

EMPORIA STATE UNIVERSITY™



2023 Annual Security & Fire Safety Report



The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics, fire statistics, and summaries of security and fire policies are made once a year in the Annual Security and Fire Safety Report.

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Dear Emporia State University Community:

I am pleased to introduce the Emporia State University *2023 Annual Security and Fire Safety Report* for the 2022 calendar year. This report is prepared by the Emergency Manager and reviewed by the departments of Police and Safety, Residential Life, University Facilities, Student Wellness Health Services, Student Wellness Counseling Services, Human Resources, Legal Services, the Title IX Coordinator, and the Dean of Students. Not only does this report comply with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, it is part of our ongoing effort to inform you of the safety programs and services available and the best practices to assist you in maintaining safety and the security of others.

The safety and well-being of our students, faculty, staff, and visitors are paramount. A strong law enforcement presence; an aware, informed, alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities are the best protections against campus crime.

Emporia State University works diligently to reduce risk and the potential for crime. Safety and security are a shared responsibility, and we expect all current and prospective community members to contribute to the safety and security of our campus.

If you have any questions or suggestions regarding this publication, please contact the Emergency Manager at 620- 341-5089.

Best wishes,

Cory Falldine
Executive Vice President of Operations and Economic Development

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Emporia State University Campus Resources

Emporia State University Police (On Campus)

Emergency	911
Non-Emergency	620-341-5337

Student Wellness

Student Health Services	620-341-5222
Room 250 Southeast Morse Hall	

Counseling Center	620-341-5222
Room 250 Southeast Morse Hall	

Additional Campus Offices

Title IX Coordinator	620-341-5518
Enrollment Management and Student Success & Dean of Students	620-341-5269
Residential Life	620-341-5264
Diversity and Inclusion	620-341-5551
Emergency Management	620-341-5089
Financial Aid, Scholarships & Veteran Services	620-341-5457
Student Accessibility & Support Services	620-341-6637
The Healthy Relationships and Interpersonal Violence Education (THRIVE)	620-341-5222
Alcohol and Drug Abuse Prevention (ADAP)	620-341-5222

Emporia Community Resources

Local Law Enforcement (Off Campus)

Emergency	911
Emporia Police Department	620-343-4200
Lyon County Sheriff's Department	620-341-3205
Lyon County Crime Stoppers	620-342-2273

Fire Department

Emergency	911
Non-emergency	620-343-4230

Crosswinds Counseling and Wellness

24/7 Availability	620-343-2211
Toll Free	1-800-279-3645

SOS (Crisis Services)

	620-343-8799
Toll Free	1-800-825-1295
24/7 Availability	620-342-1870

Newman Regional Health (Hospital)

620-343-6800

CareArc

620-342-4864

Lyon County Crime Stoppers

620-342-2273

Kansas Domestic/Community Abuse

1-800-922-5330

National Suicide Prevention Lifeline

988

Toll Free 1-800-273-8255

Poison Control

1-800-222-1222

Emporia State University is committed to maintaining an environment in which students, faculty, staff, and guests can learn and work together free from all forms of harassment, exploitation, and intimidation. Emporia State University strictly prohibits all criminal and policy violations associated with acts of sexual assault, dating violence, domestic violence, and stalking. The University will act to prevent, discourage, correct, and, if necessary, discipline behavior that violates this standard of conduct. Emporia State University recognizes the importance of establishing and maintaining a safe and secure environment in which academic and social endeavors can be fully accomplished. The university holds the success of each student as highly important. Students contribute to the environment in which success is most readily realized. Therefore, each student is responsible to be an active participant in the exercise of personal safety. The university encourages all crimes to be reported to its Office of Police and Safety. By accepting this responsibility, members of the university community foster a safe and secure academic and living environment.

To keep the university community prepared for and informed during campus emergencies, Emporia State University maintains a campus alert button in its homepage. Members of the community receive emergency alerts at www.emporia.edu, on their mobile device, by email, and by subscribing to the RSS emergency alert feed by using <http://www.emporia.edu/alerts/>

The Clery Act

In 1991, the U.S. Congress passed the Student Right-to-Know and Campus Security Act, which requires colleges and universities to report the three previous years of crime statistics and campus security information and policies. The act was amended in 1992, 1998, and 2000. Further, in October of 1998, President Clinton signed an amendment renaming the **Student Right-to-Know and Campus Security Act**, the **“Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.”** Additionally, this amendment required campuses to report specific crimes motivated by hate or bias and include such reports in the campus statistics.

The **Clery Act** requires institutions to disclose crime statistics for the following offenses: Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Sex Offenses-Forcible, rape or fondling, Sex Offenses-Non-forcible, incest or statutory rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Vandalism of Property motivated by bias, Illegal weapons possession, and Violation of drug and liquor laws.

The **Higher Education Opportunity Act of 2008** added additional reporting requirements including but not limited to: emergency response and evacuation procedures, expanding the list of crimes motivated by hate or bias, reporting of fire safety information, and establishing a missing student notification policy.

In 2013, **The “Violence Against Women Reauthorization Act” (VAWA)** was signed into law requiring additional crime reporting of domestic violence, dating violence, sexual assault, and stalking. In addition to the new categories associated with crime reporting, the VAWA requires institutions of higher education to create policies and practices that address reporting, investigation, discipline, and care for victims associated with acts of sexual harassment including sexual violence.

Compliance with the Clery Act

The **Clery Act** requires Emporia State University to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires Emporia State to collect, report, and disseminate crime data to on and off-campus students, faculty, and staff and to the Department of Education annually.

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When the Higher Education Opportunity Act (HEOA) was signed into law in 2008, it amended the Clery Act by adding several safety and security related requirements to the Higher Education Act of 1965. To be in full compliance with the law, Emporia State University must do the following:

1. Publish and distribute an Annual Security Report to current and prospective students and employees by October 1st of each year. The report must provide crime statistics for the past three years, detailed campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. Emporia State University Police and Safety must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years and logs older than 60 days must be made available within two business days upon request.
3. Keep the past three years of crime statistics detailing crimes that have occurred: on-campus; in university residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as fraternities/sororities and remote classrooms. Emporia State University must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.
4. Disclose missing student notification procedures that pertain to students residing in on-campus student housing facilities.
5. Disclose fire safety information related to any on-campus student housing facilities. This includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each on-campus student housing facility. These statistics must include the location, cause, injuries, deaths, and property damage of each fire.
6. Submit the collected crime and fire statistics to the Department of Education each fall.
7. Inform prospective students and employees about the availability of the Annual Fire Safety Report.

Emporia State University has a vested interest in campus security and the personal safety of its students and employees. The following pages contain specific information, including crime prevention programs, fire safety and fire safety programs, law enforcement authority, crime reporting policies, disciplinary procedures, and other matters of importance related to security and safety on campus. The report also contains campus crime statistics.

Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available at <https://www.emporia.edu/right2know/>. Every member of Emporia State University receives an email that describes the report and provides its web address. For more information, contact the Emergency Manager at 620-341-5089.

The Annual Security Report

The purpose of this report is to provide students, faculty, staff, and other stakeholders with campus safety information including crime statistics and procedures to follow to report a crime. This report is prepared by the Emergency Manager and is available electronically at www.emporia.edu. Requests for printed copies and any questions regarding this report should be directed to the Office of Emergency Management, telephone 620- 341-5089, or e-mail at amers@emporia.edu.

This report does not include privileged counseling or medical information from Student Wellness, (Health and Counseling Services). Emporia State University does not have a policy which encourages pastoral or professional counselors, at their discretion, to inform those they counsel to report crimes voluntarily and confidentially. Lyon County operates Crimestoppers a confidential and anonymous reporting system available to anyone who elects to report crimes or suspicious activity.

University Police Authority & Jurisdiction

This report contains emergency management information, campus crime statistics, and critical campus safety information such as policies, crime prevention, crime reporting, and resources to aid you in becoming more safety minded. The best protections against campus crime are an aware, informed, and alert campus community; a strong law enforcement presence; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities. Emporia State University strives to be a safe place to learn, live, work, and grow.

Emporia State University enrolls approximately 5,500 students and employs 700 full-time and part-time faculty and staff members. Approximately 500 undergraduate students reside in three residence hall complexes on the main campus.

All students, faculty, staff, and guests should report any criminal activity, accidents, suspicious persons, suspicious activity, or emergencies by dialing 911 or immediately calling Emporia State University Police and Safety at 620-341- 5337. Individuals may also report incidents in person by visiting the Emporia State University Police and Safety office located near the northeast corner of Welch Stadium. Witnesses and victims of crimes may report them on a voluntary basis and in a confidential manner.

Allegations of unlawful discrimination based on age, race, color, religion, sex, marital status, national origin, physical handicap or disability, status as a Vietnam veteran, gender identity, gender expression, genetic information, or sexual orientation can be reported to the Affirmative Action Officer housed in Plumb Hall Room 211 or via telephone at 620-341-5379. Allegations of Title IX violations can be reported to the Title IX Coordinator housed in Plumb Hall Room 209E, 620-341-5518.

Emporia State University Police and Safety

Emporia State University Police and Safety is a full-service law enforcement agency that operates 24 hours a day, 7 days a week, 365 days a year, from its headquarters in the Police and Safety Building. Emporia State University police officers receive their law enforcement authority from Kansas Statutes Annotated (K.S.A.) 76-726. All ESU police officers are sworn with the full powers of arrest and mandated to enforce all applicable federal and state laws, as well as local ordinances. The department employs sworn Kansas Law Enforcement officers who patrol the campus. Emporia State University police officers are qualified commissioned officers who have attended the Kansas Law Enforcement Training Center (KLETC) where they receive fourteen weeks of formal basic training. After KLETC certification, Emporia State University officers complete an intensive field training program supervised by certified Field Training Officers. Additionally, all officers must attend a minimum of forty hours of continuing education training annually. University police

officers have the same training, authority, and responsibilities as police officers employed by City of Emporia and Lyon County law enforcement agencies.

The objective of this department is to help provide and foster a safe, secure environment conducive to living and learning; and to protect the lives and property of the students, faculty, staff, and visitors of Emporia State University. This objective is pursued within the framework of Emporia State University's rules and regulations as well as local, state, and federal laws. The investigation of crimes committed on campus falls under the jurisdiction of the Emporia State University Police and Safety.

Arrest Authority

University police officers receive their law enforcement authority from Kansas Statutes Annotated (K.S.A.) 76-726. The police officers employed by Emporia State University Police and Safety are certified law enforcement officers in the state of Kansas and have full power of arrest. Kansas law (K.S.A. 76-726 and 22-2401a) provides for jurisdictional authority of university police officers to include property owned or operated by the University, endowment association, alumni association, athletic association, or recognized student organizations. It also allows for jurisdictional authority on streets, property, and highways immediately adjacent to campus and within Emporia when officers are following up on crimes committed on campus.

Reporting Crimes or Emergencies

All emergencies should be reported by calling 911. Any criminal act suspected criminal activity, suspicious persons, suspicious activity should be reported immediately to Emporia State University Police and Safety by calling 620-341-5337. Dispatchers are available, at this number, 24 hours a day. In response to a call, Police and Safety will take the required action, dispatching an officer or asking the complainant to come to Police and Safety to file an incident report. The ESU Police & Safety building is located on the northeast side of Welch Stadium, between HPER and the east side of the stadium.

If you live off campus and need emergency assistance dial 911. If there are off campus non-emergency needs and are within the City of Emporia dial 620-343-4200 for Emporia Police Department. If you have non-emergency needs and are in Lyon County dial 620-341-3205 for Lyon County Sheriff's Office.

