

BRESCIA UNIVERSITY  
ANNUAL SECURITY  
AND FIRE REPORT



October 2019

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## INTRODUCTION

In concert with our Catholic and Ursuline Mission, Brescia University strives to create an environment that is respectful of all and conducive to learning and living. Crimes and acts of violence are not tolerated.

In 1990, Congress enacted the Crime Awareness and Campus Security Act (Title II of Public Law 101–542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. The act has been amended multiple times.

The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as “the Clery Act”) in memory of Jeanne Clery who was slain in her dorm room in 1986. The reauthorization of the Violence Against Women Act (VAWA), signed by President Obama in March 2013, which includes the Campus Sexual Violence Elimination Act (Campus SaVE) amended the Clery Act. All incidents of domestic violence, dating violence and stalking must now be reported in addition to reporting incidents of sexual assault. In accordance with the VAWA and Dear Colleague Letter GEN-14-13, all updated VAWA categories for rape and forcible fondling are also presented in this report.

In compliance with this legislation, Brescia University publishes an Annual Security and Fire Safety Report to provide prospective and current students and employees with crime and fire statistics; safety and security related policies and procedures; training and educational programs available; and other available resources in one location.

Brescia University Office of Student Affairs is responsible for preparing and distributing this report. We work with many other departments on campus and law enforcement agencies to compile the information and crime statistics. We encourage members of the Brescia community to use this report as a guide for safe practices on and off campus. Each member of the Brescia community receives an e-mail with the report attached as a .pdf with a description of the report and provides its web address. The printed report is available upon request or may be printed in .pdf format from attachment or from the Office of Student Affairs. The report also satisfies the “Michael Minger Act” reporting for the Commonwealth of Kentucky.

By October 1 of each year, Brescia distributes this report via email and web posting to all students and employees. Brescia will also make the report available upon request to prospective students and employees. **Note: this report is for calendar year 2018, not the 2018-19 Academic year.**

## Relationships with Local Law Enforcement

Brescia University works closely with the Owensboro Police Department, which is located two blocks away from main campus on East 9<sup>th</sup> Street. Periodic meetings and conversations between the Owensboro Police Department and Brescia University allow for exchange of routine information on a timely basis. Brescia relies on this relationship for support on several levels: emergencies, criminal investigations, arrests, and special events. In cases where additional

security is warranted, Brescia University may request additional information from Owensboro Police Department.

## Timely Warnings

In the event a Clery crime is reported as having occurred within the University's Clery Geography (see pages 9-10) that, in the judgment of the Vice President of Student Affairs/Dean of Students or his/her designee in his/her absence), is considered to represent a serious or continuing threat to students and employees, a campus-wide "timely warning" will be issued.

The decision to issue a Timely Warning is made on a case-by-case basis considering the nature of the crime and the continuing danger to the campus community. The warning will be provided to students and employees in a manner that is timely, and that will aid in the prevention of similar occurrences.

Timely Warnings will include information about the crime that triggered the Timely Warning but will not include personally identifiable information about the victim of the crime. Timely Warnings are generally written and distributed by Vice President of Student Affairs/Dean of Students (or designee) and are sent via email to students, faculty, and staff. A copy of the notice may also be posted on campus buildings.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting, which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the alleged perpetrator or perpetrators is or are believed to be an ongoing threat to the larger Brescia community)
- Robbery involving force or violence (cases including pick- pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Rape, Fondling, Statutory Rape, Incest, Stalking, Dating Violence and Domestic Violence (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by VPSA or designee). In cases involving these crimes, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. All of these crimes, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the VPSA, or his or her designee in his or her absence, where they are considered to represent a serious or continuing threat to students and employees.

The VPSA or his/her designee may issue a "Public Safety Advisory" where the precipitating incident(s) is/are not Clery Crimes and/or do not rise to the level of a "Timely Warning." These



Public Safety Advisories may be issued to inform the campus community for their personal safety of ongoing non-Clery crimes or suspicious activity on campus or crimes that do not fall within Brescia's Clery Geography. These "Advisories" may be disseminated to the campus community via email, postings on campus buildings, and/or methods as determined by the VPSA or designee.

## Preparing and Reporting Annual Disclosure of Crime Statistics

The Office of Student Affairs prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is based on all the University's reported crime and fire statistics. The "Annual Report" is available on the Brescia web site <https://www.brescia.edu/campus-security/> and the Clery Crime statistics may be found there as well as on the U.S. Department of Education's web site. The printed report is also available upon request or may be printed in .pdf format from the website. Campus crime, arrest, referral, and fire statistics include those reported to the Office of Student Affairs, designated Campus Security Authorities, and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provides the web site to access this report. In addition, a copy of the report in .pdf format is attached to the email. The email notice to students also satisfies the "Michael Minger Act" reporting for the Commonwealth of Kentucky.

### *How do we compile these statistics?*

The Office of Student Affairs collects crime statistics annually through a number of methods. Nighthawk Security enters all reports of crime incidents through an online Incident Report form. After a security guard enters the report, the VPSA and Asst. Dean of Students for Residence Life review the report to ensure it is properly classified in the correct crime category. All reports from Residence Life staff are reviewed as they are received in order to gather any statistics for crimes reported and to ensure accurate information is reflected in the Daily Crime and Fire Log. The Office of Student Affairs also solicits crime statistics from local law enforcement agencies and those statistics are included in this report if provided.

The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the *FBI Uniform Crime Reporting Handbook* and the *FBI National Incident- Based Reporting System Handbook*.

### **Reporting of Statistics Disclosure**

Under the Family Educational Rights and Privacy Act (FERPA) institutions are required, upon written request, to disclose to the alleged victim of a crime of violence or a non-forcible sex offense, or to the alleged victim's next of kin (if the victim dies as a result of the crime or offense), the final results of any institutional disciplinary proceeding dealing with that crime or offense. Previously, such disclosures were optional.

Report Language (House Report 110-803) The House Bill requires an institution of higher education to, upon request, disclose to the alleged victim of any violent crime or non-forcible sex offense the final results of any institutional disciplinary proceeding conducted against a student

who is the alleged perpetrator of such crime or offense. The House Bill also requires that this information be provided to the alleged victim's next of kin, if the alleged victim is deceased.

Institutions of postsecondary education that participate in federal student financial assistance programs have been required by Section 485(a) and (f) of the Higher Education Act (HEA) to provide the Secretary with campus crime statistics since 1990. The Higher Education Opportunity Act (Public Law 110-315) (HEOA) was enacted on August 14, 2008 and re-authorizes the Higher Education Act of 1965, as amended.

The VAWA and Dear Colleague Letter GEN 14-13 made a number of additions to campus security reporting requirements. Representatives from many postsecondary communities participated in meetings held by the U.S. Department of Education (ED) to discuss regulatory language (negotiated rulemaking) and ED expects that language to be issued as a Notice of Proposed Rulemaking (NPM). Final rules were published and become effective on November 1, 2014.

## Daily Crime and Fire Log

Brescia University maintains a "Daily Crime and Fire Log" which is prepared based on the previous day's incident reports. The Daily Crime and Fire Log includes the nature of the crime, the date the crime was reported, the date and time the crime occurred, the general location of the crime and the disposition of the complaint, if known. The purpose of this log is to record criminal incidents, alleged criminal incidents, and Clery category fires that are reported to the Office of Student Affairs. The "Daily Crime and Fire Log" for the most recent semester is available for public inspection in the Office of Student Affairs, VPSA Office during regular business hours.

Brescia maintains a close working relationship with the Owensboro Police Department (located just two blocks from campus) for assistance on campus and to compile crime statistics in the area surrounding the University.

## Definition of Geography

Under the Clery Act campuses are required to report campus crime statistics for certain offenses, hate crimes, arrests and disciplinary referrals to the campus conduct process for incidents occurring within specific locations as defined by the Clery Act (known as Clery Geography). In all cases this data must be broken down according to the Clery Geography of the occurrence of the offense.

### *Clery Geography Used Under the Clery Act*

**On-Campus:** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-Campus– Residence Halls:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. Institutions must disclose the total number of on-campus crimes, including those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus. As a subset, the number of crimes reported for dormitories or other residential facilities must be less than or equal to the number of reported crimes for the on-campus category.

**Non-Campus Facilities:** 1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution

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

Clery Geography for Brescia University

Using the Clery Geography as define above, Brescia University Reports Crime Statistics for the following locations:

- 717 Frederica Street- Brescia University Main Campus (all buildings, including residence halls)
- 5400 Todd Bridge Road- Kamuf Park

Public Property included in Brescia University's Clery Geography includes:

- Frederica street from 5<sup>th</sup> Street to 9<sup>th</sup> Street
- 9<sup>th</sup> Street from Frederica to Allen Street
- Allen Street from 9th Street to 7th Street
- 7<sup>th</sup> Street from Allen Street to St. Ann Street
- St. Ann Street from 7<sup>th</sup> Street to 5<sup>th</sup> Street
- 8<sup>th</sup> Street from Frederica to Allen Street

## The Crimes: Definition of Categories

The following criminal offenses (as defined under the FBI's Uniform Crime Reporting Handbook) are reportable offenses under the Clery Act.

### Criminal Homicide

- Murder and non-negligent manslaughter. The willful (non-negligent) killing of one human being by another.
- Negligent manslaughter. The killing of another person through gross negligence.

## Sexual Assault\*

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is:

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

If force was used or threatened, or the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape.

## Robbery

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

## Aggravated Assault

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

## Simple Assault

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

## Burglary

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

## Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.) Note that the category does not include theft *from* a motor vehicle.

## Arson

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

## 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.

- i. The existence of such a 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.
- ii. For the purposes of this definition—
  - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - b. Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Domestic Violence\*

- i. A felony or misdemeanor crime of violence committed—
  - a. By a current or former spouse or intimate partner of the victim;
  - b. By a person with whom the victim shares a child in common;
  - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Stalking\*

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - a. Fear for the person's safety or the safety of others; or

- b. Suffer substantial emotional distress.
- ii. For the purposes of this definition—
  - a. Course of conduct means two or more acts, including, but not limited to, acts 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.
  - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Clery Act Hate Crimes

A Hate Crime is a criminal offense 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 towards a group of persons based on their actual or perceived race, gender, religion, ethnicity/national origin, sexual orientation, gender identity, age or disability.

For Clery purposes, Hate Crimes include the following offenses when motivated by bias: Murder and Non-negligent Manslaughter, Rape, Statutory Rape, Fondling, Incest, Stalking, Domestic Violence, Dating Violence, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

### Clery Act Hate Crime Definitions

In addition to the Clery crimes defined above, the following offenses are only included in Clery statistics if they are hate crimes.

- **Larceny-Theft:** Larceny-Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the FBI’s UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Simple Assault:** Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or

personal property without the consent of the owner or the person having custody or control of it.

### Referred for Disciplinary Action

The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

### Arrest

Persons processed by arrest, citation or summons.

