

# ANNUAL SECURITY AND FIRE REPORT



October 2024

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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 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 the 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 the calendar year 202, not the 2023-2024 Academic Year.**

## Relationships with Local Law Enforcement

Brescia University works closely with the Owensboro Police Department, which is located two blocks away from the main campus on East 9<sup>th</sup> Street. Periodic meetings and conversations between the Owensboro Police Department and Brescia University allow for an 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 the

Owensboro Police Department. All members of the Brescia community are encouraged to report a crime to the Owensboro Police Department as well as to the Office of Student Affairs.

## Timely Warnings

In the event a Clery crime is reported as having occurred within the University's Clery Geography (see pages 8-9) 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 institution will immediately notify the campus community upon confirmation of an emergency or dangerous situation.

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 timely manner, which will aid in the prevention of similar occurrences.

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or continuing threat to members of the community, the VPSA or his/her designee issues a "timely warning" under the heading "Campus/Crime Alert." The University Police will generally issue Crime/Crime Alerts for the following crimes: arson, aggravated assault, criminal homicide, robbery, burglary, sexual assault, motor vehicle theft, and hate crimes. Timely warnings can be issued for threats to persons or to property.

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 the 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 limited to 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 became effective on November 1, 2014.

The U.S. Department of Education published updated an updated User Guide and Handbook, clarifying crime hierarchy and updating crime definitions institutions of higher education are to use, in October 2020.

## **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.



## Voluntary, Confidential Reporting

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage University community members to report crimes promptly and to participate in and support crime prevention efforts. The University community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of or witness to a crime, you may still choose to make a report and request that it remain confidential. The purpose of such a report is to comply with your wish to keep your identity confidential, while also providing information to help ensure the future safety of yourself and others. An individual's request regarding the confidentiality of reports of sexual assault or harassment will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment free from sexual assault and harassment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible. Using the information provided in the confidential police report, the University can keep an accurate record of: the number of incidents involving students, employees, and visitors; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; and alert the university community of potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for 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 the institution officially recognizes; 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. **Note that Brescia does not have any off-campus properties controlled by a student organization.**

**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 defined 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 9<sup>th</sup> Street to 7<sup>th</sup> 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 who does not have 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 2021, 2022, and 2023

### Criminal Offenses – On Campus

*All Crimes Reported by Hierarchy*

Criminal offense	Total criminal offenses on campus		
	2021	2022	2023
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	1
Robbery	0	0	0
Aggravated assault	0	0	0

	<b>Total criminal offenses on campus</b>		
Burglary	0	0	0
Motor vehicle theft	0	0	2
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>2021</b>	<b>2022</b>	<b>2023</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>2021</b>	<b>2022</b>	<b>2023</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0

	<b>Total criminal offenses – recognized, leased, controlled property*</b>		
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 – PUBLIC PROPERTY**

	<b>Off campus – Nearby Public Property*</b>		
<b>Criminal offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</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	1
Arson	0	0	0

\*Information provided by the Owensboro Police Department



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

	<b>Total criminal offenses on campus</b>		
<b>Criminal offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

\*Information provided by the Owensboro Police Department

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

	<b>Total criminal offenses on campus- in student housing facilities</b>		
<b>Criminal offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

\*Information provided by the Owensboro Police Department

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

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Criminal offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

\*Information provided by the Owensboro Police Department

**Arrests for Criminal Offenses- Public Property**

	<b>Total criminal offenses on nearby public property*</b>		
<b>Criminal offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Weapon possession	0*	0*	0*
Drug violations	0*	2*	0*

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

\*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>2021</b>	<b>2022</b>	<b>2023</b>
Weapon possession referred for disciplinary action	0	1	0
Drug abuse violations referred for disciplinary action	8	2	5
Liquor law violations referred for disciplinary action	8	2	6

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

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Criminal offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</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>2021</b>	<b>2022</b>	<b>2023</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

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

	<b>Total criminal offenses on campus</b>		
<b>Offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

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

	<b>Total criminal offenses on campus – in student housing facilities</b>		
<b>Offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

**VAWA Criminal Offenses – Non-campus**

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Domestic violence	0*	0*	0*
Dating violence	0*	0*	0*
Stalking	0*	0*	0*

\*Information provided by the Owensboro Police Department

**VAWA Criminal Offenses – Public Property**

	<b>Off campus – Nearby Public Property*</b>		
<b>Offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Domestic violence	0*	0*	0*
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	2023 Total	Category of Bias for Crimes Reported in 2023					
		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 <i>from</i> 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
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 situations by voice mail. Specific instructions 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 a crime for inclusion in crime statistics to any of the following:

Dr. Lori Etheridge, Vice-President for Student Affairs, Dean of Students, & Title IX  
Coordinator: 270-686-4332, [lori.etheridge@brescia.edu](mailto:lori.etheridge@brescia.edu)

Mr. Isaac Duncan, Assistant Dean of Students: 270-686-4332, [isaac.duncan@brescia.edu](mailto:isaac.duncan@brescia.edu)

Ms. Melissa Scuderi, Director for Residence Life, 270-686-4332, [melissa.scuderi@brescia.edu](mailto:melissa.scuderi@brescia.edu)



Sr. Pam Mueller, Directory of Campus Ministry: 270-686-4319, [pam.mueller@brescia.edu](mailto:pam.mueller@brescia.edu)

### **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**

### **INTRODUCTION**

In April 2020, the U.S. Department of Education issued required changes of sexual misconduct, sexual assault, sexual harassment, and relationship violence policies of all higher education institutions. These changes were implemented by Brescia University in August 2020.