There are 12 emergency blue light phones throughout campus. The blue light phones have the word "EMERGENCY" written on them and have blue lights on the top that flash upon activation. These phones are directly connected to the ESU Police & Safety communications center; and can be used for any type of assistance needed. They allow an individual in need of assistance to speak directly to Emporia State University Police and Safety.

The campus community is urged to be aware and to report any suspicious behavior or possible criminal activity to ESU Police and Safety immediately. If you witness an act which is potentially criminal in nature, stay calm, be observant, and obtain as complete a description of the individuals and activities as possible. Clear, concise accurate information relayed to emergency responders in a timely manner may have a significant impact on the overall resolution of an incident.

Relationships with Other Police Departments

Emporia State University Police and Safety work closely with the Emporia Police Department and Lyon County Sheriff's Office. In addition to sharing crime information, all departments can ask for immediate assistance through a shared radio communication system with the Lyon County Communications Center. Criminal activity at off-campus locations occupied by students is monitored by Emporia State University

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Police and Safety in cooperation with the City of Emporia Police and the Lyon County Sheriff's Office. Cooperative investigations with and referrals to Emporia Police Department or Lyon County Sheriff's Office are done as appropriate. As required by the Clery Act, the Emporia Police Department monitors and records criminal activity on public property surrounding campus, at fraternities and sororities, and provides this information to the University for inclusion in its crime statistics. The University and the Emporia Police Department also have a written memorandum of understanding relating to coordination of investigations in cases involving sexual violence (including rape, sexual assault, non-consensual sodomy, sexual battery, domestic violence, and stalking); sharing crime statistics; and coordinating emergency notifications and timely warnings. Students in off-campus situations involving alcohol/drug offenses or other criminal activities may be referred to the campus judicial program.

Emporia State University Police and Safety works closely with the City of Emporia police department, Lyon County Sheriff's Office, Kansas Highway Patrol and various other state and federal law enforcement agencies. These agencies may also assist Emporia State University Police and Safety. The ESU Police and Safety office works diligently with these agencies to maintain a supportive and cooperative working relationship.

Accurate and Timely Reporting of Criminal Offenses – Campus Security Authorities

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate and assists in compiling accurate crime statistics. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in an accurate and timely manner to Emporia State University Police and Safety.

It is preferred that all crimes are reported to ESU Police & Safety. However, if a victim of a crime does not wish to report to law enforcement, a report may be made to a Campus Security Authority (CSA). Everyone listed as a CSA should submit reportable offenses to ESU Police & Safety as they occur throughout the year. The following is a list of CSAs:

- Dean of Students or designee (620-341-5269)
 - Professional staff Center for Student Involvement (620-341-5481)
 - Director for Fraternity and Sorority Life or designee (620-341-5481)
 - Director of Residential Life or designee (620-341-5264)
 - Residential Life staff/Student resident advisor or assistant
 - RA on Duty 24/7 phone Towers (620-794-0706) Schallenkamp/Abigail (620-794-2648)
 - Student who monitors access to residence halls or buildings that are owned by recognized student organizations
 - Director or Student Health and Wellness*
 - Director of Counseling*
 - Medical providers in Student Health Services (620-341-5222)
 - Director of Athletics, Coaches, Trainers, Staff, or designees (620-341-5350)
 - Senior Associate Athletic Director (Coaches) or designee (620-341-5354)
 - Title IX coordinator or designee (620-341-5518)
 - All Emporia State University Police Officers
 - Advisors to recognized student groups
- *When functioning in an administrative capacity

These designated individuals have significant responsibility for student and campus activities and are provided notice by Emporia State University as to the extent of their responsibility and how to report crimes to Police and Safety. Student privacy concerns are weighed against the needs of Emporia State University when responding to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-

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know basis when it pertains to investigative needs and safety concerns of the campus community. Information reported to Emporia State University Police and Safety is treated as confidential during the investigative phase, except as required by law.

Campus professional counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. Emporia State University does not employ campus pastoral counselors.

Medical providers, when acting as such, are considered to be CSAs, and are required to report crimes for inclusion in the annual disclosure of crime statistics.

Confidential Reporting

Emporia State University encourages anyone who is the victim or witness to a crime to promptly report the incident to ESU Police & Safety. Since police reports are subject to the Kansas Open Records Act, ESU Police cannot hold all report in confidence. The University does not have procedures for voluntary, confidential reporting of crimes.

While confidentiality cannot be guaranteed, all reasonable steps will be taken to protect the confidentiality of victims and other necessary parties. Victims of crime may speak confidentially with Counseling Services. Counselors in those offices are not Campus Security Authorities and are not required to report crimes to ESU Police. Likewise, Emporia State University is not required to issue a timely warning with respect to crimes reported to counselors. They may report aggregated statistics to be included in the Annual Security Report but are not required. Emporia State University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of Emporia State University to provide the accommodations or protective measures.

Daily Crime Log

Emporia State University Police and Safety maintains a daily crime log. The log is available for public view at the Police and Safety office which is located near the northeast corner of Welch Stadium. This daily log documents police activity and all crimes reported to Emporia State University Police and Safety. Information is recorded by date and time and includes general location as well as complaint disposition. Logs are created on a daily basis and are typically made available for public view the following day. Weekend activity logs are generally posted on Monday mornings.

Campus Notifications

Timely Warning

Emporia State University Police and Safety and other law enforcement attempt to identify crime patterns and trends in and near the University community, which pose a safety threat to the University community. In the event a Clery reportable crime occurs, on or off campus, which constitutes an ongoing or continuing threat to the University community a timely warning will be issued to the University community. This determination is made jointly by Emporia State University Police and Safety and the members of the Emergency Notification Team. The University is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor. Depending on the type of situation, consultation with the Vice President of the affected area and University General Counsel may occur. When issuing any Timely Warning as required by the Clery Act, Emporia State University withholds the names of victims.

If circumstances dictate an urgent campus wide notification, an alert stating the event, location, approximate time, and recommended course of action by individuals will be sent via email, text message, RSS feed, Twitter, Facebook and placed on the University homepage www.emporia.edu to all subscribers of the alert platform. All students are automatically subscribed to the alert platform and can only discontinue to receive the alerts by “opting out”.

Emporia State University has partnered with Rave Mobile Safety, to offer an emergency notification system capable of sending users text, voice, and email messages, as well as simultaneously post announcements to places such as Facebook, Twitter, and Emporia State RSS feeds. Any student, staff or faculty member of Emporia State University can receive ESU emergency alerts. To sign up, or update your information, visit <https://www.getrave.com/login/emporia> and log in with your ESU credentials.

Emergency Notification

In compliance with the Clery Act, Emporia State University will provide, without delay, immediate notification to the campus community upon the confirmation of a significant emergency or dangerous situation on campus that involves the immediate threat to the health or safety of students, faculty, staff, and guests. Emergency situations are those that are deemed as possible threats to the health and safety of the campus community but are not necessarily criminal in nature. In the event notification would, in the professional judgement of the Emergency Notification Team, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, an emergency notification may be delayed.

The Emergency Manager, or other authorized personnel from the Emergency Notification Team, will issue an emergency notification to the entire campus when there is a significant emergency or dangerous situation. This is different than a timely warning, as the notification could be about any significant emergency or dangerous situation, not just Clery crimes. The following are examples of significant emergencies or dangerous situations: pandemic outbreak, approaching tornado, gas leak, bomb threat, or armed intruder.

Sending an emergency notification is the responsibility of the Emergency Notification Team. The Emergency Notification Team will assess the situation to determine if the situation is a significant emergency or dangerous situation, based upon the information received from initial reports and ESU Police & Safety Officer(s) on scene. Upon verification that a legitimate ongoing dangerous situation or emergency exists, the Emergency Manager, or designated member of the Emergency Notification Team, will notify appropriate Vice Presidents who will approve the launch of a Rave message to all users. The safety of all students and employees is always the highest priority.

Emergency Response and Evacuation Procedures

Emergency Preparedness

Under the guidance of the University's Critical Incident Planning Group a detailed Emergency Operations Plan has been developed to prepare for, prevent, respond to, and recover from emergency situations. In addition to community and state first responders, the University is well-prepared to respond to a full range of critical incidents. The University Emergency Operations Plan can be found at <https://www.emporia.edu/student-life/hornet-ready/be-hornet-ready/security-threatactive-shooter/>

The Critical Incident Planning Group and its sub-committees work with offices and departments to ensure emergency protocols and plans are updated as needed and are applicable as new risks are identified.

Emporia State University uses an Emergency Alert service for sending timely information to students, faculty, staff, and other members of the campus community via email, text messaging, Facebook, RSS feed, Twitter, and the University main web page. Students are automatically set up to receive emergency notifications and may update their information by logging into their Hornet 365 accounts and following the instructions in the Emporia State University Emergency Alerts link or by going to <http://www.emporia.edu/alerts> . Faculty and staff may opt into the same system.

Emergency Response

Responsibility for Emporia State University emergency response and recovery at Emporia State University has been delegated to the University, subject to the laws of the State of Kansas and the policies, procedures, rules, and regulations of the Kansas Board of Regents. Emporia State University developed and maintains an Emergency Operations Plan (EOP), which is a university-wide plan, intended to establish an "all hazards approach" to handling emergencies. This plan enables the University to handle emergencies of various kinds and of various magnitudes in a structured yet flexible manner, following the organizational model of the National Incident Management System (NIMS). The plan addresses FEMA's five phases of emergency management.

The EOP establishes a command structure for the university and defines three levels of emergency: minor, major, and severe, each calling for a different level of response and a different range of resources.

Emergency situations and specific University protocols for handling said emergencies are set forth in the EOP.

During emergency response, in situations necessitating emergency communications, official communication will be disseminated through email, text message, the University webpage, and official University social media accounts. Follow-up messages will be sent out, via email, text message, social media, and the University web page, as needed during the event.

Emergency Procedures and Evacuation

At the sound of the fire alarm, it is everyone's responsibility to evacuate immediately and proceed to predetermined assembly points, away from the affected building(s). Individuals are also responsible for ensuring that their visitors/customers follow the evacuation procedure described herein and leave the building along with all other occupants.

Upon hearing a fire alarm, or being notified of an emergency, faculty are responsible for dismissing their classes and directing students to exit the building. Designated essential personnel need to continue or shut down critical operations while an evacuation is underway are responsible for recognizing and/or determining when to abandon the operation and evacuate themselves.

Each semester, fire evacuation procedures are tested throughout the university. Presently all academic buildings are tested four times a year, the Memorial Union twice a year, and resident halls are tested twice a year as well. If evacuation times are not met, re-tests will initiate to help ensure occupants can make timely evacuations. The tests may be planned or unannounced. All documentation for these tests are kept in the office of the Environmental and Life Safety Manager's office located in Stormont Maintenance Center office 211.

Tornado Procedures

It is the policy of Emporia State University that all classes and activities on campus will be officially suspended when the City of Emporia is included in an officially declared tornado warning. Faculty, staff, students, and visitors shall be instructed to seek appropriate shelter for the duration of the warning. The ESU Emergency Operations Plan (EOP) should be referred to for additional information and direction.

An officially declared tornado warning is defined as notification that the City of Emporia (or all of Lyon County) is included in the warning area as confirmed by the National Weather Service via a weather alert radio, AM/FM radio, RAVE Alert (text message, email, computer alert, official university social media post), Emergency Management, or the University Police and Safety.