### Other offenses

- **Liquor law violations.** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)
- **Drug abuse violations.** 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).
- **Weapon law violations.** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

*\*Brescia University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act.*

## Crime Statistics for 2016, 2017, and 2018

### Criminal Offenses – On Campus

*All Crimes Reported by Hierarchy*

Criminal offense	Total criminal offenses on campus		
	2016	2017	2018
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Rape	0	0	0

	<b>Total criminal offenses on campus</b>		
Fondling	0	0	0
Sex offenses – Non-forcible (incest & statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	2	1
Arson	0	0	0

**Criminal Offenses – On Campus – Residence Halls**

	<b>Total criminal offenses on campus – in student housing facilities</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
Sex offenses – Non-forcible (incest & statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0



### Criminal Offenses – Non-campus facilities

	<b>Total criminal offenses – recognized, leased, controlled property*</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
Sex offenses – Non-forcible (incest & statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	1	0
Motor vehicle theft	0	0	0
Arson	0	0	0

### CRIMINAL OFFENSES – PUBLIC PROPERTY

	<b>Off campus – Nearby Public Property*</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
Sex offenses – Non-forcible (incest & statutory rape)	0	0	0
Robbery	0	0	1
Aggravated assault	0	0	0
Burglary	0	0	1

	<b>Off campus – Nearby Public Property*</b>		
Motor vehicle theft	0	0	0
Arson	0	0	0

#### **Arrests for Criminal Offenses – On-campus facilities**

	<b>Total criminal offenses on campus</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

#### **Arrests for Criminal Offenses– On-campus student housing**

	<b>Total criminal offenses on campus- in student housing facilities</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

#### **Arrests for Criminal Offenses– Non-campus**

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

#### **Arrests for Criminal Offenses- Public Property**

	<b>Total criminal offenses on nearby public property*</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Weapon possession	0*	0*	0*

	<b>Total criminal offenses on nearby public property*</b>		
Drug violations	0*	0*	2*
Liquor law violations	0*	0*	3*

\*Information provided by the Owensboro Police Department

### **Criminal Offenses Referred for Disciplinary Actions – On Campus**

	<b>Total criminal offenses on campus</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Weapon possession referred for disciplinary action	0	0	0
Drug abuse violations referred for disciplinary action	0	0	0
Liquor law violations referred for disciplinary action	35	20	36

### **Criminal Offenses Referred for Disciplinary Actions – On Campus: Residence Halls**

	<b>Total criminal offenses on campus- in student housing facilities</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Weapon possession referred for disciplinary action	0	0	0
Drug abuse violations referred for disciplinary action	0	0	0
Liquor law violations referred for disciplinary action	35	20	36

### **Criminal Offenses Referred for Disciplinary Actions – Non-campus**

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Weapon possession referred for disciplinary action	0*	0*	0*
Drug abuse violations referred for disciplinary action	0*	0*	0*
Liquor law violations referred for disciplinary action	0*	0*	0*

**Criminal Offenses Referred for Disciplinary Actions – Public Property**

	<b>Total criminal offenses- Nearby Public Property</b>		
<b>Criminal offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Weapon possession referred for disciplinary action	0*	0*	0*
Drug abuse violations referred for disciplinary action	0*	0*	0*
Liquor law violations referred for disciplinary action	0*	0*	0*

\*Information provided by the Owensboro Police Department

**VAWA Criminal Offenses – On-campus facilities**

	<b>Total criminal offenses on campus</b>		
<b>Offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	1	1

**VAWA Criminal Offenses – On-campus student housing**

	<b>Total criminal offenses on campus – in student housing facilities</b>		
<b>Offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	1	1

**VAWA Criminal Offenses – Non-campus**

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Offense</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Domestic violence	0*	0*	0*
Dating violence	0*	0*	0*
Stalking	0*	0*	0*

### VAWA Criminal Offenses – Public Property

Offense	Off campus – Nearby Public Property*		
	2016	2017	2018
Domestic violence	0*	0*	2*
Dating violence	0*	0*	0*
Stalking	0*	0*	0*

\*Information provided by the Owensboro Police Department

### Hate Crimes – On Campus, On-Campus Residence Halls, Non-campus, and Public Property

Criminal offense	2018 Total	Category of Bias for crimes reported in 2018					
		Race	Religion	Sexual orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0
Sex offenses - Forcible	0	0	0	0	0	0	0
Sex offenses - Non-forcible	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor vehicle theft (Not including theft from a motor vehicle)	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0

Criminal offense	2018 Total	Category of Bias for crimes reported in 2018					
		Race	Religion	Sexual orientation	Gender	Disability	Ethnicity/ National origin
Larceny-theft	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0
Destruction/damage/ vandalism of property	0	0	0	0	0	0	0

## Safety Procedures and Policies

### Reasonable Security

The concept of “reasonable security” recognizes the demonstrable tensions between an accessible academic setting and a completely secure campus. Brescia seeks a balance between an open environment where academic exchange can thrive and a safe environment where intellectual inquirers feel secure.

### Missing Person Procedure

Students will be given the option of identifying contact information, on a confidential basis, of a person(s) to be contacted in the event a student is reported as missing. This may be someone listed as the emergency contact by the students or another person. If the student is under the age of 18, the student’s parents or guardians will be notified.

If it is determined that a student has been missing for more than 24 hours, the University will notify the contact person as soon as possible, but no later than the next 24-hour period. In the event a student has not identified a person to be contacted and no emergency contact has been listed, the University will notify local law enforcement officials.

Institutions are required under the Family Educational Rights and Privacy Act (FERPA), upon written request, to disclose to the alleged victim of a crime of violence or a non-forcible sex offense, or to the alleged victim’s next of kin (if the victim dies as a result of the crime or offense), the final results of any institutional disciplinary proceeding dealing with that crime or offense.

Brescia Security officers have the authority to detain violators until campus staff or local police take control of a situation. If required, police are called to control criminal activity and to assist with any emergency.

### Safety for Students with Disabilities

- Diagrams detailing fire escape routes are posted in the corridors of the buildings and exits on each floor are marked.
- Every resident receives written instructions on how to respond when the fire alarm sounds in the residence halls.

- Director Residence Life, Graduate Assistant, and Resident Assistants personally instruct residents concerning the appropriate response to both fire alarms and to the discovery of a fire in the residence halls.
- Fire drills are held each semester in each of the residence halls.
- Resident Assistants and two “buddies” are assigned to anyone with physical or mental impairments in order to assist them with exiting the building at the time a fire alarm sounds and while taking shelter during severe weather.
- The names of residents who have physical or mental impairments and their room numbers are given to campus security, all resident advisors, the Vice President/Dean of Student Affairs, the Director of the Physical Plant, and to local emergency personnel.

### **Access to Buildings**

An identification card system has been continually in place since the summer of 2004. This system helps keep the University community secure. Valid Brescia IDs allow students, faculty, staff, and guests access to academic, recreational, and administrative facilities on campus. Access to residence halls is limited to the students living in that particular facility. Employees may enter residence halls when required to do so in the performance of their jobs. The public may attend cultural and athletic events on campus, with access restricted to the facilities where these events are held.

### **Limits of Authority**

Brescia security officers strive to detect and deter crime and monitor the campus for safety deficiencies. The officers have authority to detain violators until campus staff or local police take control of the situation. The security officers are unarmed. They are instructed to avoid altercations, unless intervention is deemed necessary. Brescia security personnel have direct communications access to Owensboro Police. If required, police officers are called to control criminal activity or to assist with safety emergencies.

### **Safety, Security, and Well-Being**

Brescia University makes the safety and security of its members and guests an institutional priority. Brescia University is private property for the use by the University and its guests. The University employs a professional security staff to protect the members of this community and the campus.

With a valid Brescia University ID, members of the Brescia University community may enjoy access to academic, recreational, and administrative facilities on campus. Access to the residence halls is limited to students living in those facilities and their guests. Employees may enter the residence halls when required to do so to perform their jobs. The public may attend cultural and athletic events in the facilities where the events are held.

Academic buildings are secured by 6:00 PM and opened at 7:30 AM on class days.

For immediate help, dial 270-686-4300 from any campus telephone for Brescia Security (Nighthawk Security) and 9-1-1 for area law enforcement. For escort service by a security guard, call 270-686-4300 from a cell or off campus phone.

Incident Report forms are available from the “Residence Life Forms” page under “Residence Life” on the Brescia web page or from the Office of Residence Life. Below are some general safety tips for students:

- Always lock your room and car when unoccupied;
- Remove valuables from your car, or at least keep them concealed;
- Do not keep large sums of money;
- Do not leave keys, purses, or other valuables unattended;
- Remove valuables from the residence hall rooms over vacation periods;
- Register bicycles with the Police Department;
- Do not walk alone at night;
- Walk in well-lighted areas;
- Never prop open an exterior door and leave it unattended;
- Let someone know when you are leaving campus and when you intend to return;
- Report injuries, vandalism, encounters or loss; and
- Let someone know immediately if you see a stranger in the building.

### **Emergency Notification**

Brescia University has established the “One-Call” system to alert the University community of any emergency condition such as University closing and campus or surrounding area situations which may pose a threat or result in a dangerous situation. In addition to fire alarms, email communications, posting on the web-site and notices to the local media, all members of the University community will receive notification of these situation by voice mail. Specific instruction related to the emergency situation, will be included in the message. This may include announcements as to the University closing, lock-down instructions and information as to where to report in the event of a campus evacuation. Members of the administrative staff have been provided with emergency procedures regarding steps to be taken in such events to assure the safety of students, faculty and staff.

Any person who you may be aware of or suspect a situation is occurring which may pose a threat to the safety of the University community is requested to immediately notify a Brescia University Security officer at 270-686-4300.

#### **TO OPT-IN FOR TEXT ALERTS:**

Group Members in the United States: Text the word Alert to 22300

Group Members in Canada, US Territories, and other countries using the North American Dialing Plan: Text the word Resume to 937-240-0720

Group Members in any other country: Text the word Resume to +447937947401

#### **HOW TO OPT-OUT:**



If you would like to stop receiving text messages, you can opt-out by texting the word Stop to 22300 from your cell phone. Text messages will be disabled to your number. (You can opt-in again at any time by texting Alert to 22300.)

Please note that you will be charged standard text messaging rates for all texts you receive via One Call Now for alerts.

### Emergency Notification Terms to Know

The following directions may be issued in the event of an emergency. Always use your best judgment, based upon the specific situation, as to whether it is safe to do as directed. It is important to assess your location compared to the incident location before you take appropriate action.

- **Evacuate:** Move out of an unsafe location into safety. Walk quickly in an orderly fashion to the nearest safe exit. If evacuating a building because of a fire, close all doors between you and the fire, and DO NOT use elevators.
- **Seek Shelter:** If outside during an incident, drop to the ground immediately, lying face down as flat as possible. If within 15-20 feet of a safe place or cover, stay close to the ground and run to it. Attempt to move or crawl away from the threat, trying to utilize any obstruction between you and the threat. The ultimate goal is to put as much distance between you and the shooter. When you reach a relatively safe place, stay down and do not move. If possible, seek shelter in a building and shelter-in-place.
- **Shelter-in-Place:** You may have to Shelter- Shelter-in-Place when an evacuation is not safe (e.g. severe weather, hostile intruder, or hazardous material spills). Seek immediate shelter and remain there during an emergency rather than evacuate the area. In a hostile intruder scenario, you should lock the door and barricade yourself in the room with the furniture or anything you can push against the door. The preferred Shelter-in-Place location would be an interior room or hallway.

### Hostile Intruder/Active Shooter Response Guide

These situations are dynamic and evolve rapidly. If you hear gunfire or see a person with a gun, take immediate steps to protect yourself. The steps below are a guide – but you need to use good judgment and common sense based on YOUR SPECIFIC LOCATION.