Due to the ever-changing and extensive requirements of Title IX, the Campus SaVE Act, and Violence Against Women Act, the most up to date policies for sexual harassment, 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 or from the Title IX Coordinator.

Below are listings of both on and off campus resources for individuals and agencies who can assist students who wish to report a possible Title IX violation.

### On-Campus Resources

#### Title IX Coordinator

Lori Etheridge, Vice President for Student Affairs  
Room 213, Moore Center  
270-686-4332  
[lori.etheridge@brescia.edu](mailto:lori.etheridge@brescia.edu)

Isaac Duncan, Assistant Dean of Students  
Room 200, Moore Center  
270-686-4332  
[isaa.duncan@brescia.edu](mailto:isaa.duncan@brescia.edu)

Melissa Scuderi, Director of Residence Life  
Room 200, Moore Center  
270-686-4332  
[Melissa.scuderi@brescia.edu](mailto:Melissa.scuderi@brescia.edu)

### On-Campus Support and Confidential Resources

#### Counseling & Wellness

Campus Services  
[wellness@brescia.edu](mailto:wellness@brescia.edu)  
Room 205, Moore Center  
Virtual Services: <https://uwill.com>

#### Campus Ministry

Sister Pam Mueller, OSU, Director of Campus  
Ministry  
Room 207, Moore Center  
[pam.mueller@brescia.edu](mailto:pam.mueller@brescia.edu)

### Off-Campus Places to Report Sexual Misconduct

#### Owensboro Police Department

Emergency- 911  
Non-Emergency Reporting: 270-687-8888

#### Owensboro Health Regional Hospital- Emergency Room

1201 Pleasant Valley Road  
Owensboro, KY 42303

#### New Beginnings- Sexual Assault Support Services

1716 Scherm Rd, Owensboro, KY 42301  
270-926-7273  
Crisis Line: 1-800-226-7273

#### Daviess County Sheriff's Department

Emergency- 911  
Non-Emergency Reporting: 270-685-8444

### PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, DOMESTIC 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 acting 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.

- options for available assistance 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 AND AWARENESS PROGRAMS

### 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.

### Safe Colleges Course Sexual Assault Prevention

Sexual Assault Prevention (a Safe Colleges 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. In 2023 all on-ground students were also required to complete Diversity and Inclusion course with Safe Colleges.

### 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 2023:

- 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 (a Safe Colleges 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.

### Procedures to Follow if a Sex Offense Occurs

The following information provides steps to follow should a rape or sexual assault occur:

- Get to a Safe Place - Get to a safe place as soon as possible! Your safety is most important!
- Preserve Evidence - Best practices are to preserve evidence include seeking medical attention shortly after the event and do not shower, drink, eat, douche, or change your cloths prior to the exam.
- Medical Attention - Get medical attention as soon as possible, even with no physical injuries. You may wish to consult with medical personnel quickly regarding: prevention of sexual transmitted infections, pregnancy, evidence collection, and toxicology testing if there are signs that drugs or alcohol may have facilitated the assault. Individuals of any gender can be victims of sexual assault, dating violence, domestic violence and stalking. We encourage victims to go to the emergency room of Owensboro Regional Hospital.

## 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.

### 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](#)

## HARASSMENT AND HATE SPEECH

Students shall not, in class, on University property or at University-sponsored activities, display (including on personal vehicles in University owned parking lots) or transmit (in any medium including clothing, jewelry, posters, stickers, flyers, or buttons) writings, images, or symbols that are reasonably expected to be divisive, demeaning, or offensive to any person or group or disruptive to the learning environment; including but not limited to writings, images, or symbols:

- Associated with hate groups;
- That are obscene, slanderous, or libelous;
- That are associated with intimidation, violence, or violent groups;
- Which advocate racial, ethnic, or religious prejudice, including items that promote intolerance or confrontation such as the Confederate flag or swastika;
- Denigrate others on the basis of race, color, religion, creed, national origin, gender identity, sexual orientation, or disability.

Images and symbols covered by this policy are permissible in the library, learning materials, or in a classroom setting as part of a learning assignment supervised by a faculty member.

## 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	2021	2022	2023
	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	0	0	0
Ursula Hall	0	0	0
St. Joseph Hall	0	0	0
Philby Hall	0	0	0
Barrow Hall	0	0	0
603 St. Ann Street	Offline	Offline	Offline
808 Birk Court	Offline	Offline	Offline
St. Ann Hall	Offline	0	0