The first indication of a tornado warning is frequently made by radio or civil preparedness sirens. Persons who are not able to confirm whether the Emporia area is included in the tornado warning by one of the means outlined above should proceed immediately to a designated tornado shelter upon hearing the sirens. The University would prefer faculty, staff and students disrupt current activities than take any chances.

Tornado/Severe Weather Advisory: Severe weather is possible for the day. Stay updated on the weather and plan accordingly.

Tornado Watch: Conditions are favorable for the development of severe weather in the next several hours. Plan Now- Stay Alert and Aware!

Tornado Warning: Severe weather conditions are occurring or imminent. Take Action Now- Shelter from the Storm!

Tornado Warnings will trigger tornado sirens to sound throughout the City of Emporia and Lyon County. The City of Emporia and Lyon County test their tornado sirens every Monday at Noon, weather permitting.

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The RAVE Alert system has a geo-fence set around the City of Emporia. The purpose of the geo-fence is to automatically notify all Emporia State University users when a tornado warning is issued. In the event a tornado warning RAVE alert is sent, seek shelter immediately.

The following areas are designated as tornado shelters:

Abigail Morse Hall: Storm room on Garden Level floor.

Art Annex, Compound, and Welch Stadium: Physical Education Building basement hallways away from windows.

Beach Hall: Lower hallways away from windows.

Butcher Education Center: Tunnel area basement hallway, south end, room 001 (Main office has key) away from windows.

Cremer Hall: Lower hallway area (north/south hallway) away from windows.

Earl Center: Use lower hallway area and south stairwell basement landing away from windows.

ESU Police: Police & Safety building hallway away from windows.

HPER: Basement hallways away from windows. DO NOT USE THE GYM!

King Hall: Lower floor area, rooms west of the hallway, basement area located under the stage. Stay away from windows.

Memorial Union: Basement hallways away from windows.

Plumb Hall: Lower hallway area away from windows.

Roosevelt Hall: Use the north/south hallway area away from windows.

Ross Reservation Trailer and Classrooms: Use above ground tornado shelter.

Schallenkamp Hall: Community bathrooms on 1st floor in east and north wings. The hallway on 1st floor of south wing.

Science Hall: Lower hallway area (north/south hallway) away from windows.

South Morse Hall: Lower hallway in South Morse Hall.

Stormont Maintenance Center: Bay #9, east of shops away from windows.

Student Recreation Center: Restrooms away from windows.

Towers Complex: Lower hallways in all buildings as well as work and utility

areas. **Visser Hall:** Lower hallway area (north/south hallway) away from

windows. **White Library:** Downstairs from the lobby to the lower area away from windows.

Missing Person Policy and Procedures

A faculty, staff, student, or community member who is concerned a resident of on-campus housing (hereafter, resident) may be missing, should immediately notify ESU Police and Safety at 620-341-5337. Concerned parties may notify Residential Life staff, who will immediately notify ESU Police and Safety. This notification will initiate missing person procedures.

Any resident can register a confidential contact who will be contacted in the event the resident is determined to be missing for a period of more than 24 hours. Prior to this contact being made, Residential Life will establish communication with Emporia State University Police and Safety. A confidential contact will only be disclosed to law enforcement during a missing person investigation. Any resident under the age of 18 who is not an emancipated individual, will provide contact information for a custodial parent or legal guardian. This custodial parent or legal guardian will be contacted within 24 hours of determination the resident is missing. Additionally, if the student listed a confidential contact, the confidential contact will also be contacted within 24 hours.

Residential Life Staff Procedures

- Upon receipt of a missing person report, Residential Life professional staff will immediately notify ESU Police and Safety, then coordinate with ESU Police and Safety to establish contact with the resident and determine length of time the resident has been missing.
- Contact efforts are as followed. If contact is made, the missing person procedure is terminated.
 - Go to resident room to see if the resident is present, attempt to establish contact via phone, attempt to establish contact via email, work to check recent card access, call the ID Office to check meal plan usage, then attempt to establish contact via written letter at room. Residential Life staff will maintain a timeline, showing attempted communications and procedures followed.
 - Resident Assistant must notify Residential Life Professional Staff immediately after receiving missing person report.
- Appropriate Emporia State University administrators will be notified once the missing person report has been filed.
- Communication with designated contact person(s).
 - A University Official will notify the resident's Missing Persons Contact. If the missing person contact person cannot be reached, they will contact the Emergency Contact Person.
 - If the resident is under 18 years of age, A University Official will notify the resident's custodial parent or legal guardian.
- Police and Safety will notify other appropriate law enforcement agencies within 24 hours.

Resident Notification Procedures

1. Notification to the missing resident's confidential contact will be made within 24 hours.
2. Notification to the emergency contact for under the age of 18, and the resident is not emancipated, will be custodial parent or legal guardian and any other confidential contact within 24 hours. Contact will be mandatory if resident is determined to be missing.
3. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, ESU Police and Safety will inform additional law enforcement agencies that the resident has gone missing within 24 hours.

Facilities

Access to and Security of Campus Facilities and Grounds

Emporia State University is a public institution and, apart from restricted areas (e.g., housing facilities), is accessible to the public during normal building hours (time, place, and manner restrictions apply). After normal building hours, with the exception of essential personnel and services, and others as designated, buildings are locked, and access is permitted only with proper authorization and identification. Building hours may vary. Buildings will be secured according to schedules developed by the department responsible for the building.

Residence halls are secured 24 hours a day. All residence hall doors will be accessible only by card access or override keys.

University Facilities maintains campus buildings and grounds with a focus on safety and security. It inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. Efficient bright LED lighting has been installed throughout campus outdoor areas. For concerns about the physical safety of campus buildings and grounds, call University Facilities, Monday through Friday, 8:00 a.m. to 5:00 p.m., at 620-341-5331.

In order to protect the safety and welfare of students and employees of the University and to protect the property of the University, all persons on property under the jurisdiction of the University behaving in a suspicious or threatening manner may be asked to identify themselves by a university official. A person identifies himself/herself by giving his/her name, complete address, and stating truthfully his/her relationship to the University. A person may be asked to provide proof of identification which is subject to verification.

If any person refuses or fails upon request to present evidence of his/her identification and proof of his/her authorization to be in the building or on the campus, or if it is determined that the individual has no legitimate reason to be in the building or on campus, the person will be asked to leave and may be removed from the building or campus. Emporia State University Police and Safety is available to assist with this request. Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities should be reported to Emporia State University Police and Safety. For emergencies during non-business hours, call 911 or Emporia State University Police and Safety at 620-341-5337.

Security in Residence Halls

The Emporia State University Department of Residential Life is committed to providing a safe environment in the residence halls. Students are made aware of safety concerns as well as tips on prevention through floor meetings, building signs, and email communication. Residence halls are secured 24 hours a day. All residence hall doors will be accessible only by card access or override keys. *While there are many safeguards in place for residence hall students, each student must do his/her part to assure a safe and secure environment by adhering to the safety related policies and procedures.*

Residential Halls

Each residential complex is supervised by a Residential Life Professional Staff member.

Each residence hall floor has a Resident Assistant (RA). A RA is an upper-level student who has received extensive training related to the responsibilities of the position. Topics covered in training include enforcing residence hall safety and security policies as well as being aware of potential safety hazards and concerns. The Department of Residential Life provides an "on-duty" Professional Staff Member for the entire system and an "on-duty" RA for each complex every night and on weekends for assistance with any problems.

Every residence hall student is issued a room key and a coded Student ID card for convenience and community safety. Exterior doors of all residential complexes are always locked, requiring residents to access the building using their Student ID cards.

To ensure the safety of all residents, no doors in the halls are to be propped open at any time.

Video Technology for Safety and Security

Emporia State University is committed to protecting the safety and property of the university community while respecting the privacy rights of faculty, staff, students, and visitors. Video technologies are a deterrent to crime, an enhancement to overall security measures and may be used to assist with investigatory activities.

University security cameras are not monitored continuously under normal operating conditions but may be monitored for legitimate safety and security purposes that include, but are not limited to, the following: high-risk areas, restricted access areas/locations, in response to an alarm, special events, and specific investigations authorized by the ESU Chief of Police or designee.

Access and Monitoring

Access to this system, including real time monitoring and the viewing of recorded images, is restricted to ESU Police and Safety authorized personnel, unless access is otherwise required by law.

Crime Prevention Programs

Safety and Security Awareness Programs

Members of the campus community are always urged to secure their valuables and be aware of their surroundings. To assist in this endeavor, Emporia State University Police and Safety, the Department of Student Wellness, Residential Life, and Associated Student Government hold educational programs each semester on a variety of topics including personal safety awareness and security, sexual assault awareness and prevention education, operation identification, and security surveys. Information on safety and security is shared often with students and regularly provided upon request to students and employees via presentations, posters, brochures, college student newspaper, and other printed materials.

Students are also informed of many personal safety services available on campus. Such services include campus escort, sexual assault counseling, personal counseling services, emergency medical care, and operation identification.

Operation Identification

The “Operation Identification” program encourages engraving personal identification numbers on valuable property. If an item is stolen and later recovered, the identification number will assist law enforcement agents in returning it to its rightful owner. An engraver is available for use at Emporia State University Police and Safety; or individuals can purchase engravers at most hardware or discount stores.

When marking valuables, students are encouraged to use their driver’s license number with first letter state identifier (K00-00-0000). Engrave the number on an area that cannot be easily dismantled, and which is not easily seen. After marking property, students are encouraged to make a list of valuables and keep a copy of the list in a safe place where the information can be accessed quickly.

Courtesy Escort Service

Any student, faculty, or staff on or off campus may call Emporia State University Police and Safety for an escort if he or she feels endangered. On campus, the escort service may take the form of the officer walking with the person to his or her destination. If a student is off campus and feels threatened and has no other means of transportation, the individual may call the Emporia State University Police and Safety and request an escort.

Emergency Messages Delivered

Emporia State University Police and Safety is open 24 hours a day 365 days a year. In the event of a family emergency, the department will deliver emergency messages to students. Families of students should be informed of this service in case a family emergency develops.

Courtesy First Aid Service

When students, faculty, or staff are injured or become seriously ill on campus, phone 911 and request ambulance service. Then, immediately call 620-341-5337 and report the incident to Emporia State University Police and Safety. All officers have first aid training and will transport individuals with minor injuries.

Campus Safety Committee

The Campus Safety Committee was established in the spring of 2002 to meet and discuss issues regarding the safety of the University community and its guests.

Each year members of Associated Student Government invite University personnel to participate in a campus safety walk and complete a security survey. Generally, this group consists of 25 – 30 volunteers, primarily students with a smaller number of staff with the goal of surveying the campus to identify areas in need of repair as well as areas where an individual's safety may be at risk.

A report of the findings is submitted to the Emporia State University administration. The University Facilities Department follows through with addressing any identified concerns and associated safety upgrades.

Crime Prevention Tips

Being safe on campus is a community responsibility. Faculty, staff, students, and visitors are reminded and encouraged to be aware of their surroundings and report any suspicious activity immediately to Emporia State University Police and Safety.

To prevent theft and protect personal safety:

- Recognize and become familiar with how to operate the emergency blue-light phones on campus.
- Exercise and walk with a friend, use the buddy system.
- Use the Emporia State University Police and Safety escort program.
- Use well-lit and direct routes at night.
- Ask visitors to identify themselves before allowing access to your residence.
- Engrave valuable items: stereos, televisions, computers, etc.
- Park your vehicle in lighted areas.
- Always lock the door to your residence.
- Always lock your car, bike, and other valuables.
- When returning to your vehicle, have your keys out and ready to open the door.
- Never prop open exterior doors to buildings.
- Always be fire safety conscious.
- TRUST YOUR INSTINCTS! If you feel uneasy about a situation, take action immediately.