- **Run:** Try to escape the area if safely possible
- **Hide:** You may have to Shelter in Place when an evacuation is not safe.
- If HIDING/SHELTERING IN PLACE, lock yourself in the room you're in or move to the nearest location that can be secured and turn off all lights.
- Seek a corner NOT visible through a window
- Silence cell phones and remain quiet
- If suspect is in close proximity, the Department of Homeland Security recommends you may have to FIGHT as a last resort, only when your life is in imminent danger and self-protection is your final option for survival (use your own discretion with engaging a shooter for survival)

- Attempt to incapacitate the shooter. Act with physical aggressing and throw items at the shooter
- When the threat is over, Owensboro Police or Brescia Official will notify everyone by giving an area “All Clear” message. A message will also be sent via Brescia One Call.

### **Reporting Crimes and Emergencies**

Immediately call campus security at 270-686-4300 or local emergency 911 (from a campus phone dial 8 for an outside line, then dial 911) to report a crime, suspected crime, safety hazard, or suspicious persons. Provide as much of the following information as possible: Autos-License number, make, model, color, direction of travel, identifiers such as spots or dents; Persons-Name, gender, race, age, height, build, clothing, weapons, direction of escape

Any individual, victim, or witness may confidentially and voluntarily report crime for inclusion in crime statistics to any of the following:

Ms. Eva Atkinson, Director of Counseling, 270-686-4282

Mr. Danny Clark, Director of Housekeeping & Security, 270-686-9572

Mr. Joshua Clary, Vice-President for Student Affairs and Dean of Students, 270-686-4332

Mr. Isaac Duncan, Interim Director for Residence Life, 270-686-4324

Ms. Tammy Keller, Human Resources Manager & Title IX Coordinator, 270-686-4246

Sr. Pam Mueller, Directory of Campus Ministry, 270-686-4319

### **Educational Programs**

Brescia seeks to educate students on issues of personal safety and to promote awareness of the dangers and complexities of sex offenses. Toward these purposes, Brescia provides information on crime prevention and safety. Brescia also sponsors outreach programs for students on gender issues and sexual assault, including bystander intervention training required for all employees and new students.

## **Sexual Harassment, Misconduct, Sexual Assault, and Relationship Violence Policies**

*Note: Due to the ever changing law and requirements of Title IX, the Campus SaVE Act, and Violence Against Women Act, the most up to date policies for sexual misconduct, sexual assault, and relationship violence may be found at <https://www.brescia.edu/title-ix-sexual-harassment-misconduct-and-assault> on the Brescia University website. Students may request a printed copy of the University’s policies at the Office of Student Affairs.*

### **TITLE IX: HARASSMENT**

Brescia University does not condone harassment of any kind, against any group or individual, because of race, color, religion, national origin, ethnic identification, age, disability, genetic information, gender, or sexual orientation. The University’s ability to achieve its mission is dependent on the cooperative efforts of its faculty, staff and students. For such cooperation to

exist, an atmosphere of professionalism, marked by mutual trust and respect is essential. Harassment, conduct which violates this atmosphere, is unprofessional, illegal, and unethical. It is unacceptable behavior and will not be tolerated. Brescia University prohibits such conduct by anyone including but not limited to: faculty, staff, students, managers, supervisors, co-workers, or non-employees such as visitors, vendors, and contractors.

Harassment is generally defined as an act or communication causing emotional stress specifically addressed to individuals or groups intended to harass, intimidate, or humiliate an individual or group. Examples of impermissible harassment include, but are not limited to:

1. The use of physical force or violence to restrict the freedom of movement of another person or to endanger the health and safety of another person based on that person's gender, ethnicity, et al;
2. Physical or verbal behavior that involves an express or implied threat to interfere or has as its purpose or has the reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, participation in University-sponsored extracurricular activities because of that individual's race, color, etc. and which causes that individual to have a reasonable apprehension that harm is about to occur;
3. Any type of conduct that has the effect of unreasonably interfering with an individual's academic performance or creates an intimidating, hostile or offensive learning environment; or
4. Epithets, slurs, or derogatory comments based on a person's race, color, etc.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature, which continues when requested to cease when:

1. Where submission to such conduct is made either explicitly or implicitly a term or condition of a student's academic advancement;
2. Where submission to or rejection of such conduct by an individual is used as a basis for decisions affecting such academic advancement;
3. Where such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive learning environment;
4. Sexual flirtations, touching, advances, or propositions;
5. Verbal abuse of a sexual nature;
6. Graphic or suggestive comments about an individual's dress or body;
7. Sexually degrading words to describe an individual; or
8. The display of sexually suggestive objects or pictures, including nude photographs, in any form, including those accessed or displayed on the University's Network System.

Gender discrimination is defined as differential treatment of others based solely on that person's gender, and includes, but is not limited to, derogatory references made about another person's gender, or characteristics and stereotypes related to that person's gender. Like sexual harassment, the University in any form or fashion whatsoever does not tolerate gender discrimination.

## WHAT TO DO IF YOU ARE BEING HARASSED

1. Inform the individual that you feel you are being harassed. Be definitive.
2. If the problem continues, document the facts of the situation and consult the following Title IX Coordinators: Director of Human Resources, (Ultimate over-sight responsibility – student, faculty and other employees), Dean of Students, Director of Residence Life, or the Counseling Director – complaints registered by students. All persons involved in the complaint and the investigation will keep all information related to the complaint and the investigation confidential to the maximum extent possible. This means all persons involved will share such information only with persons who have a need to know.
3. The University will conduct an investigation of any formal complaints of harassment using principles of due process described in the Title IX Investigation section of this handbook.
4. Any proven violation of this policy will result in student conduct sanction.

If you believe you have witnessed harassing behavior, immediately contact the Title IX Coordinator or Dean of Students.

Brescia seeks to eliminate harassment under its jurisdiction by periodically informing students about this policy statement and the obligations hereunder. Brescia University prohibits any type of retaliation against any student who in good faith files a complaint under this policy or against anyone who assists in the complaint investigation. Any student who intentionally makes a false allegation of discrimination or harassment will be subject to disciplinary action, which may include but is not limited to written warning, suspension, or dismissal from the University.

Brescia University complies with Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act and its regulations: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.”

## **SEXUAL MISCONDUCT, SEXUAL ASSAULT, AND RELATIONSHIP VIOLENCE POLICIES**

### **INTRODUCTION**

Sexual misconduct of any kind is inconsistent with the University’s values and incompatible with the safe, healthy environment that the Brescia community expects. All members of this community share responsibility for creating and maintaining an environment which promotes the safety and dignity of each individual. All forms of sexual misconduct are an affront to justice that will not be tolerated at Brescia University. Federal law treats sexual misconduct and sexual assault as forms of sexual harassment, which is prohibited under Title IX. Furthermore, relationship violence such as domestic violence, dating violence, and stalking are violations of Federal law (the Campus SaVE Act) and are not tolerated at Brescia University. Sexual misconduct, sexual assault, and relationship violence also violate state law as well as University policy.

Students found responsible for engaging in or otherwise allowing sexual misconduct, sexual assault, and/or relationship violence to take place will ordinarily face disciplinary sanctions up to and including dismissal from the University.

The University believes that no person should bear the effects of sexual assault alone. When a sexual assault occurs, the University's paramount concern is for the safety, health, and well-being of those affected. To support and assist students, the University promptly provides a wide range of services and resources. Please see the section below on Resources for Medical, Counseling, and Pastoral Care to learn more about these resources.

## SCOPE AND APPLICABILITY

Brescia University's policy applies to:

- All Brescia University employees, whether full-time or part-time staff, faculty, clergy, adjunct faculty, temporary staff, or third-party employees or vendors;
- All persons taking courses at Brescia, whether full-time or part-time, non-degree or degree seeking, or pursuing undergraduate, graduate, or professional studies;
- All persons residing in Brescia residential housing, whether or not currently enrolled or working at Brescia; and
- All members of the Brescia University Board of Trustees.

The individuals listed above are referred to collectively as Covered Persons. This policy prohibits sexual misconduct by or against a Covered Person, both on and off the Brescia campus. In addition, this policy prohibits sexual misconduct by all persons visiting or volunteering at or for Brescia and by all persons and entities that provide services to Brescia.

## SEXUAL MISCONDUCT OFFENSES

Prohibited sexual misconduct offenses include, but are not necessarily limited, to the following:

- Non-consensual sexual intercourse, which is any sexual intercourse by any person upon another without consent. It includes oral, anal, and vaginal penetration, to any degree, and with any object. It is referred to as "sexual assault" in this policy; and
- Non-consensual sexual contact, which is any sexual touching with any object, by any person upon another, without consent;
- Sexual touching is contact of a sexual nature, however slight.

Other forms of sexual misconduct include, but are not limited to:

- Sexual exhibitionism;
- Sex-based cyber-harassment;
- Prostitution or the solicitation of a prostitute;
- Peeping or other voyeurism;
- Stalking, including cyber-based stalking; and
- Going beyond the boundaries of consent, e.g., by allowing others to view consensual sex (e.g. transmission of pictures and/or video via a computer, cell phone or other electronic modes of communication) or the non-consensual video or audio taping of sexual activity.

**Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in any form of sexual activity.** Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.

***Intoxication is not an excuse for failure to obtain consent. A person incapacitated, inebriated, or developmentally impaired by alcohol or drug consumption, or who is unconscious or asleep or otherwise physically impaired, is incapable of giving consent.***

Force is the use of physical violence to gain sexual access. Force also includes threats, intimidation (implied threats), and imposing on someone physically.

## RELATIONSHIP VIOLENCE

**Relationship violence** is a dangerous form of violence prevalent within the college student population. Often the victims of relationship violence find it difficult to ask for help or blame themselves for the abuse. No one deserves to be abused for any reason and everyone deserves help if they are being abused.

**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. The existence of such a relationship will be determined based on consideration of the following factors:

- 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 the victim's

- current or former spouse,
- current or former cohabitant,
- person similarly situated under domestic or family violence law, or
- anyone else protected under applicable domestic or family violence laws.

**Stalking** is (1) a course or pattern of unwelcome and unwanted conduct (2) that a person knows or has reason to know (3) would cause the victim under the circumstances to feel frightened, threatened, oppressed or intimidated or to suffer substantial emotional distress.

Stalking behavior includes, but is not limited to:

- repeated, unwanted and intrusive communications by phone, mail, text message, email and/or other electronic communications, including social media;
- repeatedly leaving or sending the victim unwanted items, presents or flowers;

- following or lying in wait for the victim at places such as home, school, work or recreational facilities;
- making direct or indirect threats to harm the victim or the victim's children, relatives, friends or pets;
- damaging or threatening to damage the victim's property;
- posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; or
- unreasonably obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, or contacting the victim's friends, family, work or neighbors.

Brescia University will assist any student who has been the target of violence, threats of violence or abuse of any kind whether it has taken place on or off campus or been perpetrated by another student or someone else. Students who need assistance are urged to contact the Dean of Students, or the Director of Counseling for assistance. In addition, Brescia's policy is that any student who has been ordered by a court to avoid contact with any other member of the University community may be held subject to the University's emergency suspension policy for as long as the court order is in effect. Students who want to know more about this policy may contact the Dean of Students.

#### REPORTING: RESOURCES

Brescia University is committed to investigating, resolving, and preventing sexual misconduct, and the law generally requires it to do so. Brescia strongly encourages victims to tell someone about sexual misconduct. As described below, Brescia expects certain Covered Persons to notify the Title IX Coordinator when they become aware of sexual misconduct. This ensures that victims will receive appropriate support. It also enables Brescia to fulfill its commitment to prevent and address sexual misconduct and to comply with applicable law.

