

- alcohol, medication or drug use, or
- imbalance or stumbling, or
- slurred speech, or
- lack of consciousness or inability to control bodily
- functions or movements, or
- vomiting.

In accordance with the Violence Against Women Reauthorization Act of 2013, please be advised that the following definitions are applicable should you wish to pursue Oklahoma state criminal or civil actions in addition to disciplinary action.

These definitions may differ from the College's administrative policy definitions noted above. The College's administrative system and disciplinary procedures are separate and distinct from those available to someone in a state civil or criminal action. Individuals may seek administrative remedies in accordance with this policy and also may seek state or federal civil or criminal remedies for the same incident through the applicable systems. The definitions set forth below are reviewed and verified annually; for a more frequently updated resource, please consult Oklahoma's State Court Network site: <http://www.oscn.net>.

#### Oklahoma Criminal Law Definition of Rape

- 21 Oklahoma Statutes §1111
- Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
  - Where the victim is under sixteen (16) years of age;
  - Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
  - Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
  - Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
  - Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
  - Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;

- Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or
  - Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system.
- Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

#### Definition of Consent under Oklahoma Criminal Law

- 21 Oklahoma Statutes §1114A
- Lack of consent in rape cases where:
  - rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or
  - rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or
  - rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; or
  - rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused; or
  - rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or
  - rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or
  - rape by instrumentation committed upon a person under fourteen (14) years of age.

#### Definition of Domestic/Dating Violence under Oklahoma Criminal Law

- 21 Oklahoma Statutes §644
- domestic and dating violence as any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse.

#### Definition of Stalking under Oklahoma Criminal Law

- 21 Oklahoma Statutes 1173
- Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that;
  - Would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; and
  - Actually, causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Some examples of stalking could include some of the following behaviors:

- Drive by or hang out at your home, school, or work
- Threaten to hurt you, your family, friends, or pets
- Find out about you by using public records or online search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or co-workers
- Posting information or spreading rumors about you on the internet, through social media, in a public place, or by word of mouth
- Other actions that control, track, or frighten you

## Reporting Interpersonal Violence/Confidential Reporting

Victims are not required to report to law enforcement to receive assistance. However, reporting enables the university to take action to prevent a recurrence and protect both the victim and the campus community. Anyone who may be the victim of sexual harassment, sexual misconduct, relationship violence, or stalking, or who is a bystander observing such behavior, is encouraged to report it. Victims of sexual assault, domestic violence, dating violence, or stalking who engage with the on-campus representative from the Women In Safe Homes (WISH) are informed that they have several options available to them for involving law enforcement and campus authorities:

1. Report the Incident to Campus Police. Pursuant to the Department of Education Campus Safety and Security guidelines, it is the policy of Bacone College to set up procedure for students and staff to report crimes that have occurred or are in progress on Bacone College Campus ground, any property owned or under the control of the College or on any public property that is adjacent to the campus. Bacone College policy states that is a **duty to report** if the student or staff member witness's criminal activity or any other situation **that is an immediate threat to the safety of any person or property** on the Campus. In these emergencies, the witness **shall** call 9-1-1 to ensure adequate resources, including the Bacone College Campus Police, are sent to the scene. If the crime is not an emergency, the caller should notify the Bacone College Campus Police Department's non-emergency number at (918)-781-7200 or (918)-360-5814.

2. If the student **DOES NOT** want Law Enforcement involved, the student can contact the Title IX Coordinator at 918-781-7277 or the Vice President of Student Affairs so that an administrative investigation can be completed. Students have the right to report crimes and remain anonymous to ensure that those crimes are documented in the Annual Security and Fire Safety Report.

3. If the student **DOES NOT** want to talk to Campus Authorities to report a crime (other than those in progress or an immediate threat to safety) the student may call The Oklahoma School Security Institute at 1-855-337-8300.

The representatives from our partners at W.I.S.H. can be reached at 918-682-7878. This organization can also assist students who have been impacted by these crimes.

Bacone College recognizes the often-sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. Bacone College, Along with our partners, offers confidential resources and protects the privacy of any individual who makes a report to the extent possible, while also meeting any obligations related to the investigation and response to known reports to protect the victim, prevent a recurrence or protect campus safety.

- Information about reports will only be shared with university personnel as needed to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when deemed necessary.
- Reports made to medical professionals, licensed mental health counselors, and Victim Assistance Team members will not be shared with any third parties except in cases of imminent danger to the victim or a third party, or when abuse of someone currently under 18 is reported.
- Advocates receive special training in the physical, psychological, and legal ramifications of sexual assault.
- Advocates are bound by state statute to maintain strict confidentiality. All publicly available records kept by the university will maintain the confidentiality of the victim and any other necessary parties, to the extent allowed by law.
- Information gained as part of victim advocacy must be treated confidentially and cannot be released without the victim's permission.
- Advocates will provide information about options related to crime reporting, but the final decision is up to the individual victim.