Alcohol and Substance Abuse

Alcohol Policy

Upon approval of the President, Emporia State University permits the service or consumption of alcoholic liquor on campus according to the guidelines found in the University Alcohol Policy is permitted: <http://www.emporia.edu/acadaff/pdf/EmployeePolicyManual.pdf> section 3R.01.

Emporia State University follows all Kansas, federal, and local laws regarding the service and consumption of alcohol. Event sponsors as well as the individual consumers are to adhere to the law. Sponsors of events, and not Emporia State University, will be responsible for determining and fulfilling all federal, state, and local requirements for their events.

Employees of Emporia State University are required to sign the State of Kansas Substance Abuse Policy Affirmation Form upon their employment. The form in its entirety can be found at <http://www.da.ks.gov/ps/documents/affirm417.pdf>.

Resources available to employees of Emporia State University through the State of Kansas Employee Assistance Program include short-term counseling and/or referrals for concerns that include alcohol and drug problems. Detailed information regarding the Employee Assistance Program can be found at <https://healthbenefitsprogram.ks.gov/sehp/healthquest/employee-assistance-program>.

In the State of Kansas, the legal drinking age is 21. Consumption of alcohol by a minor is punishable by a fine. If the minor is over 18, the crime is considered a misdemeanor, which may be punishable up to and including 6 months in jail. Furnishing alcohol to a minor is also punishable by a fine. Violation of Kansas drinking law can result in increased fines and incarceration. A conviction for driving under the influence of drugs or alcohol can also result in fines in excess of \$500, community service, mandatory treatment programs, license revocation, and/or incarceration.

Emporia State University Police and Safety enforce local, state, and federal laws regulating underage drinking.

City of Emporia Ordinance Sec. 4-25. Offenses Involving Persons Under Twenty-One and Incapacitated Persons ¹:

(a) No person shall knowingly or unknowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift, or procuring of any alcoholic liquor to or for any person under twenty one (21) years of age. No such person under twenty one (21) years of age shall represent that he is of age for the purpose of asking for, purchasing or receiving alcoholic liquor from any person, except in cases authorized by law. Except as authorized by law with regard to the serving of alcoholic liquor, no person under twenty one (21) years of age shall possess, consume, obtain, purchase, or attempt to obtain or purchase, alcoholic liquor. No person over twenty one (21) years of age shall purchase alcoholic liquor from any person for, on behalf of, or at the request of any person under twenty one (21) years of age.

(b) No person shall knowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is an incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor.

(c) Violation of subsection (a) of this section by a person eighteen (18) or more years of age but less than twenty one (21) years of age is a misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). In addition to such fine, the court may order the defendant to perform forty (40) hours of public service.

(d) Any person violating any of the provisions of this section for which a penalty is not otherwise provided, shall be deemed guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and not exceeding two hundred fifty dollars (\$250.00) or imprisonment not exceeding thirty (30) days, or both. (1962 Code, § 4-109; Ord. 840, § 1,7-6- 1977; Ord. 87-15, § 4, 7-1-1987; Ord. 87-38, § 1, 12-16-1987).

(e) In addition to any other penalty provided for a violation of subsection (a) of this section:

(1) The court may order the offender to do either or both of the following:

(A) Perform 40 hours of public service; or

(B) attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans; and

(2) upon a first conviction of a violation of this section. the court shall order the division of vehicles to suspend the driving privilege of such offender for 30 days. The court shall order that for any offender who has not been issued a driver's license by the division prior to sentencing of the offender for a violation of this section. the division shall not issue such offender a driver's license for 30 days Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 30 days whether or not that person has a driver's license.

(3) Upon a second conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 90 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 90 days whether or not that person has a driver's license.

(4) Upon a third or subsequent conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for one year. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for one year whether or not that person has a driver's license. (1962 Code, § 4-103; Ord. 840, § 1, 7-6-1977; Ord. 87-15, § 4,7-1-1987; Ord. 87-38, § 1, 12-16-1987; Ord. 01-23, § 1, 6-27-2001)"

Kansas Statute Annotated § 41-727. Purchase or consumption of alcoholic beverage by a minor; penalty; exceptions; immunity from criminal prosecution; tests; detainment.

(a) Except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a, 41-2610, 41-2652, 41-2704 and 41-2727, and amendments thereto, and subject to any rules and regulations adopted pursuant to such statutes, no person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

(b) Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$200.

(c) Any person less than 18 years of age who violates this section is a juvenile offender under the revised Kansas juvenile justice code. Upon adjudication thereof and as a condition of disposition, the court shall require the offender to pay a fine of not less than \$200 nor more than \$500.

(d) In addition to any other penalty provided for a violation of this section:

(1) The court may order the offender to do either or both of the following:

(A) Perform 40 hours of public service; or

(B) attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.

(2) Upon a first conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 30 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 30 days whether or not that person has a driver's license.

(3) Upon a second conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 90 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 90 days whether or not that person has a driver's license.

(4) Upon a third or subsequent conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for one year. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for one year whether or not that person has a driver's license.

...

(h) A law enforcement officer may request a person under 21 years of age to submit to a preliminary screening test of the person's breath to determine if alcohol has been consumed by such person if the officer has reasonable grounds to believe that the person has alcohol in the person's body except that, if the officer has reasonable grounds to believe the person has been operating or attempting to operate a vehicle under the influence of alcohol, the provisions of K.S.A. 8-1012, and amendments thereto, shall apply. No waiting period shall apply to the use of a preliminary breath test under this subsection. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made for violation of this section. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results or a refusal to submit to a preliminary breath test shall be admissible in court in any criminal action, but are not per se proof that the person has violated this section. The person may present to the court evidence to establish the positive preliminary screening test was not the result of a violation of this section.

Kansas Statute Annotated § 21-5607. Furnishing alcoholic liquor or cereal malt beverage to a minor; furnishing alcoholic beverage to a minor for illicit purposes.

(a) Furnishing alcoholic liquor or cereal malt beverage to a minor is recklessly, directly or indirectly, buying for or distributing any alcoholic liquor or cereal malt beverage to any minor.

(b) Furnishing alcoholic beverages to a minor for illicit purposes is, directly or indirectly, buying for or distributing alcoholic liquor or cereal malt beverage to a child under 18 years of age with the intent to commit against such child, or to encourage or induce such child to commit or participate in, any act defined as a crime in K.S.A. 2022 Supp. 21-5501 through 21-5513, and amendments thereto, or in K.S.A. 2022 Supp. 21-5604, and amendments thereto.

(c) (1) Furnishing alcoholic liquor or cereal malt beverage to a minor is a class B person misdemeanor, for which the minimum fine is \$200.

(2) Furnishing alcoholic beverages to a minor for illicit purposes is a severity level 9, person felony.

Kansas Statute Annotated § 21-5608. Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage.

(a) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is recklessly permitting a person's residence or any land, building, structure or room owned, occupied or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the unlawful possession or consumption therein of alcoholic liquor or cereal malt beverages by a minor.

(b) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a class A person misdemeanor, for which the minimum fine is \$1,000. If the court sentences the offender to perform

community or public service work as a condition of probation, as described in subsection (b)(10) of K.S.A. 2022 Supp. 21-6607, and amendments thereto, the court shall consider ordering the offender to serve the community or public service at an alcohol treatment facility.

Drug Free Workplace Act Policy

According to the requirements of the federal Drug-Free Workplace Act of 1988: It is the policy of Emporia State University that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in buildings, facilities, or grounds controlled by the University (hereafter referred to as workplace). Any officer or employees of the University, including faculty, other unclassified staff, classified staff, and student employees, found to be illegally manufacturing, distributing, dispensing, possessing or using controlled substances at the workplace of the University regardless of the site of the workplace, shall be subject to disciplinary action in accordance with applicable policies of the State of Kansas, the Board of Regents, and Emporia State University. Officers and employees are reminded that illegal manufacture, distribution, dispensing, possession or use of controlled substances may also subject individuals to criminal prosecution.

As a condition of employment, all employees of Emporia State University shall abide by the terms of this policy statement and will notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. The University will, in turn, notify, as appropriate, the applicable federal agency of the conviction within 10 days of its receipt of notification of the conviction. For purposes of this policy, conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

The term controlled substances as used in this policy means those substances included in Schedules I through V of section 202 of the Controlled Substances Act and as further defined by regulation 21 CFR 1300.11 through 1300.15 (a listing of controlled substances is maintained in Human Resources). The term does not include the use of a controlled substance pursuant to a valid prescription or other uses authorized by law. In accordance with university policy and applicable law, violations of this policy may result in an employment action up to and including termination.

The Student Code of Conduct, applicable to all enrolled students, additionally states that violation of university policies regarding alcohol and drugs is prohibited.

Emporia State University Police and Safety enforce laws regulating the use or possession of controlled substances in violation of local, state, and federal law.

Students in need of *prescription* or *over-the-counter* drugs should contact the Health Services, 250 Southeast Morse Hall at: 620-341-5867, or e-mail www.emporia.edu/student-wellness/health-services/

Drug Testing

Drug testing may be a requirement of specific academic programs or safety sensitive positions as a condition of placement in internships/assistantships, employment or where required by law or agreement. Drug testing may be conducted only for employees in safety-sensitive positions, if a reasonable suspicion exists of illegal drug use which may affect safety or work performance.

Results of the drug testing are confidential and are revealed only to those persons authorized by the Director of Personnel Services in Topeka. If an applicant or employee has reason to believe appropriate procedures were not followed, the result may be appealed in writing to the Director of Personnel Services in Topeka. Further information can be found in the ESU Employee Policy Manual 3R.0301.

Legal Sanctions

Employees and students are reminded that unlawful possession, distribution or use of illicit drugs or alcohol may subject individuals to criminal prosecution. Emporia State University will refer violations or proscribed conduct to appropriate authorities for prosecution. Federal regulations and state laws provide penalties of fines and imprisonment for violations of the criminal statutes which include possessing, offering for sale, possessing with the intent to offer for sale, distributing or manufacturing controlled substances such as opiates, narcotics, depressants, stimulants, or hallucinogenic drugs.

In the state of Kansas, the legal drinking age is 21. Consumption of alcohol by a minor is punishable by a fine. Furnishing alcohol to a minor is also punishable by a fine. Violation of Kansas drinking law can result in increased fines and incarceration. A conviction for driving under the influence of drugs or alcohol can also result in fines in excess of \$500, community service, mandatory treatment programs, license revocation, and/or incarceration.

In the state of Kansas, it is also illegal to be involved with controlled substances, including prescription drugs obtained or used contrary to the prescription. Violation of the Kansas drug laws also may result in incarceration and substantial fines.

Federal law contains other laws regulating drugs and controlled substances. Under federal law, illegal possession of a controlled substance can result in a fine of at least \$1,000 and up to one-year imprisonment for a first offense. Penalties increase when an offender has been convicted of prior drug-related offenses. Illegal possession of a controlled substance can also result in the forfeiture of property, civil fines, and the loss of federal benefits. Trafficking controlled substances can also lead to substantial fines and lengthy prison sentences, including life in prison. Conviction for violation of federal drug laws may also result in loss of federal aid for financing education.