#### HOW, WHEN AND WHOM TO TELL

Individuals who experience or allege sexual misconduct prohibited by this policy are referred to as Complainants. Individuals who are alleged to have engaged in sexual misconduct prohibited by this policy are referred to as Respondents.

#### Individuals Who Have Personally Experienced Sexual Misconduct

If you have personally experienced any form of sexual misconduct, Brescia strongly urges you to tell someone about the incident as soon as possible. There are multiple options to do this, listed below. In an emergency, call 911. If you have concerns about confidentiality, contact a Confidential Resource (see below). To initiate Brescia's response and resolution process, you or another person must notify the Title IX Coordinator. If you want to make a report to police about criminal sexual misconduct, Brescia can assist you in that process (see Reporting Options section).

Individuals Who Become Aware of Sexual Misconduct Incidents or Allegations

If you become aware of an incident or allegation of sexual misconduct that is prohibited by this policy, contact the Title IX Coordinator, Dean of Students, or a Sexual Assault Resource Coordinator right away for advice and assistance. These resources are referred to as Trained Responders. Trained Responders regularly deal with incidents and allegations of sexual misconduct and have received training on how to handle situations involving sexual misconduct. Trained Responders will provide advice and assistance to Complainants and other individuals who contact them and help ensure that Brescia responds appropriately and in accordance with applicable law.

Responsible Reporters

All Brescia employees who are not student workers (except Resident Assistants), and all members of the Brescia Board of Trustees, are required to contact the Title IX Coordinator or Dean of Students promptly after becoming aware of an incident or allegation of sexual misconduct.

Brescia encourages, but does not require, all other persons (generally students) who become aware of an incident or allegation of sexual misconduct to contact the Title IX Coordinator or Dean of Students.

Brescia employees who learn of sexual misconduct while serving as a Confidential Resource, as defined below, are not required to notify a Trained Responder.

To report an incident of sexual misconduct or sexual assault, please notify any of the following resources:

<b>On-Campus Title IX Resources</b>	
<b>Title IX Coordinator</b> Tammy Keller, Director of Human Resources Room 161 Bartholomy-Taylor Hall 270-686-4246 <a href="mailto:tammy.keller@brescia.edu">tammy.keller@brescia.edu</a>	<b>Sexual Assault Resource Coordinators</b> Patricia Lovett, Director of Student Activities and Leadership Development Room 211, Moore Center 270-686-4336 <a href="mailto:patricia.lovett.@brescia.edu">patricia.lovett.@brescia.edu</a>
<b>Title IX Deputy Coordinator</b> Joshua Clary, Vice President for Student Affairs/Dean of Students Room 213, Moore Center 270-686-4333 <a href="mailto:josh.clary@brescia.edu">josh.clary@brescia.edu</a>	Isaac Duncan, Director of Residence of Life Room 209, Moore Center 270-686-4324 <a href="mailto:isaac.duncan@brescia.edu">isaac.duncan@brescia.edu</a>  <b>Brescia Security</b> 270-686-4300



<b>On-Campus Support and Confidential Resources</b>	
<b>Counseling</b> Eva Atkinson, Director of Counseling Services Room 205, Moore Center 270-686-4282 <a href="mailto:eva.atkinson@brescia.edu">eva.atkinson@brescia.edu</a>	<b>Campus Ministry</b> Sister Pam Mueller, OSU, Director of Campus Ministry Room 207, Moore Center <a href="mailto:pam.mueller@brescia.edu">pam.mueller@brescia.edu</a>

<b>Off-Campus Places to Report Sexual Misconduct</b>	
<b>Owensboro Police Department</b> Emergency- 911 Non-Emergency Reporting: 270-687-8888	<b>Owensboro Health Regional Hospital- Emergency Room</b> 1201 Pleasant Valley Road Owensboro, KY 42303
<b>New Beginnings- Sexual Assault Support Services</b> 1716 Scherm Rd, Owensboro, KY 42301 270-926-7273 Crisis Line: 1-800-226-7273	<b>Daviess County Sheriff Department</b> Emergency- 911 Non-Emergency Reporting: 270-685-8444

## Reporting: PRIVACY AND CONFIDENTIALTY

### **Confidential Resources**

Under Kentucky law, if a student wishes the details of an incident to be kept strictly confidential, she or he can speak with counselor at University Counseling Services, health providers, religious clergy, or off-campus sexual assault crisis resources, such as New Beginnings, the sexual assault crisis center for Owensboro area or National Sexual Assault Hotline: 1-800-656-4673. These individuals will honor confidentiality unless there is an imminent danger to the student or to others.

## REPORTING: PARAMETERS OF CONFIDENTIALITY AND MANDATED TITLE IX INVESTIGATIONS

In all instances and to the extent possible, the University will protect the privacy of all parties to a report of sexual misconduct or sexual assault. That said, under federal law, campus officials (with the exception of those listed under Confidential Resources, above) who receive a report of sexual assault, whether from the student involved or a third party, must share that information with the appropriate University authorities for investigation and follow-up. The University is obligated under the law to investigate the complaint, to take action to eliminate sexual harassment and sexual assault, prevent its recurrence, and address its effects. An administrative investigation under Title IX must be initiated if the University has enough information to reasonably determine key facts, e.g., time, date, location, and names of parties involved in an alleged incident. Ordinarily, this administrative investigation will include a review of statements obtained from either party, interviews with both parties, interviews with witnesses as appropriate and review of relevant documentary evidence, and will be conducted by the Dean of Students or

his/her designee. The University is obligated to conduct this investigation regardless of the complainant's requests regarding confidentiality of the process.

In the course of the administrative investigation, information will be shared as necessary with people who need to know, such as investigators, witnesses and the accused. Any response by the University may be hindered by the complainant's requests for anonymity and/or inaction, but the University will strive to keep the matter as confidential as possible under the circumstances.

#### **REPORTING: TIMING**

Notifying a Trained Responder, Confidential Resource, law enforcement or other support resources identified in Section IX below promptly after sexual misconduct occurs helps assure the preservation of evidence. It is best for any physical evidence to be collected immediately, ideally within the first 24 hours after the incident occurs. Prompt notice and the preservation of evidence makes it easier to investigate and respond appropriately to the situation.

In order to assure an inquiry and response by Brescia, a Trained Responder must receive notice of sexual misconduct within one calendar year of the incident. Complainants are urged to notify Brescia of an incident regardless of whether the Complainant knows the identity of the Respondent(s). If the Complainant does not know the identity of one or more Respondent at the time of the incident or notice to Brescia and later learns the Respondent's identity, the Complainant should notify Brescia as soon as possible, but no later than one calendar year following the date the Complainant learned the identity. The reason for this timing is that as time passes, evidence and witnesses may become unavailable and Respondents may leave Brescia, making it impractical for Brescia to conduct an effective and equitable response and resolution process.

Incidents reported after the one-year time limitation may be investigated or otherwise addressed at the discretion of the Title IX Coordinator based on the availability of witnesses and other evidence and Brescia's interest in providing a safe, non-discriminatory learning and working environment.

#### **REPORTING: POLICE**

Complainants have the right to report to law enforcement all misconduct that may violate criminal laws, and Brescia strongly urges Complainants to make such reports. If a Complainant of potentially criminal sexual misconduct, including sexual assault, dating violence, stalking or domestic violence, wishes to notify law enforcement authorities, Brescia will assist the Complainant to do so.

Upon request by the police, Brescia Security will assist the police in obtaining, securing, and maintaining evidence in connection with sexual misconduct allegations.

#### **REPORTING: CLERY ACT**

Under the Clery Act, Brescia has a duty to track and publish information about certain types of sexual misconduct and to report certain information in Brescia's annual Campus Security Report. Personally identifiable information is kept confidential and will not be published.

## REPORTING: TIMELY WARNING TO CAMPUS

In an effort to provide timely notice to the Brescia community, and in the event of a serious crime against people that occurs on campus, where it is determined that the incident may pose a serious, ongoing threat to members of the Brescia community, a mass email Crime Alert is sent to all students and employees on campus. Crime alerts are also posted by the Office of Student Affairs in the residence halls and various other buildings on campus, and are typically posted in the lobby/entrance area of the building(s) for seven days. Updates to the Brescia community about any particular case resulting in a Crime Alert may be distributed via email or may be posted by the Office of Student Affairs.

## REPORTING OPTIONS

A student has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint through the University student conduct process, or to pursue both processes simultaneously. Regardless of the option chosen, the University will initiate an administrative investigation under Title IX. Reports may be filed with the Title IX Coordinator, Tammy Keller, or Deputy Title IX Coordinator, Joshua Clary (see Reporting section of this policy for contact information).

### Option 1: Criminal Complaint

The University encourages students to report all incidents of sexual misconduct or sexual assault to the police. If the incident occurred on Brescia property, Brescia Security is the appropriate agency with which to file a report, but students are free to contact a law enforcement agency of their choosing if they believe for any reason that Brescia Security is not the student's best option (if the student chooses to contact off-campus law enforcement, the University still requests that the student apprise the Office of Student Affairs of the situation, even if done after initial contact with other law enforcement officials). Off-campus incidents will likely fall in the jurisdiction of the Owensboro Police Departments or Daviess County Sheriff's Office. Brescia Security can assist with contacting the appropriate agency.

Incidents of sexual misconduct involving students that are reported to Brescia Security will also be referred to the Dean of Students in the Office of Student Affairs for follow-up and administrative investigation. Similarly, the Dean of Students will follow-up where appropriate in those instances where the University has a report of an incident of sexual misconduct or sexual assault that has been reported to another law enforcement agency.

The administrative investigation conducted by the Dean of Students or his/her designee is separate and distinct from the criminal investigation and flows from the University's obligations under Title IX to ensure that it is providing a safe environment for all students. If a complainant wishes to pursue a criminal complaint exclusively, the complainant may choose to temporarily defer the administrative investigation and/or conduct process by making a formal written request to Dean of Students, which may delay the administrative investigation and the University's ability to respond. The University may continue its administrative investigation where it has reason to believe that the alleged harasser may be an imminent threat to the safety of the complainant and/or other students. At any time, the complainant may choose to rescind the deferral by making a formal written request to the Dean of Students, electing to resume the

administrative investigation and/or student conduct process. The University will maintain documentation of the date of deferral. The Office of Student Affairs for consideration in the University student conduct process may use information obtained through the criminal investigation.

If a student pursues a criminal complaint, a member of the Office of Student Affairs will request that the Daviess County Prosecutor's Office, or other appropriate local law enforcement agency personnel, keep the University informed and immediately advise of its decision whether to prosecute the complaint. The University will maintain documentation of the date of the request to the Prosecutor's Office. In cases where the Prosecutor's Office declines prosecution, a member of the Office of Student Affairs will provide written notice to the complainant of the Prosecutor's decision.

#### Option 2: University Student Conduct Process

Sexual misconduct involving students, including sexual assaults and relationship violence, whether or not they have been reported to a police agency, should also be reported to the University for investigation and resolution through University processes.

If a student reports an incident of sexual misconduct or sexual assault to the University, the Title IX Coordinator and/or his/her designee will conduct an administrative investigation. Ordinarily, an administrative investigation will include a review of statements obtained from either party, interviews with both parties, interviews with witnesses as appropriate and review of relevant documentary evidence. Once the investigation is complete, the Dean of Students or his/her designee will make a determination about whether the case should be referred to the Title IX Hearing Board for resolution. Information obtained through the administrative investigation may be used by the Office of Student Affairs for consideration in the University student conduct process, with or without the cooperation of the complainant.