Members of the College community should be aware that the College often has minors on its campus for a variety of reasons:

- field trips
- tours
- course credit
- camps

Should you have a reasonable suspicion of any abuse or neglect of a minor while on College property, or where the minor is in your care at a College-related event, but the abuse may have occurred off-campus, irrespective of whether you are a mandatory reporter for Title IX purposes, you have an independent obligation under Oklahoma state law to notify the Oklahoma Department of Human Services immediately (1-800-522-3511) and local law enforcement and/or Bacone College Campus Police (918-781-7200). If any incidents also involve violations of the Sexual Misconduct, Discrimination and Harassment policy, you must contact DHS, Bacone College Campus Police (918-781-7200) and Alta Crockett , Director of Human resources, 918-781-7277 [crocketta@bacone.edu](mailto:crocketta@bacone.edu)

The President has delegated to the Title IX Coordinator has primary responsibility for investigations, education and training associated with this Policy and for such other duties as assigned by Federal law. The Title IX Coordinator may appoint College officials or outside counsel to serve as Title IX investigators or to assist in the execution of training duties.

The College requires volunteers, employees, staff members, faculty to take an educational training course related to Title IX at least once during their career. Additional in-person trainings are also offered periodically and on request. Please contact the College's Human Resources Department for additional information.

In-person training is available for student groups and students through courses, orientations, and other meetings.

With respect to cases of sexual harassment and sexual misconduct, the College offers services to the victim and will engage in a discussion concerning appropriate interim measures, e.g. scheduling adjustments, no contact orders, blocking emails, referral to counseling services, etc. as further described in the Annual Clery Act Disclosures. Phone numbers and contact information for off-campus resources are also found in the Annual Clery Act Disclosure

Members of the College community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the College community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

In addition to seeking criminal charges through local law enforcement, members of the College community may also file complaints with the following entities irrespective of whether they choose to file a complaint under this procedure:

Office of Civil Rights: Washington D.C.  
<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> 1-800-421-3481

Equal Employment Opportunity Commission: Washington D.C.: 1-800-669-4000  
<https://www.eeoc.gov//>

State of Oklahoma Attorney General's Office: Office of Civil Rights Enforcement: 405-521-202  
<http://www.oag.ok.gov/civil-rights-enforcement-unit>

## Information about Registered Sex Offenders

The Oklahoma Sex and Violent Crime Offender Registry is maintained by the Oklahoma Department of Correction and is available via Internet pursuant to Oklahoma state law (Sex Offenders Registration Act, 57 O.S. 581-590). Information about sex offenders in the area currently registered can be found at <https://sors.doc.state.ok.us/>

## Reportable Crime Statistics

The table graph on the following pages shows the reportable crime statistics for institutions of higher learning. The list is not all inclusive of every incident that occurs on campus, but as you can see it is indicative of the serious offenses and arrests of concern for anyone that is currently a member of the campus community OR any prospective member of the campus community. This statistical information is of public record and can also be found at the Department of Education's Campus Safety statistics: <https://ope.ed.gov/campussafety/#/>

### Reportable Crime Statistics

Murder/Non negligent Manslaughter	On-Campus Property	Off-Campus	Public Property	Total	Student Housing Only
2018	0	0	0	0	0
2017	0	0	0	0	0
2016	0	0	0	0	0



<b>Negligent Manslaughter</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	0	0	0	0	0
2016	0	0	0	0	0

<b>Sex Offenses-Rape</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	3	0	0	3	3
2016	1	0	0	1	1

<b>Sex Offenses-Fondling</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	2	0	0	2	2
2016	0	0	0	0	0

<b>Sex Offenses-Incest</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	0	0	0	0	0
2016	0	0	0	0	0

<b>Statutory Rape</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	0	0	0	0	0
2016	0	0	0	0	0

<b>Robbery</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	1	0	0	1	1
2016	0	0	0	0	0

<b>Aggravated Assault</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	1	0	0	1	1
2016	2	0	0	2	1

<b>Burglary</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	9	0	0	9	9
2017	16	0	0	16	16
2016	19	0	0	19	18

<b>Motor Vehicle Theft</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	1	0	0	1	1
2017	2	0	0	2	2
2016	1	0	0	1	1

<b>Arson</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	0	0	0	0	0
2016	1	0	0	1	0