Health Risks

Abuse of alcohol and use of drugs is harmful to one's physical, mental, and social well-being. Accidents and injuries are more likely to occur if alcohol and drugs are used. Alcohol and drug users can lose resistance to disease and destroy their health. Tolerance and psychological dependence can develop after sustained use of drugs.

Alcoholism is the number one drug problem in the United States. Alcoholism takes a toll on personal finances, health, social relationships, and families. It can have significant legal consequences. Abuse of alcohol or use of drugs may cause an individual driving a motor vehicle to injure others and may subject the abuser to criminal prosecution. Drunk drivers are responsible for more than half of all traffic fatalities.

More specifically, the major categories of drugs are listed below and include the significant health risks of each.

Amphetamines – Physical dependency, heart problems, infections, malnutrition, and death may result from continued high doses.

Narcotics – Chronic use of narcotics can cause lung damage, convulsions, respiratory paralysis, and death.

Depressants – These drugs, such as tranquilizers, opioids (painkillers) and alcohol, can produce slowed reactions, slowed heart rate, damage to liver and heart, respiratory arrest, convulsions, and accidental overdoses.

Hallucinogens – may cause psychosis, convulsions, coma, and psychological dependency.

Counseling and Treatment

The Student Wellness Center Counseling Services department houses the Alcohol and Drug Abuse Prevention Program (ADAP) for students. Programs services for students include substance abuse evaluation and addictions counseling by licensed clinical and master addiction counselors. Counselors can also coordinate referrals for students to higher level of care of treatment if needed.

External Community Resource for Substance Use Outpatient Treatment for faculty, staff, and students: Cornerhouse Incorporated (620-342-3015).

Sanctions

For employees, Emporia State University will take appropriate action for infractions as set forth in the ESU Employee Policy Manual. The Employee Policy Manual can be located at the link below:

<https://www.emporia.edu/academics-majors/academic-affairs/university-policy-manual/>

A student who violates any provision of the Student Code of Conduct are subject to sanctions. A violation will be governed by The Conduct Officer. The Conduct Officer at Emporia State University is the Dean of Students. If a violation is found, appropriate sanctions will be implemented, up to and including dismissal and/or a referral to appropriate law enforcement authorities. Further information on the process and sanctions can be found in the Student Code of Conduct.

<https://www.emporia.edu/about-emporia-state-university/leadership-faculty-staff/student-affairs/dean-students/student-code-conduct/>

Sexual Assault and Domestic Violence

Emporia State University prohibits all forms of harassment and violence including domestic violence, dating violence, sexual assault, and stalking. The institution has educational and training programs designed to prevent such offenses. Educational/prevention programs designed for students are generally developed within the office of Enrollment Management and Student Success. Training programs directed toward faculty and staff focusing on prevention are generally implemented by Human Resources and/or the Title IX Coordinator or designee.

Through the use of websites, brochures, and direct dialogue, the University makes victims aware of the procedures to be followed in the event of a sex offense, domestic violence, dating violence, sexual assault, or stalking. Information related to services for victims such as: counseling, health, mental health, victim advocacy, legal assistance, both on campus and within the community will be made available to students and employees as described above.

The University will make available, when requested by victims, assistance with changing academic schedules, living arrangements, transportation, and working situations. Such reasonable accommodations shall be available whether, or not, the victim chooses to report the crime to ESU Police and Safety or local law enforcement.

The Title IX Coordinator has been designated to handle inquiries regarding harassment, sexual violence, and discrimination policies. Contact the Title IX Coordinator at 620-341-5518. This position is also responsible for implementation of a campus-wide harassment training program for faculty and staff. This training shall be mandatory for Emporia State University employees and appropriate training records will be maintained.

Emporia State University has adopted a policy on the Use of Controversial Material in Instruction, Including the Use of Sexually Explicit Materials in Instruction (University Policy Manual 4E.0301) that complies with the Kansas Board of Regents' policy on this issue. The harassment, sexual violence, and discrimination policies and procedures described herein shall be followed for the reporting, investigation, handling, and disposition of all complaints by any person regarding University Policy 4E.0301.

Educational Programs and Campaigns

VIOLENCE AGAINST WOMEN ACT: Counseling Services provides a guest speaker every year that focuses on the Violence Against Women Act and resources available to anyone in need. A brochure entitled "*Sexual Violence- What Everyone Should Know*" is available to all students, faculty, and staff upon request. This brochure is through American College Health Association.

THRIVE (The Healthy Relationships and Interpersonal Violence Education): Educational outreach and prevention programming designed to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking are implemented by THRIVE. The program includes both primary prevention, ongoing prevention, and awareness campaigns for the campus community. THRIVE educates individuals about safe and positive options a bystander can employ when he or she witnesses potential domestic violence, dating violence, sexual assault, or stalking.

ALCOHOL/DRUG ABUSE PREVENTION (ADAP): This program is facilitated through the Student Wellness Center in 250 Southeast Morse Hall. The program supports students, faculty, and staff in creating and maintaining a campus environment that encourages and supports healthy lifestyles. The mission of the ADAP is to foster a learning community focused on student academic success, ADAP educational programs are designed to minimize student misuse or abuse of alcohol and drugs. The University requires newly enrolled, degree seeking students to complete the Title IX, Healthy Relationships and Substance Abuse Prevention course within CANVAS. This course focuses on social norms, personal risk factors for potential alcohol abuse, risk reduction strategies, and reduction of potentially destructive drinking behaviors. The course empowers students to strengthen the wellness culture of the Emporia State University campus.

A comprehensive drug and alcohol information and resources page can be found at: <https://www.emporia.edu/student-life/health-wellness/counseling-services/alcohol-drug-abuse-prevention-program>

The Alcohol Drug Education Class facilitated by ADAP is eight hours of instruction which meets the requirements for Alcohol Information School required by court orders. For more information, call 620-341-5222 and ask for the ADAP Program Coordinator.

Nationally Recognized Speakers: Programs focusing many presentations on dialogue associated with healthy relationships, Upstander intervention techniques, and the development of culture based on safety and respect, are facilitated each semester.

Campus Presentations: The Title IX Coordinator meets with all new student athletes and fraternity and sorority members regarding healthy relationships, legal definitions of consent, sexual intercourse, and rape, as well as the University's responsibility for investigating reports of sexual harassment and sexual violence.

Campus Community Partner SOS: A local United Way agency providing services for survivors of sexual assault and domestic violence. SOS collaborates with Emporia State University to provide a campus sexual assault prevention advocate to partner with our THRIVE peer educator program and Counseling Services Outreach and Prevention Coordinator. Together with ESU's THRIVE Peer Educator Program, both programs are dedicated to promoting awareness and information to the campus and the community on such topics as human trafficking, intimate partner violence, and sexual assault prevention. ESU THRIVE provides support for SOS, through volunteer work as well.

How to be an Active Upstander

Upstanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where Upstanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. Below is a list of some ways to be an active Upstander:

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

(Upstander intervention strategies adapted from Stanford University)

Risk Reduction

Suggestions to help make you less vulnerable and reduce the opportunity for an assailant to assault you:

- Know your environment!
 - Where are emergency phones (blue lights), where to find help, stay in areas with plenty of lighting.
- Reduce the time you spend alone.
 - Lock doors, go out in groups, walk with friends
- Be clear and assertive when communicating.
 - Say “No” to a sexual aggressor, share your boundaries, do not assume consent
- Make responsible choices with your alcohol intake/drug use.
 - Watch your drinks, understand your limits, do not take advantage of others’ drunkenness

Reporting and Preserving evidence of sexual assault, domestic violence, dating violence, sexual assault, or stalking

A guiding principle in the reporting of domestic violence, dating violence, sexual assault, and stalking is to avoid possible re-victimizing of the complainant by forcing the individual into any plan of action. It is recommended that a person who has experienced domestic violence, dating violence, sexual assault, or stalking consider each of the following:

- Go somewhere safe as soon as possible.
- **Do not** bathe, shower, douche, brush your teeth, or change clothes, and if possible, do not urinate. If you agree, a forensic exam will be done to collect medical evidence.
- Go to a hospital emergency room as soon as possible. (Evidence can be collected several hours after an attack, but its value may be diminished.) Bring a full change of clothing because the clothing worn at the time of the attack may be collected and kept as evidence.
- Follow-up medical care is crucially important. Tests for sexually transmitted diseases and pregnancy are important.

Many survivors of sexual violence say counseling helped them and recommend it for others. Reactions to sexual violence can vary from person to person, and counseling can be very beneficial in the healing process. Confidential counseling services are available at the Emporia State University Student Wellness Center 620-341-5222. Counselors will not report incidents of sexual violence for further investigation but can assist and support survivors who want to pursue further action. No matter when or where the assault occurred, support and referral resources are available.

Consider reporting the incident. Contact Emporia State University Police and Safety 620 341-5337 and/or Emporia Police Department (620-343-4200) to report the incident. Collection of evidence at the scene and the examination of evidence is time sensitive.

Consider obtaining a protection order. Protection orders are facilitated at the Lyon County Courthouse, 430 Commercial Street in the Office of the Clerk of the District Court or with the assistance of an SOS advocate.

Create a Plan. Are accommodations needed to feel safe on campus? If so, Emporia State University can help! By reporting the incident to the Associate Affirmative Action Officer & Title IX Deputy Coordinator, 620-341-5518, assistance with reporting the incident, adjusting on-campus living arrangements, managing academic obligations, and arranging emotional support and medical care will be provided. The Title IX Deputy Coordinator will launch an investigation of the incident and pursue prompt and effective remedial actions.

Emergency	911
Human Resources	620-341-5379
Title IX Coordinator	620-341-5518
Enrollment Management and Student Success	620-341-5269
Student Wellness (Counseling/Health)	620-341-5222
Lyon County Crimestoppers	620-342-CARE (2273)
Residential Life	620-794-0706 620-794-2648
SOS	620-343-8799
Newman Memorial Hospital	620-343-6800
Emporia Police Department	620-343-4200
Lyon County Sheriff's Office	620-342-5545

Statement of Victims' Rights

1. Victims have the right to choose counseling and medical treatment, and report their case through the university Title IX Coordinator or the off-campus court system. They also have the right to refuse all these options without reproach from any university personnel.
2. Victims have the right to be treated with dignity and seriousness by campus personnel.
3. Victims of crimes against an individual have the right to be free from intimidation and harm.
4. University personnel are encouraged to inform all victims that: victims are not responsible for crimes committed against them; victims are not negligent toward their own safety and thus do not assume the risk of crime; victims should always report their crime despite the possibility of adverse publicity for the university.
5. Victims will be made aware of appropriate student services, including counseling and community

support services.

6. Victims are entitled to the same support opportunities and process available to the accused in campus disciplinary proceeding.
7. If the accused is prohibited from contacting the victim and/or entering the victim's place of residence, notification will be made that an Emporia State University No Trespassing ban is in effect. If the victim obtains a protection order through the court of jurisdiction, they will be instructed to provide a copy of the official order to Emporia State University Police and Safety who will be responsible for enforcement of the order if a violation occurs on campus.
8. Any victim who does not wish to remain in his/her present residence hall or class section may be granted a transfer to other housing or another class section if available.
9. The victim has the right to information regarding the status of his/her case, including the final outcome.