#### Option 3: Simultaneous Processes

A student has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue the University's conduct process, or to pursue both avenues simultaneously.

#### **WRITTEN NOTICE OF REPORTING OPTIONS**

Students who report alleged sexual misconduct, sexual assault, or relationship violence will be provided with written notice of the above referenced reporting options. The University, through the Dean of Students or his/her designee, must also obtain written acknowledgment from the student of her/his decision regarding which options, if any, the student wishes to pursue.

#### **INTERIM ACTION TO PROTECT THE PARTIES AND THE COMMUNITY**

Whenever the University receives a report of sexual misconduct or sexual assault, the complainant will be referred to a Sexual Assault Resource Coordinator (SARC) who will serve as a resource person to the complainant to identify, explain, and navigate the complainant's reporting options and the available support services. This can include referrals to counseling, educational support, pastoral care, and medical treatment, and information about University and legal processes.

The Deputy Title IX Coordinator will consider whether interim action is reasonably necessary or appropriate to protect the parties and the broader Brescia community, pending completion of the response and resolution process. If the Deputy Title IX Coordinator determines that interim action is reasonably necessary and appropriate, the SARCs and their respective designees are authorized to take or direct such action.

Examples of interim actions include, without limitation:

- establishing a “no contact” order prohibiting the Respondent and Complainant from communicating with each other during the response and resolution process;
- prohibiting a Respondent from physically entering or being on Brescia property;
- prohibiting a Respondent from participating in Brescia-sponsored events;
- changing a Complainant’s or Respondent’s on-campus residency or prohibiting a Respondent from residing in a Brescia residence;
- changing a Complainant’s or Respondent’s student or employee status, in consultation with appropriate administrator(s);
- changing a Complainant’s or Respondent’s work or class schedule, in consultation with appropriate administrator(s);
- issuing a timely warning of any substantial threat or danger to the community;
- making information about orders for protection and harassment restraining orders available to a Complainant; or
- notifying and consulting with appropriate Brescia administrators, faculty, and staff members as warranted under the circumstances.

The SARC can also provide assistance in rearranging class schedules, extracurricular activities and housing and on-campus dining arrangements; to the extent that a student’s requests are reasonable and can be accommodated, every effort will be made to do so. Where appropriate, the goal of any adjustment will be to minimize the burden on the complainant’s educational program. Similarly, an accused student will also be assigned a SARC, to provide him or her with support, information, and assistance.

#### No Contact Orders Issued to the Complainant and the Accused

Upon receipt of a report of alleged sexual misconduct in which the accused is a current Brescia student, the Dean of Students, and/or his/her designee shall issue no contact orders to the complainant and accused. If the recipient of a no contact order fails to adhere to the terms and conditions of the no contact order, the student may face disciplinary action, up to and including dismissal from the University.

#### **INTIMIDATION OR THREATS DESIGNED TO INHIBIT REPORTING**

The University strongly encourages students to report any incident of sexual misconduct, sexual assault, or relationship violence. Brescia takes such reports very seriously. Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct, sexual assault, relationship violence or the participation in proceedings relating to sexual misconduct, sexual assault, or relationship violence by an accused student or third party is itself prohibited and will result in student conduct sanctions. A complainant or

witness who is threatened in any way should immediately report these concerns to their as-signed Sexual Assault Resource Coordinator (SARC) or to the Dean of Students.

## OTHER POTENTIAL POLICY VIOLATIONS

At times, students are hesitant to report the occurrence of a sexual assault to University officials because they are concerned that they themselves, or witnesses to the misconduct, may be charged with other policy violations, e.g., drug or alcohol violations. These behaviors are not condoned by the University, but the importance of dealing with alleged sexual misconduct, sexual assault, or relationship violence outweighs the University's interest in addressing lesser violations. Accordingly, in these cases, the University will not pursue disciplinary action against a student who makes a complaint of sexual misconduct, sexual assault, or relationship violence in connection with the reporting of that incident, or against students named as witnesses to the incident.

## STEPS IN A TITLE IX INVESTIGATION

### RIGHTS OF THE COMPLAINANT AND RESPONDENT

During a Title IX Investigation, the Complainant and Respondent are entitled to:

- equitable procedures that provide both parties with a prompt, fair and impartial investigation and resolution conducted by officials who receive annual training on conduct prohibited by the policy;
- notice of the allegations and defenses and an opportunity to respond;
- an equal opportunity to identify relevant witnesses and other evidence and to suggest possible questions to be asked of witnesses during the formal process;
- present information on their own behalf, including written and oral statements and physical exhibits;
- similar and timely access to information, including a written summary of all allegations and defenses, consistent with the Family Education Rights and Privacy Act (FERPA); and
- have a support person of the individual's choice accompany him or her throughout the response and resolution process. The support person is allowed to consult with and advise the Complainant or Respondent the support person is accompanying, but is not otherwise permitted to participate in any proceedings.

## TITLE IX INVESTIGATOR

The Investigator (who may be a third party investigator) conducts an investigation into the facts of the incident alleged to have occurred, as further described in these procedures. The Title IX Coordinator may appoint two Investigators to work together when circumstances warrant.

The Title IX Coordinator maintains a list of the individuals who have received appropriate annual training to serve as Investigators.

### Notice to Complainant

The Deputy Title IX Coordinator will contact the Complainant in writing, by letter or email, to inform the Complainant of the name of the Investigator, an estimate of the time required to

complete the investigation, and any other information the Deputy Coordinator deems relevant given the particular situation.

#### Notice to Respondent

The Deputy Coordinator will contact the Respondent in writing, by letter or email, to inform him or her about the Complaint, the allegations made against the Respondent, his or her rights, the initiation of a formal investigation and the name of the SARC and Investigator, an estimate of the time required to complete the investigation, any conditions that may affect the Respondent's status as a student or employee, and any other information the Deputy Coordinator deems relevant given the particular situation.

#### Meeting with Respondent

The Deputy Coordinator will meet with the Respondent. At the meeting, the Deputy Coordinator will:

- Review the allegations of sexual misconduct with the Respondent and obtain additional information from the Respondent as necessary to appropriately advise or support the Respondent with respect to the response and resolution process.
- Inform the Respondent about available resources to support the Respondent and the Respondent's right to access these resources. Ensure the Respondent has the means needed to access appropriate support resources.
- Review the policy and these procedures with the Respondent, specifically noting:
  - the Respondent's rights under the policy and procedures;
  - the timing and deadlines for action under the policy;
  - the confidentiality provisions; and the prohibition on retaliation.
- Address the Respondent's questions about the policy, procedures, and the response and resolution process.
- Set a time for the SARC to follow up with the Respondent.
- After meeting with the Respondent, the SARC will update the Deputy Coordinator regarding the meeting.

#### Investigation: Fact finding Process

The Investigator(s) will conduct a thorough and impartial inquiry into the facts and circumstances surrounding the Complaint. At a minimum, the Investigator(s) will seek to interview the Complainant, Respondent and other key persons who may have relevant information about or related to the incident and will seek to obtain all information, documentation and materials the Investigator(s) deem relevant to the investigation. The Investigator will ensure that, before the conclusion of the investigation, the parties have been provided a written summary of all allegations and defenses and have had an opportunity to respond. The opportunity to respond includes: (1) an opportunity to identify relevant witnesses, documentation, and other physical evidence; (2) to identify questions that may be asked of witnesses; and (3) to provide responsive written or oral statements.

The Investigator(s) have authority to request such information, documentation, and materials from appropriate parties on a need to know basis.

### Application of Faculty Rights Relating to Academic Freedom

If the Respondent is a faculty member alleged to have engaged in sexual harassment of the Complainant, the Investigator(s) will consider, in consultation with the Division Chair of the respective school or division (or, if the Division Chair has a conflict of interest, with the Academic Dean or his/her designee), whether there is a perceived or potential conflict between (a) the limitations on conduct and communications implied by the definition of sexual harassment under the policy and (b) the principles of academic freedom. Brescia University will use as a working definition of academic freedom found in the Faculty Handbook Section 2.11.1.

If a perceived or potential conflict is deemed to exist, the Investigator(s) will work with the Division Chair, Academic Dean or his/her designee (as applicable) to ensure the appropriate application of the Brescia definition of Academic Freedom in conjunction with the response and resolution process.

### Investigation: Status Updates

The Title IX Coordinator will provide status updates to the Complainant and Respondent at least monthly during the investigation and as necessary to alert them of any delays or changes in time estimates for completing the investigation and to provide notice of any new material allegations or defenses, and the parties will be provided an opportunity to respond to such new allegations and defenses.

### Determination of Responsibility

Upon completion of the formal investigation, the Investigator(s) will weigh the evidence and determine whether it is more likely than not (using a “preponderance of the evidence” standard) that the Respondent is responsible for the misconduct alleged. If the Investigator(s) determine it is more likely than not that the Respondent engaged in sexual misconduct in violation of the policy, then the Investigator(s) will make a determination that the policy has been violated.

### Investigation Report

The Investigator(s) will timely document his or her findings of fact and determination in an investigation report and submit it to the Deputy Title IX Coordinator and Title IX Coordinator.

The Title IX Coordinator will review the investigation report to ensure that the report and determination are consistent with Brescia policies, procedures and practices. If the Title IX Coordinator determines that the report and determination are not consistent with policies, procedures and practices, the Title IX Coordinator has discretion to direct or take appropriate action.

### Responsive Action by Brescia University

The Deputy Coordinator will review the investigation report and will work with the appropriate Brescia administrators, as set forth below, to determine what, if any, sanctions will be imposed or other action will be taken by Brescia. Not all forms of sexual misconduct will be deemed equally serious offenses, and Brescia may impose different sanctions depending on the severity of the offense and taking into account any previous conduct violations. The Deputy Coordinator and administrators are authorized to apply any sanction or other response that they together determine to be fair and proportionate to the misconduct.



<b>If the Respondent is a(n)...</b>	<b>Sanctions will be determined by the...</b>	<b>Potential Sanctions</b>
Undergraduate student	Dean of Students, in consultation with the Director of the applicable school as appropriate under the circumstances, such as cases involving students in licensure programs	Sanctions may range from a verbal warning to expulsion. The Dean of Students will consider as part of the decision whether the accused student poses a continuing risk to the Complainant and/or Brescia community.
Graduate or professional student	Dean of Students and Director of the applicable school	Sanctions may range from a verbal warning to expulsion. The Dean of Students and the dean of the applicable college or school will consider as part of the decision whether the accused student poses a continuing risk to the Complainant and/or Brescia community.
Faculty member	Division Chair of the applicable school or division, in consultation with Director of Human Resources and the Academic Dean	The application of sanctions will be consistent with the applicable disciplinary policies contained in the Faculty Handbook and, to the extent applicable and not superseded by the Faculty Handbook, the Employee Handbook. The Academic Dean will consider, as one factor in the decision, whether the faculty member poses a continuing risk to the Complainant and/or Brescia community.
Staff member	Appropriate member(s) of the President's Cabinet responsible for a Respondent's school or department in consultation with the Director of Human Resources	The application of sanctions will be in accordance with the applicable disciplinary policies contained in the Staff Handbook. The Cabinet Member will consider, as one factor in the decision, whether the staff member poses a continuing risk to the Complainant and/or Brescia community.
Not a student or employee	Deputy Title IX Coordinator and Title IX Coordinator	May include restrictions on the Respondent's presence, enrollment or employment at Brescia

**Notice of Outcome to Complainant and Respondent**

The Investigator's determination or other appropriate notice of the outcome will be explained in a written notification, by letter or email, to the Complainant and Respondent that also includes information about the appeal process and when the outcome will be final. The written notifications must be sent within ten (10) working days of the Title IX Coordinator's receipt of the findings from the Investigator and will be sent to the Complainant and the Respondent at the same time.