## Liquor, Drug and Weapons Violations

<b>Liquor Law Arrests</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	1	1	0
2017	1	0	0	1	1
2016	3	0	0	3	2

<b>Liquor Law referrals</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	3	0	0	3	3
2017	7	0	0	7	6
2016	17	0	0	17	17

<b>Drug Law Arrests</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	2	0	0	2	2
2017	4	0	0	4	4
2016	6	0	0	6	6

<b>Drug Law Referrals</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	11	0	0	11	11
2017	44	0	0	44	44
2016	18	0	0	18	18

<b>Illegal Weapon Arrests</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	5	0	0	5	5
2016	0	0	0	0	0

<b>Illegal Weapon Referrals</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	1	0	0	1	1
2017	1	0	0	1	1
2016	1	0	0	1	1

## Bias and Hate Crime Data

<b>Reported Hate/Bias Crimes</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	0	0	0	0	0
2016	0	0	0	0	0

## Reportable V.A.W.A. Statistics

<b>Reported Domestic Violence</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	3	0	0	3	3
2017	8	0	0	8	8
2016	2	0	0	2	2

<b>Reported Dating Violence</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	2	0	0	2	2
2016	3	0	0	3	3

<b>Stalking</b>	<b>On-Campus Property</b>	<b>Off-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Student Housing</b>
2018	0	0	0	0	0
2017	1	0	0	1	1
2016	0	0	0	0	0

# 2019 Annual Fire Safety Report and Statistical Data

## Portable Electrical Devices and Fire Hazards

The institution's policies and rules prohibit portable electrical appliances that are fire hazards (including but not limited to heaters and hot plates), smoking, and open flames in all student housing facilities. Violation of these rules is considered a serious threat to life safety and will result in administrative sanctions.

# Evacuation Procedures

When the fire alarm is sounded, all students are required to evacuate to a designated rally point as safely and quickly as possible. Building plans and emergency routes are posted on each floor of student housing facilities. College staff and/or law enforcement will conduct a “knock and yell” sweep to ensure that each area of the student housing facility has been evacuated. Persons failing to evacuate when directed will be removed by fire officials or law enforcement and may face arrest and subsequent criminal charges. Designated persons at the rally points will direct the students further and ensure that all students are accounted for.

## Fire Safety Programs and Reporting

Fire safety evacuation procedures are included in the student handbook. They are discussed at orientation and again during scheduled fire drills.

## Fire Safety Systems

All dorms have monitored fire alarm systems with smoke detectors and manual pull stations. As of the date of this report, the main girl’s dorm at McCoy has just received an upgraded fire monitoring and alarm station. The other dorms on Campus Property are currently being upgraded.

## Fire Drills

Bacone College held fire drills for each student housing facility and recorded these drills in the annual fire safety report.

2019 Spring semester: March 14<sup>th</sup>, 2019

2019 Fall semester: Pending

# Fire Statistics

**2016 Housing Fires: 1**

**Date: 02/20/2016**

**Location: 2299 Old Bacone Rd**

**Muskogee**

**Posey Hall Common Area**

**Papers set on fire in Common area**

## TOTALS

### CAUSE OF FIRE

Unintentional	0
Cooking	0
Smoking	0
Open Flames	0
Electrical	0
Heating Equipment	0
HAZMAT	0
Machinery/Industrial	0
Natural	0
Other	0
Intentional	1
Undetermined	0
NUMBER OF DEATHS	0
NUMBER OF INJURIES	0
VALUE OF FIRE DAMAGES	\$1

**2017 Housing Fires: 0**

**Note, there no fires reported in reporting year 2017.**

## TOTALS

### DATE(S)/LOCATION(S)

CAUSE OF FIRE	None Reported
Unintentional	0
Cooking	0
Smoking	0
Open Flames	0
Electrical	0
Heating Equipment	0
HAZMAT	0
Machinery/Industrial	0

Natural	0
Other	0
Intentional	0
Undetermined	0
NUMBER OF DEATHS	0
NUMBER OF INJURIES	0
VALUE OF FIRE DAMAGES	0

**2018 Housing Fires: 1**

**Date: 02/03/2018**

**Location: 2360 E, Shawnee Rd**

**Muskogee**

**Bacone Inn student housing room**

**Unknown cause fire destroyed**

**student personal items in the room**

CAUSE OF FIRE

Unintentional	0
Cooking	0
Smoking	0
Open	0
Electrical	0
Heating equipment	0
HAZMAT	0
Machinery/Industrial	0
Natural	0
Other	0
Intentional	0
Undetermined	1
NUMBER OF DEATHS	0
NUMBER OF INJURIES	0
VALUE OF FIRE DAMAGES	\$1480

**END OF REPORT**