Changing a victim's academic, living, transportation, working situation, and other supportive measures

The Title IX Coordinator works with others to implement supportive measures designed to support and protect individuals and the university community, at any time. Such supportive measures might include restrictions on contact, class, or work schedule alterations, leaves of absence, increased safety measures, student housing changes, or course/class academic adjustments. If it is ultimately determined that university policy has been violated, then these measures may also become part of any permanent sanction/discipline against the violator. Factors that might be considered during the determination of supportive measures process include, but are not limited to, the following:

- Severity or pervasiveness of the allegations.
- Any continuing effects on the complainant.
- Whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation, or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil order of protection or an injunction against harassment).

Even if a victim elects not to report an incident of alleged sexual assault, domestic violence, dating violence, or stalking to campus police or local law enforcement, Emporia State University can help.

Emporia State University will provide written notification to victims about options, available assistance, and how to request changes to academic situations, living situation, transportation and working situations. The notification will also address the availability of protective measures.

Emporia State University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services for victims, both within the institution and the community. We will provide such protective measures if the victim requests and they are reasonably available, regardless of whether the victim chooses to report the crime to law enforcement.

Confidentiality

While confidentiality cannot be guaranteed, all reasonable steps will be taken to protect the confidentiality of all individuals associated with a report. Any party may speak confidentially with Counseling Services. Counselors in those offices are not Campus Security Authorities and are not required to report crimes to ESU Police. Emporia State University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of Emporia State University to provide the accommodations or protective measures.

Confidential Assistance

Campus employees are required to report an incident of sexual assault, domestic violence, dating violence, or stalking to the Title IX Coordinator. Emporia State University’s Non-Discrimination policy explains the responsibility of employees to report incidents of sexual harassment and sexual violence to the Title IX Coordinator.

Responsible employees are all employees except licensed counselors, medical staff, and athletic trainers. Any Emporia State University employee who accompanies students off campus on a university-sponsored trip is considered a responsible employee. Responsible employee includes anyone designated as a Campus Security Authority (CSA) under the Clery Act.

Off-campus resources also offer confidentiality and can assist victims with obtaining a court order, medical attention, victim advocacy, legal assistance, mental health, and veteran services.

YWCA CENTER FOR SAFETY & EMPOWERMENT Topeka Emergency: 785-233-1750 Information: 888-822-2983	KANSAS DOMESTIC VIOLENCE & SEXUAL ASSAULT CRISIS HOTLINE 888-363-2287
KANSAS CHILDREN SERVICE LEAGUE PARENT HELP HOTLINE 800-332-6378	LYON COUNTY ATTORNEY 620-341-3263
VA MEDICAL CENTER TOPEKA 785-350-3111	NEWMAN REGIONAL HEALTH SEXUAL ASSAULT NURSE EXAMINER (SANE) 620-341-7851
CROSSWINDS COUNSELING & WELLNESS 620-343-2211	SOS (CRISIS SERVICES) 620-343-8799

Sanctions

Behaviors and actions that violate policy, including sexual harassment, can be subject to investigation and sanctions. Sanctions can include warning, restitution, fine, disciplinary probation, campus/community service, student suspension, student expulsion, employee suspension, employee demotion, employee termination.

VAWA Definitions

Dating Violence

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the reporting party's statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purpose of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence

Domestic Violence

Domestic violence is defined as a felony or misdemeanor crime of violence committed

- By a current or former spouse of intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual Assault

Sexual assault is defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a) **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes rape of both males and females.
- b) **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
- c) **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purpose of this stalking definition:

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

University Disciplinary Procedures in Response to Reported Sexual Violence

Emporia State University is committed to providing an environment where all individuals may pursue studies, activities, and careers in an atmosphere free of threat of unwelcome and unwanted sexual actions. The University will respond promptly, fairly, and decisively to all reports of sexual violence. When the University receives any report of sexual harassment/violence, the University's Title IX Coordinator will immediately be notified of the allegation by the office receiving the report. The Title IX Coordinator's office is 209E Plumb Hall, and the phone number is 620-341-5518. Reports of sexual violence will be investigated by the Title IX Coordinator. The University policy on Harassment, Sexual Violence, and Discrimination Prevention can be found at <http://www.emporia.edu/acadaff/pdf/EmployeePolicyManual.pdf>

When the University receives any report of sexual misconduct, the University's Title IX Coordinator will be immediately notified of the allegation by the office receiving the report. The Title IX Coordinator will promptly begin an investigation to determine what occurred. The University will investigate all complaints providing for prompt, fair, and impartial process from the initial investigation to the final result. If the victim requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a victim insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the University's ability to respond may be limited.

University authorities may issue a safety alert, in some instances when meeting a defined threshold, to the university community identifying the area and nature of the crime. Victims may provide information to Emporia State University Police and Safety or local police agencies and may choose to report and to pursue adjudication through the criminal justice process.

Notice to Respondent

The respondent will be provided with a statement of the complaint in writing, and the complainant will be provided a copy of this notification. The respondent will be provided an opportunity to meet with the investigator(s) investigating the complaint and to respond to the allegation. Respondents may respond in

person or in writing within a reasonable time to be determined by the investigators. If a respondent chooses not to participate or refuses to answer a complaint, their nonparticipation will not prevent the investigation from proceeding and could result in a finding based solely on the information provided by the complainant.

Notice Regarding Retaliation

Emporia State University prohibits retaliation by officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision of this policy and/or provisions of the Campus Sexual Violence Elimination (SaVE) Act.

Retaliation against persons who file discrimination complaints or persons who participate in an investigation of a complaint, whether by an individual directly involved, witnesses, appropriate administrators, supervisors, or by their associates, is a violation of University and Board of Regents policy as well as State and Federal law. Retaliation may take the form of unwanted personal contact from the respondent or giving additional assignments that are not assigned to others in similar situations, poor grades, or unreasonable course assignments. Phone calls, e-mail, or other attempts to discuss the complaint may be perceived as retaliation under certain circumstances. Disciplinary action, harassment, unsupported evaluations, or other adverse changes in the conditions of employment or the educational environment may also constitute retaliation. Retaliation will not be tolerated and could result in suspension, reassignment, salary reduction, termination, expulsion, or other disciplinary action. Should any type of retaliation against someone filing a sexual harassment and sexual violence or racial and/or ethnic harassment complaint occur, it will be treated as an additional violation of the sexual harassment and sexual violence or racial and/or ethnic harassment policies. Individuals who engage in retaliation are subject to disciplinary action, regardless of the disposition of the underlying complaint.

Investigation Timeframe

The University will strive to complete complaint investigations, including issuance of a report of the findings to the complainant and respondent, in as timely and efficient a manner as possible. The investigation timeframe may be extended based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks including summer break, and the complexity of the complaint. The investigator will notify the parties should an investigation be subject to significant delays and provide a timeframe for the completion of the investigation.

Impartiality

Administrative proceedings shall be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused. Proceedings also shall be conducted by officials who receive annual training on issues related to sexual assault, domestic violence, dating violence, and stalking. Emporia State University staff who conduct proceedings receive training on how to investigate and hearing process that protects the safety of victims and promotes accountability.

Contact with Complainant

In all investigations, the investigator will meet with the complainant throughout the investigation as appropriate. The investigator will only investigate with the consent of the complainant unless a broader campus safety issue is identified.

Representation

In these proceedings, the Complainant and Respondent are both entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. During the proceedings, officials, will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. Both the accuser and the accused shall be simultaneously informed, in writing, of the outcome of the disciplinary proceeding (if an appeal process applies), any change to the results that occurs before the time the results become final, and when the results become final, the rationale for the decision. All parties involved will be made aware that the standard of evidence that applies to the investigation is one of **“preponderance of the evidence”** and that each party has the right to have an advisor present during the investigation process. A preponderance of the evidence standard means the fact(s) in issue is more probably true than not.

Information Relevant to Investigation

The parties to a complaint (complainant and respondent) will be informed that they have the opportunity to identify witnesses, present witness statements, and any other evidence they believe relevant to resolution to the complaint. The investigator(s) will interview other persons whom the investigator(s) in his/her discretion determines to be necessary to gather relevant information. The investigator will review any written materials, emails or other media that as determined by the investigator in his/her discretion may provide relevant information regarding the complaint.

Findings of Investigation

If the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten business days from the conclusion of the investigation, when the final investigation report is transmitted to the parties and the decision-maker(s), unless all parties and the decision maker(s) agree to an expedited timeline.

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions. This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties. Using the deliberation

statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

Emporia State University will control access to information pertaining to reports, investigations, and outcomes of sexual harassment complaints by means appropriate to the circumstances. The institution follows all local, state, and federal mandates regarding privacy and confidentiality.

Off Campus Reporting

Allegations of sexual assault or rape occurring **off campus** should be reported immediately to the Emporia Police Department or the Lyon County Sheriff's department. Both departments can be reached through the Lyon County Emergency Communications Center at 620-343-4225 or 9-1-1 for emergencies.

Reporting may help to prevent other assaults from occurring. Reporting does not obligate the victim to follow through with criminal prosecution. When requested by the victim, University personnel will assist in notifying authorities. Efforts will be made to ensure the confidentiality of all reports, except as necessary and required to investigate the alleged offenses.

Sanctions

When investigations involve students, the Title IX Coordinator manages the process and may use sanctions related to on-campus discipline as outlined in the Student Code of Conduct. Behaviors and actions that violate this policy, including sexual harassment, can be subject to investigation and sanctions. Sanctions for student violations include disciplinary warning, disciplinary probation, suspension, expulsion, dismissal, withholding of transcripts or degree, revocation of admission and/or degree, loss of university privileges, residence hall transfer or removal, no contact directive, campus and/or building ban, and/or no trespass order given. Sanctions for employees include corrective action, suspension, separation, job reassignment, loss of university privileges, no contact directive, and/or no trespass order given. In addition to or in place of the above sanctions, the University may assign any other sanctions deemed appropriate. The accused and accuser will be informed, in writing, of the outcome of institutional proceedings. In addition, if requested, the University will disclose the results of disciplinary proceedings against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the next of kin if the victim is deceased.

Changing a victim's academic, living, transportation, working situation, and other supportive measures

The university, through the Title IX Coordinator, will take supportive measures designed to support and protect individuals and the university community, at any time. Such supportive measures might include restrictions on contact, class, or work schedule alterations, leaves of absence, increased safety measures, student housing changes, or course/class academic adjustments. If it is ultimately determined that university policy has been violated, then these measures may also become part of any permanent sanction/discipline against the violator. Factors that might be considered during the determination of supportive measures process include, but are not limited to, the following:

- Severity or pervasiveness of the allegations.
- Any continuing effects on the complainant.
- Whether the complainant and alleged perpetrator share the same residence hall, dining hall, class,

transportation, or job location.

- Whether other judicial measures have been taken to protect the complainant (e.g., civil order of protection or an injunction against harassment).

Even if a victim elects not to report an incident of alleged sexual assault, domestic violence, dating violence, or stalking to campus police or local law enforcement, Emporia State University can help.

Emporia State University will provide written notification to victims about options, available assistance, and how to request changes to academic situations, living situation, transportation and working situations. The notification will also address the availability of protective measures.

Emporia State University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services for victims, both within the institution and the community. Emporia State University will also provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. We will provide such protective measures if the victim requests and they are reasonably available, regardless of whether the victim chooses to report the crime to law enforcement.

Registered Sex Offenders

The Campus Sex Crimes Prevention Act of 2000 (CSCPA) requires states to obtain information concerning the enrollment or employment of registered offenders at institutions of higher education and to provide this information to campus police. The act requires higher education institutions to identify where information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders to provide notice to each higher education institution if the sex offender lives on campus, is employed by, carries a vocation, or is a student at the school. In Kansas, convicted sex offenders must register with their local sheriff's office.