Brescia is limited in the information it may share in providing this notice of outcome. In many cases, the outcome letter sent to the Complainant will contain only the following information:

whether the Respondent was found to have violated this policy, and any sanctions imposed that directly relate to the Complainant. In sexual misconduct cases involving allegations of a crime of violence or a non-forcible sex offense (such as statutory rape), additional information about sanctions against a Respondent who violated this sexual misconduct policy also may be provided.

The Title IX Coordinator also will ensure that appropriate Brescia administrators, faculty and/or staff members who have a need to know information about the outcome have been or are provided with such information. In most cases, this will include the member(s) of the President’s Cabinet responsible for a Respondent’s school or department, and in the case of Respondents who are employees, the Respondent’s supervisor.

**TITLE IX APPEAL PROCESS**

**Grounds for Appeal**

Either the Complainant or the Respondent may appeal the results of the formal process on one or more of the following bases:

1. There was a procedural error occurred that substantially affected the outcome of the process;
2. The decision was arbitrary and capricious or violated academic freedom;
3. There has been discovery of significant new factual material not available to the Investigator that could have affected the original outcome; however, intentional omission of factual information by the appealing party is not a ground for an appeal; or
4. The sanction or other response by Brescia under the formal process was excessively severe or grossly inadequate.

**Submitting an Appeal**

A signed, written request for an appeal must be submitted to the appropriate Appeal Officer within ten (10) working days following the date that notification of the outcome of the investigation was sent to the Complainant and the Respondent.

<b>If the Respondent is a . . .</b>	<b>The Appeal Officer is the . . .</b>
Student (who is not also a regular faculty or staff member)	Vice President for Student Affairs/Dean of Students, or the President if the VPSA was the original sanctioning officer
Faculty or staff member (who is not a student worker)	Vice President for Academic Affairs or Vice President for Business and Finance

**TITLE IX APPEAL BOARD: FACULTY & STAFF**

In cases in which the Respondent is a staff or faculty member, the Appeal Officer will appoint an appeal board comprising three (3) Brescia employees who do not have a conflict of interest. If the Respondent is a faculty member, the members of the appeal board will be full-time tenured faculty members selected by the Title IX Coordinator and Academic Dean. All appeal board members must receive or have in the past year received training on the policy, procedures, and applicable law.

In cases in which the Respondent is a student and in cases in which the Respondent is another individual who is not a student or employee, the Appeal Officer may consider the appeal directly or the Appeal Officer may, upon consultation with the Title IX Coordinator, appoint an appeal board consistent with the procedures herein.

Either Title IX Coordinator or the Deputy Title IX Coordinator will serve as Advisor to the Title IX Appeal Board and is responsible to ensure that procedures are consistent with faculty, staff, and student appeal boards. The Title IX official will not have a vote on the Title IX Appeal Board.

## TITLE IX APPEAL BOARD: STUDENTS

### Composition and Purpose

The Dean of Students will appoint Brescia University's Title IX Student Appeal Board. The Board will be composed of selected trained professional faculty and staff members who may also serve as members of the Student Conduct Board. The assembled group of five (5) faculty and staff members will select a chair. The Dean of Students will serve as Advisor to the Title IX Appeal Board and is responsible to ensure that all Student Conduct Board procedures are followed. The Dean of Students, as the University's primary conduct officer, will not have a vote on the Title IX Appeal Board.

### Consideration of Appeal

The appeal board (or Appeal Officer, if no appeal board has been appointed):

- Will not rehear the case, but will consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied.
- Will review the appeal, the investigation report, and consider any previously undiscovered evidence (if discovery of new evidence is a ground for appeal).
- May choose to meet with the parties and consider other additional information, in its (or his or her) sole discretion.

If an appeal board is used, the appeal board will provide the appropriate Appeal Officer with a written report of its findings of whether the above-listed grounds for appeal have been satisfied and, if so, a recommendation as to whether Brescia should remand the matter or take any different or additional action than was originally determined. Such report shall be provided to the Appeal Officer no later than fifteen (15) calendar days following submission of the appeal, provided that the Appeal Officer may shorten this timeframe depending on the overall timing of the response and resolution process.

The Appeal Officer will give careful consideration to the recommendation of the appeal board, but shall not be bound by it. Within ten (10) working days following receipt of the appeal board's findings and recommendations, the designated Appeal Officer will notify the Complainant and Respondent in writing of the appeal board's findings and recommendation and the final disposition of the appeal. This timing is subject to the overall timing of the response and resolution process; earlier notice may be required depending on the length of the overall process if shortening the timeframe is deemed to be fair to both parties. The Appeal Officer will discuss any such timing considerations with the Title IX Coordinator.

If no appeal board is used, the Appeal Officer will issue a written decision stating the Appeal Officer's findings and the final disposition of the appeal within ten (10) working days following receipt of the appeal.

The Appeal Officer also will notify appropriate Brescia administrators, faculty, and staff members of the outcome on a need-to-know basis.

#### No Further Appeal

Appeals arising out of alleged violations of the policy must be made under this appeal process and are not eligible for consideration under faculty, staff or student grievance policies or processes. The President, however, has discretion to modify a decision in exceptional circumstances.

#### RESOURCES FOR MEDICAL, COUNSELING, AND PASTORAL CARE

It is especially important for students who have been sexually assaulted to seek immediate and appropriate medical treatment. Owensboro Health Regional Hospital has a specially trained sexual assault team available 24 hours a day, seven days a week. Emergency Department staff may ask if the student wishes to speak to the police; this decision is up to the student.

Brescia's Counseling Service is staffed by a trained professional who can provide specialized support and assistance to students who have been assaulted. Current students may seek counseling at any time, whether it is days, months, or years after the incident. The confidential services of Counseling are available to the student who was assaulted and her or his friends who may need support in assisting the student. Counseling Services can be reached at 270-686-4282.

There are several community based resources available for students who are victims of sexual misconduct, sexual assault, or relationship violence. Students may contact:

- **New Beginnings:** Sexual Assault Support Services 270-926-7273 or 1-800-226-7273
- **OASIS:** Domestic violence and Substance Abuse Treatment 270-685-0260 or 1-800-882-2873
- **Albion Fellows Bacon Center:** Domestic Violence and Sexual Abuse Shelter 1-800-339-7752 or the Domestic Abuse Crisis Line 812-422-5622 or the Sexual Assault Crisis Line 812-424-7273
- **24 hour Crisis & Information:** 270-684-9466 or 1-800-433-7291

The on-campus resources listed above are available to all Brescia students including accused students and witnesses in sexual misconduct and sexual assault cases.

#### RECORDKEEPING

The Title IX Coordinator is responsible for maintaining the official Brescia records of sexual misconduct Assertions and Complaints. When an Assertion or Complaint is pending, each official having a role in the response and resolution process is responsible for handling records appropriate to his or her role. When the process is complete, the official records relating to the Complaint or Assertion will be provided to the Title IX Coordinator, who will maintain such records in accordance with Brescia record retention requirements and applicable law. The official records include:

1. In cases where the informal process is requested by the Complainant, (a) a summary of the Assertion of sexual misconduct and request for resolution via an informal process, (b) a summary of the Title IX Coordinator's and Deputy Coordinator's analysis of whether a formal or informal process should be followed; and (c) a summary of the process used and responsive action taken by Brescia;
2. In cases where the formal process is used, a copy of the Complaint;
3. A description of any interim action taken and copies of correspondence from Brescia to the Complainant and Respondent relating to the interim action.
4. A copy of any Clery Act report submitted by the Deputy Coordinator;
5. Record indicating that the Deputy Coordinator and/or SARC(s) met with the Complainant and/or Respondent and the issues covered;
6. Copies of any notices or summaries given to the Complainant and/or Respondent;
7. The investigation report and accompanying documentation relied upon by the Investigator(s) in reaching conclusions;
8. Copies of statements provided by the parties or witnesses;
9. Documentation indicating the decision reached and sanctions imposed;
10. Copies of the notice of outcome provided to the parties;
11. Appeal statement, if any;
12. Documentation demonstrating appointment of appeal board, if applicable;
13. Report of appeal board, if applicable;
14. Decision of Appeal Officer and copies of notices sent to parties regarding appeal, if applicable; and
15. A timeline of communication with the parties.

Each official having a role in the response and resolution process may elect to send additional records to the Title IX Coordinator depending on the particular facts and circumstances. Personal notes of officials involved in the response and resolution process generally will be maintained in the sole possession of the official who took the notes according to the official's normal recordkeeping practices, any applicable Brescia record retention requirements and applicable law.

Records related to sexual misconduct Assertions and Complaints will be treated as confidential and shared only on a need-to-know basis or as required by law.

## Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Brescia University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual violence, sexual assault, sexual coercion, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking that:

- are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and that includes:

- A statement that the institution prohibits acts of sexual violence, including but not limited to sexual assault, sexual coercion, and sexual exploitation; sexual harassment; and the gender based offenses of domestic violence, dating violence, and stalking (as defined by the Clery Act).
- The definitions of sexual violence, sexual assault, sexual coercion, sexual exploitation, sexual harassment, domestic violence, dating violence, and stalking according to any applicable jurisdictional definitions of these terms;
- What behavior and actions constitute affirmative consent, in reference to sexual activity, in the Commonwealth of Kentucky;
- A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of sexual violence, sexual assault, sexual coercion, sexual exploitation, sexual harassment, domestic violence, dating violence, or stalking.
- Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Information regarding:
  - procedures victims should follow if a crime of sexual violence, sexual assault, sexual coercion, sexual exploitation, sexual harassment, domestic violence, dating violence, and stalking occurs
  - how the institution will protect the confidentiality of victims and other necessary parties;
  - existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community; and
  - options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
  - procedures for institutional disciplinary action in cases of alleged sexual violence, sexual assault, sexual coercion, sexual exploitation, sexual harassment, dating violence, domestic violence, or stalking.

Brescia University encourages all members of the community to be active, engaged bystanders to promote an end to sexual violence, sexual assault, sexual coercion, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking. Additional information is provided below.

## Primary Prevention Education and Awareness

### New Student Orientation Program:

At Orientation all incoming first year students attend a mandatory program that teaches them how to recognize, report and prevent sexual assault, dating/domestic violence, and stalking. This presentation is facilitated by local sexual assault and domestic violence advocates from local agencies who focus on empowering students with the skills and confidence to become active bystanders who speak out and stand up to challenge attitudes and behaviors that violate personal and community values. Note: student orientation leaders also attend these sessions.

### Everfi Course Sexual Assault Prevention

Sexual Assault Prevention (an Everfi course) is an interactive e-training addressing the issue of campus sexual violence. The training was delivered to all incoming new, visiting and transfer students. Students were required to complete it prior to the start of the classes.

### Ongoing Education

In 2018 all freshmen, transfer students, and student athletes were required to attend a Sexual Assault Prevention Presentation by Gordon Braxton. The November 2015 issue of Ebony magazine identified Gordon Braxton as a “super man” because he is a committed activist focused on fighting intimate violence. He is a graduate of the University of Virginia and the Harvard Graduate School of Education. He was introduced to the field of sexual violence prevention as a peer educator in an all-male antiviolence group at the University of Virginia, where he graduated with the Algernon Sidney Sullivan Award, the University’s highest award for humanitarian service. He also won the Black Fraternal Council’s Man of the Year Award, among other distinctions.