The Kansas Bureau of Investigation (KBI) periodically provides Emporia State University Police and Safety with a list of registered offenders who are enrolled or employed at the institution. The list is available at the Police and Safety Office, located at the northeast corner of Welch Stadium. The KBI Registered Offender website may be searched by name, street address, city, zip code, or county. A list of all registered offenders in Kansas is available from the KBI at [KBI - Kansas Bureau of Investigation - KBI Registered Offender Website](#)
[Disclaimer](#)

The list of names is maintained at ESU Police and Safety by the University Police Chief.

Definitions

The following definitions provide a context in which the University operates when conducting investigations of sexual harassment.

Sexual Misconduct: Any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can occur between persons of the same or different sex and is represented by a continuum of conduct from forcible rape and sexual assault to non-physical forms of pressure that compel individuals to engage in sexual activity against their will. It includes any physical contact of a sexual nature that is committed either by force, coercion, intimidation, or manipulation or through the use of a person's mental or physical incapacity, including incapacitation caused

by the use of drugs or alcohol.

Sexual Intercourse (Kansas Statute Annotated, K.S.A. 21-5501) “Sexual intercourse” means any penetration of the female sex organ by a finger, the male sex organ, or any object. Any penetration, however slight, is sufficient to constitute sexual intercourse.

Rape (Kansas Statute Annotated, K.S.A. 21-5503) 1. Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances: a. when the victim is overcome by force or fear; or b. when the victim is unconscious or physically powerless.
2. Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug, or other substance, which condition was known by the offender or was reasonably apparent to the offender;
3. Sexual intercourse with a child who is under 14 years of age;
4. Sexual intercourse with a victim when the victim’s consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
5. Sexual intercourse with a victim when the victim’s consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender’s authority.

Sodomy (Kansas Statute Annotated, K.S.A. 21-5501) “Sodomy” means oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or oral or anal copulation or sexual intercourse between a person and an animal.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual, physical, or emotional abuse or the threat of such abuse. It can be a single act or pattern of behavior in relationships. It does not include acts covered under the definition of domestic violence. This definition is used for these policy purposes and is also considered a crime for Clery reporting purposes. Kansas statutes include dating violence as a type of domestic violence. K.S.A. 21-5111(i)(1).

Domestic Violence Clery: The act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.

Domestic Violence (Kansas Statute Annotated, K.S.A. 21-5111) An act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family

or household member by a family or household member. "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

Sexual Violence: Physical sexual acts perpetrated against an individual's will or where the individual is incapable of giving consent due to the victim's use of drugs or alcohol or an intellectual or other disability. Examples include, but are not limited to, rape, sexual assault, sexual battery, and sexual coercion. Acts of sexual violence are a form of sexual harassment prohibited by our policy.

For Clery reporting purposes, **Sexual Assault** is defined as an offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape. In Kansas, there is no definition for "sexual assault". Kansas Statutes do define and prohibit the crimes of Rape K.S.A. 21-5503; Criminal Sodomy, Aggravated Criminal Sodomy K.S.A. 21-5504; Sexual Battery, Aggravated Sexual Battery K.S.A. 21-5505; Indecent liberties with a child, Aggravated indecent liberties with a child 21-5506.

Stalking (Kansas Statute Annotated, K.S.A. 21-5427) (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; **(2)** Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; **(3)** After being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2013 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; or **(4)** intentionally engaging in a course of conduct targeted at a specific child under the age of 14 that would cause a reasonable person in the circumstances of the targeted child, or a reasonable person in the circumstances of an immediate family member of such child, to fear for such child's safety.

Consent: A freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions. It is the responsibility of the initiator of the sexual activity to ensure he or she has the others person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that he or she no longer consents to the continuing activity.

Consent considerations:

- A. May never be obtained using force, coercion, intimidation, or manipulation or if the individual is mentally or physically disabled or incapacitated, including through the use of drugs and/or alcohol, or
- B. May never be assumed because of the existence of a dating relationship between the persons involved or due to the existence of a current or previous sexual relationship between the persons.
- C. Consent to one form of sexual contact does not constitute consent to any other form of sexual contact.
- D. Consent with one person does not constitute consent to sexual contact with any other person.
- E. Consent on one occasion is not consent to engage in sexual contact on another occasion

- F. Consent cannot be obtained in any situation involving sexual contact with an individual who is incapacitated, and the person engaging in that sexual contact, knew, or should have reasonably known, that the individual was incapacitated.

Consent may be withdrawn at any time. Once consent is withdrawn, the sexual contact must cease immediately. This definition is used for these policy purposes. Kansas statutes define consent in K.S.A. Section 21-5503.

Weapons on Campus

Open carry of firearms by any means is prohibited. The carrying of any rifle, shotgun, or other long gun by any means is prohibited. The carrying of any firearm, concealed or otherwise, is prohibited in any location or under any circumstances prohibited by applicable federal or state law.

Concealed Carry Defined

Individuals who carry a handgun on campus must always carry it concealed on or about their person. With respect to this policy, concealed means completely hidden from view and does not reveal the weapon in any way, shape, or form, except when using the handgun in self-defense or when transferring the handgun to safe storage. "About the person" means that an individual may carry a handgun if it can be carried securely in a suitable carrier, such as a backpack, purse, handbag, or other personal carrier designed and intended for the carrying of an individual's personal items. Moreover, the carrier must always remain within the exclusive and uninterrupted control of the individual. This includes wearing the carrier with one or more straps consistent with the carrier's design, carrying or holding the carrier, or setting the carrier next to or within the immediate reach of the individual.

Restrictions to the Carrying of a Concealed Firearm Pursuant to Kansas Law

Kansas law states that the only type of firearm that an individual can carry while concealed is a handgun. The following restrictions apply to the concealed carrying of a handgun pursuant to Kansas law and the violation of any of the following restrictions is a crime under Kansas law:

- a. An individual in possession of a concealed handgun must be at least 21 years of age [K.S.A. 21-6302(a)(4)];
- b. a handgun cannot be carried by an individual under the influence of alcohol or drugs, or both, to such a degree as to render the individual incapable of safely operating the handgun [K.S.A. 21-6332];
- c. a handgun cannot be carried by an individual who is both addicted to and an unlawful user of a controlled substance [K.S.A. 21-6301(a) (10)];
- d. a handgun cannot be carried by an individual who is or has been a mentally ill person subject to involuntary commitment [K.S.A. 21-6301(a) (13)];
- e. a handgun cannot be carried by an individual with an alcohol or substance abuse problem subject to involuntary commitment [K.S.A. 21-6301(a) (13)];
- f. a handgun cannot be carried by an individual who has been convicted of a felony crime [K.S.A. 21-6304];
- g. an automatic handgun cannot be carried [K.S.A. 21-6301(a)(5)];
- h. a cartridge which can be fired by a handgun and which has a plastic-coated bullet with a core of less than 60% lead by weight is illegal [K.S.A. 21-6301(a)(6)];
- i. Suppressors and silencers cannot be used with a handgun [K.S.A. 21-6301(a)(4)];
- j. handguns cannot be fired in the corporate limits of a city or at a dwelling, or at a structure or vehicle in which people are present, except in self-defense [K.S.A. 21-6308, 6308a].

Carrying Safety

Holsters are required. Every handgun carried by an individual, whether on their person or in a carrier, must be secured in a holster that completely covers the trigger and the entire trigger guard area and that secures an external hammer in an un-cocked position through the use of a strap or by other means. Handguns with an external safety must be carried with the safety in the "on" position. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Semiautomatic handguns must be carried without a chambered round of ammunition. Revolvers must be carried with the hammer resting on an empty cylinder.

Handgun Storage

Handgun storage at Emporia State University is prohibited, except in the following two circumstances: (1) in an individual's privately-owned or leased motor vehicle when the vehicle is locked (if unattended) and the handgun is secured in a location within the vehicle that is not visible from outside the vehicle; or (2) in an individual's on-campus residential unit when the handgun is secured in a holster and in an approved storage

University Approved Storage Device

The University does not provide approved handgun storage devices to any person under any circumstances. Each individual who stores a handgun in an on-campus residence must provide their own approved storage device. A University approved storage device has each of these characteristics: (1) it is of sufficient size to fully enclose the handgun while secured in an approved holster; (2) it is constructed of sturdy materials that are non-flammable; (3) it has a combination, digital, or other secure locking device that can only be unlocked by the individual using the storage device, but devices secured exclusively with a key lock are prohibited; and, (4) the device is constructed specifically for the storage of a handgun and/or ammunition. All ammunition stored in an on-campus residence must be stored in an approved storage device.

Prohibited Storage

It is prohibited for any person to store a handgun on campus: (1) in any University classroom, lab, office, or facility; (2) in a residence hall, except in the residential unit of the individual who is at least 21 years of age, who legally owns the handgun, and when the handgun is secured in an approved storage device; (3) in a motor vehicle that is unlocked and unattended or when the handgun is visible from outside the vehicle; (4) in any other location and under any circumstances except as specifically permitted by this policy and by state or federal law; and, (5) all handguns must be stored unloaded, which means the magazine, cylinder, barrel or any other means of internal ammunition storage in preparation for firing the handgun must contain no ammunition while being stored on campus.

All reports of suspected violation of the conceal carry policy are made to ESU Police and Safety by picking up any Emergency Campus Phone or by calling 620-341-5337

2022 Distance Education Sites Contact Information for Crime Statistics

Emporia State University is committed to providing distance education students with information regarding the safety and security of locations in which distance education classes are held. During calendar year 2022 classes, workshops, and seminars were held at the following locations in connection with Emporia State University Distance Education Programs. Crime statistic information for these locations can be obtained by accessing the following links or contacting the identified department.

Butler County Community College - <https://www.butlercc.edu/info/20090/campus-safety/541/annual-security-report>

Johnson County Community College - <https://www.jccc.edu/student-resources/police-safety/police-department/annual-security-report.html>

Site Location	Site Address	Website or Police Department Contact Information
BCC – Andover	1810 N. Andover Road Andover, KS 67002	Andover Police Department 316-733-5177
Butler Community College	901 S Haverhill Road El Dorado, KS 67042	See link above
Emporia State University-Kansas City	8440 W 110 th St., Suite 150 Overland Park, KS 66210	Overland Park Police Department 888-547-5951
Johnson County Community College	12345 College Boulevard Overland Park, KS 55210	See link above
Olathe Instructional Resource Center	14090 S. Black Bob Road Olathe, KS 66062	Olathe Police Department 913-971-6353

Campus Crime Statistics

Procedures Used for Collecting, Compiling and Reporting Crime Statistics

Information about Clery crimes is compiled from statistics obtained from reports filed with the following offices: Emporia State University Police and Safety, Dean of Students, Affirmative Action Officer, Director of Residential Life, and Director of Athletics.

Crime statistic information for areas defined as "public property" and "non-campus buildings and property" are requested from the Emporia Police Department, Lyon County Sheriff's Office, and police agencies at distance learning locations as well as locations associated with overnight student travel for university purposes.

Counting and Classifying Crimes

The Clery Act requires institutions to classify and count crime data based upon three general crime categories: 1) types of offenses; 2) hate crimes; and 3) arrests and disciplinary referrals.

The Uniform Crime Reporting (UCR) crime definitions:

Clery Act Crime Definitions

Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

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

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug abuse violations are defined as the violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Hate crimes are committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

Liquor law violations are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Motor vehicle theft is the theft or attempted theft of a motor vehicle.

Murder and non-negligent manslaughter are the willful (non-negligent) killing of one human being by another.

Negligent manslaughter is the killing of another person through gross negligence.

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

Sex offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

(For Clery purposes sex offenses are categorized as **Forcible** any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent OR **Non-forcible**- unlawful, non-forcible sexual intercourse).

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

Weapons violations are defined as the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Unfounded Crimes are considered unfounded for *Clery Act* purposes **only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless**. 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.

Once classified and counted, data are presented for review according to 1) on-campus locations; 2) non-campus buildings or properties, and 3) public property immediately adjacent to and accessible from campus; 4) Arrests & Disciplinary referrals; and 5) Hate crimes. A map of campus can be found on the Emporia State University web site at: [Virtual Campus Explorer \(google.com\)](https://www.emporiastate.edu/virtual-campus-explorer).

On-campus statistics include all incidents occurring in any building or property on the Emporia State University campus, including incidents occurring in the residence halls. Therefore, residential facilities are a *subset* of On-Campus statistics.

Non-campus statistics are reported for properties owned and/or controlled by the university outside the campus boundaries that appear on the map. Other non-campus buildings or property may also be owned or controlled by a student organization that is officially recognized by the institution such as fraternity and sorority houses. Additionally, in some cases, locations used to house students during overnight, school-sponsored trips, the repeated use of overnight stay properties, and short-stay “away” trips of more than one-night fall into this category.

Public Property includes thoroughfares, streets, sidewalks, and parking facilities within campus or immediately adjacent to and accessible from the campus. *Private homes or businesses, areas surrounding non-campus properties, and property separated from campus by barriers or fences are not public property.* (Information regarding crime rates in the Emporia community may be obtained from the Emporia Police Department at 620-343-4200.)

Arrests & Disciplinary Referrals section of the crime statistics report also includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs, and illegal weapons possession. The Clery Act defines a disciplinary referral as the referral of a person to any campus official who initiates a disciplinary action of which a record is kept, and which may result in the imposition of a sanction.

Hate Crimes. Emporia State University is also required to report hate crimes in the annual security report. For this reporting, a hate crime occurs when a person is victimized intentionally because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

Crime Statistics Tables

ESU Emporia Campus Crime Statistics

Criminal Offenses	2020					2021					2022				
	On-Campus	*On-Campus Student Housing	Non-Campus	Public Property	Total	On-Campus	*On-Campus Student Housing	Non-Campus	Public Property	Total	On-Campus	*On-Campus Student Housing	Non-Campus	Public Property	Total
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	1	1	0	0	1	1	1	0	0	1
Fondling	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	2	1	0	0	2	0	0	0	0	0
Burglary	2	0	0	0	2	1	0	0	0	1	0	0	1	0	1
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0
VAWA Offenses															
Domestic Violence	1	1	0	2	3	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0
Arrests															
Weapons	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0
Drugs	2	2	0	11	13	1	1	0	2	3	2	0	0	0	2
Alcohol	2	1	1	11	14	2	0	0	1	3	1	1	0	0	1
Referrals															
Weapons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	5	5	0	0	5	3	3	0	0	3	1	1	0	0	1
Alcohol	14	14	0	0	14	41	41	0	0	41	38	38	0	0	38
*Crimes reported in the residential facilities column are included in the on-campus category.															

Hate Crimes	2022	No hate crimes reported.
	2021	One on-campus residence hall intimidation incident characterized by religion. One on-campus vandalism of property incident characterized by race.
	2020	No hate crimes reported.

ESU Kansas City Campus Crime Statistics

Criminal Offenses	2020					2021					2022				
	On-Campus	*On-Campus Student Housing	Non-Campus	Public Property	Total	On-Campus	*On-Campus Student Housing	Non-Campus	Public Property	Total	On-Campus	*On-Campus Student Housing	Non-Campus	Public Property	Total
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses															
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests															
Weapons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referrals															
Weapons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
*Crimes reported in the residential facilities column are included in the on-campus category.															

Hate Crimes	2022	No hate crimes reported.
	2021	No hate crimes reported.
	2020	No hate crimes reported.

2022 Emporia State University Annual Fire Safety Report

Students on the Emporia State University Campus are housed in three separate complexes: Abigail Morse Hall, Schallenkamp Hall, and Towers Complex. Fire detection/alarm systems report locally and are monitored remotely by ACS, and Residential Life conducts at least four planned fire drills during the academic year, two per semester.

ABIGAIL MORSE HALL originally opened for residents in February of 1924. It experienced extensive renovation during calendar year 2019. It opened to residents in September 2020. Upon reopening, Abigail Morse Hall is fully sprinkled and features improved fire safety measures that achieve or exceed R-2 fire code compliance. Fire alarm system reports locally and is monitored remotely by ACS. The community kitchen features fire detection and suppression systems in the vent hoods that shut off oven/range if activated.

TOWERS COMPLEX consists of two eight-story towers connected at the bottom two levels, and Singular/Trusler Hall. Singular/Trusler Hall sits beside the Towers and is connected by an enclosed bridge on the second level. Towers was built in 1971 and completely remodeled in 2007. It is brick and mortar construction with built up flat roofs. Both Towers use a single detection and alarm system, and wet sprinkler suppression system which were installed in 2007. Fire alarm system reports locally and is monitored remotely by ACS. There are two trash chutes with sprinkler suppression. A new community kitchen was added August 2023 that features a new fire extinguisher and a fire detection and suppression system in the vent hoods that shut off oven/range when activated.

SINGULAR (built -1959) and TRUSLER (built-1963) are connected end to end and are of brick-and-mortar construction with built up flat roofs. The most recent renovation project for both facilities was completed in August 2014. Both are protected by a single detection and alarm system installed in 2000 and a wet sprinkler suppression system which were installed in 2014. Fire alarm system reports locally and is monitored remotely by ACS. The detection/alarm systems and trash chute sprinklers are inspected and tested annually. All fire extinguishers are checked monthly. The community kitchen features fire detection and suppression systems in the vent hoods that shut off oven/range if activated.

SCHALLENKAMP HALL was new construction that opened in August 2019. The building has a single detection and alarm system and a wet sprinkler suppression system. Fire alarm system reports locally and is monitored remotely by ACS. Local fire extinguishers are located in public areas of the building. All community kitchens feature fire detection and suppression systems in the vent hoods that shut off oven/range when activated.

Residence Hall Policy for Fire Emergency

In cases of fire emergency, students are directed to evacuate the building. When safe, students are instructed to contact one of the following:

1. ESU Police and Safety at 620-341-5337
2. 911
3. A Resident Assistant on duty
4. The Professional Staff Member on duty

Fire Safety Education

Residents and staff receive fire safety education and training through a variety of methods in the

residence halls. Educational methods included, but are not limited to floor meetings, fire and evacuation drills, electronic communication and building signage. Health and safety checks occur in all resident rooms twice per semester.

Fire Alarms

State law, as well as residence hall policy, requires all students to leave their room and/or public areas and evacuate the building when a fire alarm is sounded. Failure to do so may result in disciplinary and/or legal action. If the fire alarm sounds, take action as directed on ESU Emergency Escape Plan signage and/or follow emergency exit signs.

Take your key.

Feel the door before opening.

Proceed to the nearest stairway and exit.

DO NOT USE the elevator.

Remain clear of the building.

If the fire is in your room:

Leave the room immediately.

Close the door.

Pull the nearest alarm box.

Proceed to the nearest exit.

DO NOT USE the elevator.

Notify staff of the fire's location.

Do not return to the building until a university official has given an all-clear signal.

Activating a fire alarm system without proper cause endangers the safety of all residents, as well as the security of the greater community and the fire department. A false alarm is not a prank. It is a criminal offense that endangers the safety of others. A student, who, without reasonable cause, activates a fire alarm system or tampers with fire safety equipment, may face removal from the residence halls and be referred for criminal prosecution.

Fire Prevention Policies

Candles/Incense/Open Flames/Fireworks/Flammable Liquids Policy

Candles, incense, open flames, fireworks and/or firecrackers; and flammable liquids such as gasoline, kerosene, propane, naphtha, or benzene are not permitted at any time in the residence halls.

Electrical Appliances Policy

Students are limited in the type of electrical appliances used in the residence hall rooms. Only approved items with enclosed heating elements that are UL approved are permitted. These include portable electric hair dryers, portable refrigerators (not to exceed 5 cubic feet), razors, radios, computers, TVs, stereos, air popcorn poppers, coffee makers, crock pots, and microwaves (not to exceed 800 watts). Residents are permitted to have electrical appliances (not included on the Prohibited Items List) in their rooms provided the electrical appliances are safety labeled by Underwriter Laboratories (UL) or Factory Mutual (FM). All heat producing appliances must have non-exposed heating elements and an automatic shut-off safety feature. Both the appliance and any cord used in connection with it must have a UL or FM approved label. When using these appliances, care should be taken to ensure that no damage is done to university property. Prohibited items in the residence halls include air fryers, infrared smokers, amplifiers, toasters, George Foreman-type

grills, toaster ovens, hotplates, hover boards, and sun/halogen lamps or lamps which produce heat sufficient enough to create a fire hazard (250 watts).

Space heaters are not allowed unless provided by Residential Life staff. Tampering with electrical systems (dimmer switches, circuit breaker boxes, wiring, etc.) is not permitted to ensure the safety of all residents.

Smoking is prohibited in the residence halls.

Fire Safety Improvements

To ensure the safety of all residents, the Department of Residential Life assesses equipment and system needs on a routine basis. Any improvements in fire safety are determined in cooperation with Residential Life professionals, other campus departments, and outside consultants who are experts in the field.

Fire Log and Statistics

The annual fire log for Residential Life is maintained in the main Residential Life office, Abigail Morse Hall, Suite 010. The fire log for the most recent 60-day period is open to public inspection, upon request, during normal business hours. Any portion of the log that is older than 60 days will be available within two business days of a request for public inspection to the extent established by law.

Reported Fires in On Campus Housing 2020-2022

ESU Residential Hall	Total Fires in Each Building			Number of Fires			Date & Time			Cause of Fire			# Injuries or Medical Treatment Required			# Deaths Related to Fire			Value of Property Damage			
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Towers Complex, 1501 Market St	0	1	0	0	1	0	0	3/7 @ 15:01	0	0	0	Candle	0	0	0	0	0	0	0	0	0	0
Singular & Trusler, 1501 Market St	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abigail Morse Hall, 1500 Morse Dr.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Schallenkamp Hall, 1230 Market St.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Fire Safety Systems in Student Housing 2020-2022

ESU Residential Hall	Fire Alarm Monitoring Done	Partial Sprinkler System	Full Sprinkler System	Smoke Detector	Fire Extinguisher Device	Evacuation Plan	# Of Annual Drills		
							* 2020	2021	** 2022
Towers Complex	Yes	N/A	Yes	Yes	Yes	Yes	3	4	3
Singular & Trusler	Yes	N/A	Yes	Yes	Yes	Yes	3	4	3
Abigail Morse Hall	Yes	N/A	Yes	Yes	Yes	Yes	3	4	3
Schallenkamp Hall	Yes	N/A	Yes	Yes	Yes	Yes	3	4	3
*CY2020 included an unexpected shortening of spring semester, second drills did not occur that semester. **CY2022 Second planned drills for fall semester did not occur; academics, weather, staffing, and time of night prohibited.									

There are no plans for future improvements in fire safety at this time in current residence halls.