Upon Gordon’s graduation, Katie Koestner, who helped coin the term “date rape” with her 1991 appearance on the cover of TIME, invited him to join her as a presenter on the topic of sexual violence prevention. He has gone on to present to over 1000 secondary schools, colleges, universities, community organizations, and military institutions throughout the country. From 2005 to 2009, Gordon was the Prevention Specialist at Harvard University’s Office of Sexual Assault Prevention and Response and helped implement the school’s violence prevention policies. He remains an ally to the violence prevention community as a blogger on manhood and rape culture, as a part-time public speaker, and as an occasional contributor to radio and television engagements. He currently works as a Contract Specialist with the US Government when he is not speaking, writing, and otherwise mobilizing men to end sexual violence.

### Additional Outreach to Students

Brescia University officials - Dean of Students, the Title IX Coordinator etc. – may meet annually with Athletics teams, leadership of all student groups, and campus center leaders to

provide important information about sexual assault, dating violence, domestic violence, and stalking. On-line training is also available for student leaders.

Specifically, Brescia offered the following primary prevention and awareness programs for all new employees in 2017-2018:

- Primary Prevention Education Programs for New Faculty/Staff/Administrators was provided by the Title IX Coordinator during new employee Orientation sessions and via on-line Title IX training.
- Sexual Assault Prevention for Faculty and Staff (an Everfi course):
  - All in-coming faculty, staff and administrators receive training during onboarding.
  - Topics covered include: Federal protected categories, Sexual Misconduct, Discrimination and Harassment policies, filing complaints, informal and formal resolutions of complaints, confidentiality of procedures, retaliation prohibited by Campus as well as federal and state laws, overview of Campus SaVE, VAWA, TITLE IX, Clery Reporting, NotAlone, behavioral examples to accompany legal definitions of misconduct, including stalking, domestic violence, dating violence, rape, discussion of consent, incapacitation, definition of Responsible Employees, confidential in-take individuals, impact of harassment, discrimination and sexual misconduct on individuals and campus.

## Alcohol and Drug Policies

As a recipient of federal grants, Brescia declares that it complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989 and is an alcohol and drug free environment. It is Brescia's policy to maintain a safe and healthful working environment for all its employees, students and guests.

### ALCOHOL ABUSE PREVENTION

All matriculating freshmen are required to complete an online alcohol abuse prevention program, Alcohol 101. During New Student Orientation, educational programs about alcohol and drug abuse are presented, including health risks, legal issues, college policy & sanctions and availability of counseling. Online evaluation for all students, includes resources [U Lifeline Evaluator](#)

### ALCOHOL: PRESENCE OF ALCOHOL (INCLUDING LOW POINT BEER) AND CONSUMPTION

- On-campus use, manufacture, consumption, possession, sale, distribution, or the serving of alcoholic beverages is prohibited, no matter the age of the participants.
  - Exceptions to this policy include special events in which faculty and staff are present, all applicable federal, state, and local laws are followed, and the President has given signed approval in advance.



### ALCOHOL: DRINKING GAMES

- The presence, possession or use of any bulk or common container of alcohol (i.e., kegs, beer balls, etc.) or any device or activity (i.e., beer bong, beer pong, etc.) used to consume alcohol in a dangerous or unhealthy manner (i.e., competitive drinking games, beer pong, flip cup, etc.), or excessive amounts of alcohol in any residence hall is prohibited, no matter the age of the participants.

### ALCOHOL: MASS CONSUMPTION DEVICE

- The presence, possession or use of any bulk or common container of alcohol (i.e., kegs, beer balls, etc.) or any device or activity (i.e., beer bong, beer pong, etc.) used to consume alcohol in a dangerous or unhealthy manner, or excessive amounts of alcohol in any residence hall is prohibited, no matter the age of the participants.

### ALCOHOL: PUBLIC DISPLAY

- Alcohol displays of any kind (posters, lights, signs, etc.) are not permitted in windows or corridors of any residence hall.

### ALCOHOL: PUBLIC INTOXICATION

- Public intoxication is not permitted, regardless of the age of the individual.

### ALCOHOL: ALCOHOL AND DRUG DECOR IN STUDENT ROOM

- No posters, throw rugs, furniture or displays of any kind that advertise alcohol are permitted anywhere in the residence halls.

### ALCOHOL: POLICY FOR GUESTS TO CAMPUS

- Guests and visitors may not use, consume, possess, sale, distribute, or serve alcoholic beverages, no matter the age of the participants.
- Guests who are visitors of resident students who violate University policies on alcohol will be removed from campus; a Student Affairs official will determine when the visitor can return.

*The University may contact parents or police in incidents where guests are found violating University policies on alcohol.*

### ALCOHOL AND DRUGS: IMPLIED CONSENT

- Implied Consent: Brescia University holds all students who are in a room or area responsible for the behavior that occurs there, for objects that are there, and for damage that occurs there. This interpretation will be enforced regardless of how long the students have been in the area and whether or not the student is observed participating in the behavior or the possession.
- If a student enters an area where a policy violation is occurring or begins occurring, the student should immediately leave. The violation may be reported, anonymously, to a staff member. By remaining and doing nothing, the student acknowledges participation in the policy violation. If a student is a resident of that room, the University will hold the student responsible regardless of his/her actual presence, unless it is demonstrated that

the students had no knowledge of the incident or that he/she reported to tried to break up the gathering.

## ALCOHOL AND DRUGS: SANCTIONS

If students are found to be responsible for an alcohol or drug violation, sanctions imposed will have two primary goals: first, that the student receive some form of treatment and/or education for alcohol and/or drug use depending upon the severity of the offense; and second, that the student make some form of restitution to the community.

While sanctions vary depending upon the circumstances of every case, conduct officers will generally assign the following sanctions for alcohol and/or drug use on campus:

1. **Educational/Developmental:** The student is required to attend a program, counseling sessions, or complete an online course as appropriate (Brescia utilizes Everfi for online coursework);
2. **Fines:** The student is required to pay a fine, including the cost of online counseling programs, which is placed on the student's account with the Business Office. Fines begin at a minimum of \$25 and may increase depending upon the severity of the offense and if the student has prior offenses. Alternative fines, such as purchase of canned goods to be donated to a local food bank or student pantry, may be permitted at the discretion of the conduct officer.
3. **Probation/Suspension/Expulsion:** Any student found responsible for an alcohol and/or drug offense will be at a minimum be placed on University Probation (see Sanctions section of this handbook for more details). Depending on the severity of the offense and if the student has prior offenses, sanctions up to and including suspension and expulsion may be imposed.

## BRESCIA UNIVERSITY MEDICAL AMNESTY POLICY FOR ALCOHOL AND DRUG OVERDOSE

Students seeking help for inebriation, overdose, or potential addiction shall be treated in complete confidence and are not subject to student conduct hearings, provided the sole reason the University discovers this arose from his/her seeking medical attention or other professional assistance. Additionally, a student seeking similar assistance for a fellow student will be exempt from student conduct hearings in consideration of his/her efforts to assist another in need of help.

Brescia University policies on Medical Amnesty for alcohol and drug use and/or overdose are in compliance with Commonwealth of Kentucky Alcohol and Drug Laws KY KRS Chapter 244.992.. Generally, the Kentucky laws protect persons from criminal prosecution for requesting assistance for themselves or others who need emergency medical assistance for alcohol or drug overdose. Student seeking more information about Kentucky laws should consult with the Dean of Students.

## DRUGS: USE OR POSSESSION

The use, possession, manufacture, or distribution of all illegal drugs and/or controlled substances, on or off University premises while conducting (or participating in) Brescia business and/or events is prohibited.

Drugs are defined as, but not limited to:

- any stimulant;
- intoxicant (other than alcohol);
- nervous system depressant;
- hallucinogen;
- other chemical substance, compound or combination when used to:
  - induce an altered state; and/or
  - including any otherwise lawfully available product (such as over the counter or prescription drugs) used for any purpose other than its intended use.

## ALCOHOL AND DRUG USE: PUBLIC LAW AND CONSEQUENCES

**UNLAWFUL POSSESSION OF ALCOHOLIC BEVERAGES (KRS 244.085)::** Persons under the age of 21 but older than 18, are subject to a fine of up to \$250 and jail time up to 90 days for first offense, or subsequent offenses of fines up to \$500 and up to 1 year in jail, if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages;
2. Possess, purchase, attempt to purchase or get another to purchase alcoholic beverages; or
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

**PUBLIC INTOXICATION (KRS 222.202)::** Persons are subject to a \$250 fine and a jail term of not more than 90 days if they appear in public manifestly under the influence of alcohol, a controlled substance, or other intoxicating substances, to the degree that they may endanger themselves, other persons, property, or unreasonably annoy persons in the vicinity.

**Driving Under the Influence of Alcohol, Controlled Substance or other Substance which Impairs Driving Ability (DUI) (KRS189A):** In Kentucky, persons(DUI): Persons 21 years of age and older are deemed driving under the influence if they are found operating a motor vehicle with a breath- or blood- alcohol level of 0.08 or higher. Persons, under the age of 21, are deemed to be under the influence with a breath- or blood-alcohol level of 0.02. Persons operating commercial vehicles are deemed to be under the influence at a breath- or blood-alcohol level of 0.04. Refusal to submit to breath- or blood- alcohol/drug testing is subject to additional penalties. The penalties for driving under the influence (without aggravated circumstances) are:

- **First Offense** - a fine between \$200-\$500, not less than 2 days nor more than 30 days in jail, 90 days of Alcohol or Substance Abuse Program, 30-120 day license suspension, possible 48 hours - 30 days Community Labor.
- **Second Offense** - a fine between \$350-\$500, not less than 7 days nor more than 6 months in jail, 1 year of Alcohol or Substance Abuse Treatment, 12-18 month license suspension, 10 days-6 months Community Labor.

- **Third Offense** - a fine of between \$500-\$1,000, not less than 30 days nor more than 1 year in jail, 1 year of Alcohol or Substance Abuse Treatment, 24-36 month license suspension, 10 Days-12 months Community Labor
- **Fourth and Subsequent Offenses (within 10 years)** - guilty of a Class D felony, fines vary, minimum term 120 days Imprisonment without Probation, 1 year of Alcohol or Substance Abuse Treatment, 60 month License Suspension.

## LAWS CONCERNING ILLICIT DRUGS (KRS 218A)

The following laws concerning specific illicit drugs are drawn from the Controlled Substance Act of the Commonwealth of Kentucky. A representative listing of specific drugs and the violations inherent in illegal activities related to such drugs is provided below. The failure to list all drugs included in the above act does not exonerate individuals from responsibility for their actions as it relates to illegal drugs, nor does it preclude the University from taking steps to address illegal activity in terms of its own internal counseling and referral system or its judicial system.

Among others, the following acts and the causing thereof are prohibited within the Commonwealth of Kentucky:

- The manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance or drug paraphernalia.
- The penalty for violation of these acts is based upon the nature or schedule of the drug involved and the weight of the substance.

### Possession of Marijuana

- A person is guilty of possession of marijuana when he/she knowingly and unlawfully possesses marijuana. Possession of marijuana can be a misdemeanor or felony depending on the amount in possession and number of offenses.
- A person is guilty of marijuana cultivation when he/she knowingly and unlawfully possesses marijuana plants with the intent to sell. Possession of 5 or more plants of marijuana is a felony.

### **Criteria for Classification of a Schedule 1 Narcotic**

A Schedule 1 Narcotic is one that has high potential for abuse and has no accepted medical use in treatment in the United States. Possession of a Schedule 1 Narcotic for a first offense is a class D felony. A Class D felony is punishable by one to five years in prison; fine of \$1000-\$10,000.

### **Criteria for Classification of a Schedule 2 Narcotic**

A Schedule 2 Narcotic is one that has a high potential for abuse and has a current medical use in treatment in the United States. Possession of a Schedule 2 Narcotic for a first offense is a Class A misdemeanor. A Class A misdemeanor is punishable by 90 days to 12 months in jail and a fine of up to \$500. Trafficking in narcotics or marijuana within one-thousand (1000) yards of any school is a Class D felony.

### Possession of Drug Paraphernalia

Possession of any drug paraphernalia is a Class A misdemeanor; however, the presence of any illegal controlled substance in/on this paraphernalia may change this to a Class D felony.

### Federal Laws and Penalties Regarding Drug Trafficking

Federal laws also apply to trafficking in controlled substances. An outline of the penalties for violations of these laws may be found at the [Justice Department](#).

### Drug Conviction & Financial Aid

If a student is convicted in a court of law for possessing or selling illegal drugs while receiving federal student aid, this action may negatively affect the student's future eligibility to receive such aid. Please contact the Office of Financial Aid to discuss the students' aid eligibility.

### **ALCOHOL AND DRUGS: HEALTH RISKS**

The following summarizes known health risks associated with the use of drugs and the abuse of alcohol. Part of the summary was provided by the federal government. Brescia does not guarantee that it is an error-free or exhaustive accounting.

### EFFECTS OF ALCOHOL ABUSE

**Acute:** Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident.

Accidents are the leading cause of death among individuals aged 15-24 years. Most are related to drinking and driving. Poor decisions and aggressive actions such as acquaintance rape are almost always associated with alcohol use. Low to moderate doses of alcohol increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

**Chronic:** Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Some studies indicate that brain cells are permanently killed by high levels of alcohol.

Women who drink alcohol at any time during pregnancy may give birth to infants with fetal alcohol spectrum disorder. These infants may have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk of becoming alcoholics.

### EFFECTS OF OTHER DRUGS

**Marijuana:** Marijuana and related compounds are usually used for their “relaxation” effects or to produce an altered sense of reality, a “high.” Marijuana is usually smoked, and, like tobacco, it is very toxic to the lungs. Memory loss and mood shifts often occur in chronic users.

**Cocaine (stimulant):** Cocaine, crack, and related forms are usually used for stimulation and to produce a sense of euphoria. All forms of cocaine are highly addictive, producing a habit that is extremely difficult to stop. In some individuals, cocaine may produce fatal cardiac rhythm disturbances.

**Amphetamines (stimulant):** Amphetamines and their new derivatives, “meth,” “crystal” and “ice,” are used for stimulation. These compounds are very addictive and may produce psychotic and violent behaviors. Other effects may include heart arrhythmia, high blood pressure, and stroke.

**LSD, PCP, ecstasy, spice, et al. (hallucinogens):** These chemicals are used to produce “altered states” to escape reality. They are very dangerous and can cause psychosis. Spice, K-2, Baths Salts and other synthetics can cause vomiting, panic, psychosis, kidney failure &/or heart attack.

**Benzodiazepines and Barbiturates (depressants):** These and other prescriptions are used for their sedative or hypnotic effects. They are addictive. Individuals can have seizures after taking them over long time periods. Combined with alcohol, they can cause respiratory failure.

**Heroin (narcotics, codeine, etc.):** These are some of the most addictive substances known. They produce a high or euphoria. Withdrawal can produce convulsions or even coma. Overdose is common and can result in death. Addicts of these substances who share these needles have high rates of AIDS.

This is not an exhaustive list. Many medications and drugs have the potential for abuse. If you have concerns or questions, ask for professional advice. For further information refer to [SAMHSA](#)

### SUBSTANCE ABUSE TREATMENT PROGRAMS

Brescia’s Counseling Services or the Office of Student Affairs can make referrals. In addition, Brescia provides programs and materials aimed at alerting students to the problems involved with alcohol abuse and the use of illicit drugs. However, the chief resources for the treatment of substance abuse are the professional agencies, clinics, and self-help groups located within your area.

#### [Alcoholics Anonymous \(Self-help\)](#)

(Central office & daily meetings)

320 Crittenden St.

Owensboro, KY 42303 <http://www.area26.net>

(270) 683-0371 (24-hr. answering)

#### [Narcotics Anonymous \(Self-help\)](#)

(Daily meetings in Owensboro area)

## [National](#)

River Valley Behavioral Health (Public)  
(Outpatient & Residential Treatment)  
(270) 683-4039  
1100 Walnut Street  
Owensboro, KY 42301

24 hr Crisis Line 800-433-7291 (call or text)  
Substance Abuse & Mental Health Services Administration (SAMHSA)  
24/7 National Help Line: 800-662-4357 (HELP)

[Online National Treatment Locator](#)

## Annual Fire Safety Report

### Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, and requires institutions that maintain on campus housing facilities to publish an annual fire safety report which outlines fire safety practices, standards, and all fire related on campus statistics. The following public disclosure report details all information required by this law as it relates to Brescia University.

### Fire Safety Definitions

#### **Fire**

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

#### **Fire Related Death**

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

#### **Fire Related Injury**

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

#### **Category of Fire**

For HEA purposes, there are three categories of fire:

- **Unintentional Fire:** A fire that does not involve an intentional human act to ignite or spread fire into an area where the fire should not be.

- **Intentional Fire:** A fire that is ignited, or that results from a deliberate action, in circumstances where the person knows there should not be a fire.
- **Undetermined Fire:** A fire in which the cause cannot be determined.

### **Fire Equipment**

Brescia regards tampering with equipment designed for fire safety (alarms, extinguishers, emergency lights, hoses, etc.) a serious offense. Misuse of fire equipment should be reported to the Vice President/Dean of Student Affairs for appropriate disciplinary action, with minimum fines of \$150.

### **Weapons and Explosives**

Brescia University prohibits the use, possession, display or storage of any weapons, ammunition, explosive device, or fireworks on University property or at University events. This includes Brescia University housing, parking areas, and private vehicles parked or operated either on campus or at any off-campus facility owned, leased, or operated by the University. This policy applies to all persons, including faculty, staff, students, spouses, dependents, and visitors. This policy shall not apply to law enforcement officers or federal agents authorized to carry weapons by their governmental agency.

All weapons, ammunition, explosive devices or fireworks discovered in student possession, private vehicles or property, will be confiscated by University officials and the decision on the return of the confiscated items rests solely with the Dean of Students. In addition, the individual may also be subject to criminal prosecution.

### **Assembly Points and Evacuation**

It is the responsibility of students to immediately evacuate any campus building (including all residence halls) when a fire alarm sounds. If the alarm has been activated because of a fire, the building can quickly fill with smoke, individuals who delay exiting the building put their own lives in jeopardy as well as the lives of those who must attempt to rescue them in the event of an actual fire.

Students who live in a residence hall should follow the evacuation plan established for their hall and meet at the pre-determined location so emergency workers can be sure that all residents have been evacuated. **For this reason, it is a violation of the Student Code of Conduct to fail to evacuate a campus building when a fire alarm sounds. Violators are subject to conduct sanctions which will include a minimum fine of \$50 (this will increase by \$50 for each subsequent violation).**

### **Fire Safety in the Residence Halls**

Brescia fully recognizes its responsibility to provide both awareness and safety training for its resident students and undertakes an ambitious program each year. Fire safety and emergency training for students begins with discussions about fire prevention and safety during the freshman orientation programs. Information regarding fire safety is also highlighted when



students check into the residence halls and during the Resident Assistant opening meetings that occur each semester. Students are further reminded about fire safety and evacuation procedures in the Emergency Response Guide.

Emergency procedures are reviewed periodically with residents by way of hall fire drills. The drills are conducted in a realistic manner to enable student, faculty and staff residents and employees to be prepared in the event of an actual emergency. Staff members themselves are trained concerning fire safety and evacuation procedures during their staff training and these procedures are highlighted in the Emergency Guidebook. Students and employees are advised to adhere to the following procedures in case of a fire:

- If you hear the fire alarm, immediately evacuate the building using the nearest available exit. Do not attempt to fight a fire unless you have been trained to do so.
- Awaken any sleeping roommates or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Residence Life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: There is an emergency in the building, leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- DO NOT USE ELEVATORS. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Each resident should report to their assigned assembly area. Residence life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

### Fire Alarms, Fire Extinguishers, and Smoke Detectors

Activating a fire alarm when there is not an emergency is a malicious act that is illegal (in Kentucky it is a misdemeanor) that endangers the life of others because it causes people to question whether or not a real emergency exists when a fire alarm sounds. **Violators will be reported to law enforcement officials for possible prosecution and will also be subject to conduct sanctions which will include a minimum fine in the amount of \$150.**

Discharging a fire extinguisher when there is not a fire is a malicious act that is illegal because it endangers life and it causes costly damage. For these reasons, discharging a fire extinguisher is

considered a serious violation of the Student Code of Conduct. **Violators will be reported to law enforcement officials for possible prosecution and are subject to conduct sanctions including a minimum fine in the amount of \$150 in addition to any additional costs incurred by the University.**

Tampering with or disabling any fire safety device including but not limited to: fire alarms, heat and smoke detectors is a malicious act that is illegal and endangers the life of others. If a device is malfunctioning, the student is responsible to make an immediate report to university officials. **Violators will be reported to law enforcement officials for possible prosecution and will be subject to conduct sanctions which will include making restitution for any damage caused, a minimum fine of \$150, and possible university probation.**

#### CANDLES, INCENSE, BON FIRES, AND GRILLS

- The number one cause of fires in residence halls is unattended burning candles. Students are prohibited from possessing any candle that can support an open flame. Candles that have been manufactured or altered (by cutting or removing the wick) so they do not support a flame are permitted.
- Students are prohibited from burning incense, tobacco, sweet grass, sage, or any other combustible material in any campus building without prior authorization from the appropriate university official. This prohibition specifically applies to all campus residences. In the case of all campus residences, the appropriate university official is the Dean of Students. In classrooms, it is the instructor.
- Students are prohibited from starting any type of fire on University property without prior approval from the Dean of Students and an outdoor fire permit has been obtained.
- Outdoor barbequing is permitted in barbeque grills unless government officials issue a fire ban due to fire danger during dry conditions. Students may use the Student Affairs grill, but must obtain permission from the Director of Student Activities. Students who use barbeque grills are responsible to ensure: the grill is attended at all times when in use; the grill is properly extinguished when done and that the area is properly cleaned. Students are prohibited from storing propane and lighter fluid in campus residences.

## Fires– On-Campus Residence Halls

Housing Facilities			
Name of Facility	2016	2017	2018
	Number of Fires	Number of Fires	Number of Fires
Saffer Hall	0	0	0
Merici Hall	0	0	0
Young Hall	0	0	0
Trustees Hall	0	0	0
Reitz Hall	0	0	0
Greenwell Hall	Offline	0	0
Ursula Hall	0	0	0
St. Joseph Hall	0	0	0
Philby Hall	0	0	0
Barrow Hall	Offline	Offline	0
603 St. Ann Street	Offline	Offline	0
808 Birk Court	Offline	Offline	0