



Annual Campus Security Report

prepared by the

Office of Student Conduct

Published September 30, 2019

The following information is provided as a service to the Ball State University community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 USC 1092].

The Ball State annual fire safety report can be found at <http://www.bsu.edu/fireandsafetyreports>.

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CAMPUS CRIME STATISTICS—MAIN CAMPUS

Reports of Primary Crimes	2016				2017				2018			
	On-campus	On-campus housing	Non-campus	Public property	On-campus	On-campus housing	Non-campus	Public property	On-campus	On-campus housing ¹	Non-campus	Public property
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	13	12	2	0	21	17	6	0	10	9	2	0
Fondling	10	10	6	0	16	12	0	0	11	6	3	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	2	0	0	0	2	1	2	1	0	0
Burglary	2	1	3	0	6	5	3	0	14	6	2	0
Motor vehicle theft	1	0	0	0	2	0	0	0	2	0	0	0
Arson	1	0	0	0	0	0	0	0	0	0	0	0
ARRESTS												
Weapons offense	0	0	0	0	0	0	0	0	0	0	0	0
Drug abuse violations	21	9	0	6	37	15	0	7	15	6	0	16
Liquor law violations	60	41	1	31	48	33	2	35	39	36	5	14
DISCIPLINARY REFERRALS												
Weapons offense	0	1	0	0	0	0	0	0	5	5	0	0
Drug abuse violations	68	53	3	6	104	84	3	3	124	115	0	0
Liquor law violations	396	395	12	1	396	383	7	1	300	298	0	0
VAWA Crimes												
Domestic Violence	0	0	0	1	0	0	0	0	0	0	0	0
Dating Violence	8	8	0	0	5	3	0	0	5	5	0	0
Stalking	6	3	0	0	13	4	0	0	4	4	0	0

Two (2) reported burglaries (reported 10/27/2018 and 11/29/2018) were determined to be unfounded by the Ball State Department of Public Safety during the reported calendar year.

Crime reports and arrests include Ball State and ISEP. MPD and IUBMH PD reported no reportable Clery crimes or arrests in response to query.

¹ “On-campus housing” is a subset of “On-campus.” All reports noted in “On-campus housing” are also noted in “On-campus.” The “On-Campus” category will always be a number equal to or greater than “On-Campus Housing.”

CAMPUS HATE CRIME STATISTICS—MAIN CAMPUS

A hate crime is one that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim in the categories of the victim's actual or perceived **race** (^{RA}), **religion** (^{RL}), **gender** (^G), **gender identity** (^{GI}), **sexual orientation** (^{SO}), **ethnicity** (^E), **national origin** (^{NO}), and/or **disability** (^D). Hate crimes are also to be reported when they occur in the form or in conjunction with simple assaults, larceny-theft, intimidation, and destruction/ damage/ vandalism to property.

Reports of Primary Crimes	2016				2017				2018			
	On-campus	On-campus housing	Non-campus	Public property	On-campus	On-campus housing	Non-campus	Public property	On-campus	On-campus housing	Non-campus	Public property
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	1 RA, GI	1 RA, GI	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	1 ^{RA}	0	0	0	0
Intimidation	0	0	0	0	2 ^G	1 ^G	0	0	0	0	0	0
Vandalism	1 RA, SO	0	0	0	1 ^{RA}	1 ^{RA}	0	0	1 ^{RA}	0	0	0

CAMPUS CRIME STATISTICS—INDIANAPOLIS CENTER²

Primary Crimes Reports	2016			2017			2018		
	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
ARRESTS									
Weapons offense	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Weapons offense	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
VAWA Crimes									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

No crimes that would normally be reported (meeting notice, crime type, and geography requirements) in the chart above were reported to Ball State as being unfounded by Indianapolis/Marion County police during the reported calendar year.

² In 2019, the Ball State Indianapolis Center was re-branded CAP: Indy as part of the R. Wayne Estopinal College of Architecture and Planning and moved to a new location at 25 North Pine Street, Indianapolis, IN 46202.

CAMPUS HATE CRIME STATISTICS— INDIANAPOLIS CENTER³

A hate crime is one that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim in the categories of the victim’s actual or perceived **race** (^{RA}), **religion** (^{RL}), **gender** (^G), **gender identity** (^{GI}), **sexual orientation** (^{SO}), **ethnicity** (^E), **national origin** (^{NO}), and/or **disability** (^D). Hate crimes are also to be reported when they occur in the form or in conjunction with simple assaults, larceny-theft, intimidation, and destruction/ damage/ vandalism to property.

Primary Crimes Reports	2016			2017			2018		
	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0

The Ball State University Indianapolis Center does not offer on-campus housing. The Center is secured by an alarm system monitored by a security company. In cases of emergencies, Indianapolis/Marion County police respond to 911 calls and alerts from the security company. Center staff members work with Ball State University police as well.

Staff, visitors and students at the Ball State Indianapolis Center are encouraged to report crimes to Indianapolis Center staff members who will assist with reporting to the appropriate police agency.

The Indianapolis Center is open from 8 am-5 pm Monday through Friday. Students in evening and Saturday classes are provided access by personnel on site with secure access privileges. Maintenance problems related to security are reported to the facility’s owner by Indianapolis Center staff.

³ In 2019, the Ball State Indianapolis Center was re-branded CAP: Indy as part of the R. Wayne Estopinal College of Architecture and Planning and moved to a new location at 25 North Pine Street, Indianapolis, IN 46202.

CAMPUS CRIME STATISTICS—FISHERS CENTER

Primary Crimes Reports	2016			2017			2018		
	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
ARRESTS									
Weapons offense	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Weapons offense	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
VAWA Crimes									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

No crimes that would normally be reported (meeting notice, crime type, and geography requirements) in the chart above were reported to Ball State as being unfounded by Fishers police during the reported calendar year.

CAMPUS HATE CRIME STATISTICS— FISHERS CENTER

A hate crime is one that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim in the categories of the victim’s actual or perceived **race** (^{RA}), **religion** (^{RL}), **gender** (^G), **gender identity** (^{GI}), **sexual orientation** (^{SO}), **ethnicity** (^E), **national origin** (^{NO}), and/or **disability** (^D). Hate crimes are also to be reported when they occur in the form or in conjunction with simple assaults, larceny-theft, intimidation, and destruction/ damage/ vandalism to property.

Primary Crimes Reports	2016			2017			2018		
	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0

The Ball State University Fishers Center does not offer on-campus housing. The Center is secured by an alarm system monitored by a security company. In cases of emergencies, Fishers police respond to 911 calls and alerts from the security company. Center staff members work with Ball State University police as well.

Staff, visitors and students at the Ball State Fishers Center are encouraged to report crimes to Fishers Center staff members who will assist with reporting to the appropriate police agency.

The Fishers Center is open from 8 am-5 pm Monday through Friday. Students in evening and Saturday classes are provided access by personnel on site with secure access privileges. Maintenance problems related to security are reported to the facility’s owner by Fishers Center staff.

REPORTING CRIMES AND EMERGENCIES

University Police/Public Safety

Ball State University Police, a division of the Department of Public Safety, is headquartered at 200 N. McKinley Ave., Muncie, IN 47306, (765) 285-1111.

Public Safety officers have full police powers throughout the State of Indiana, including the authority to arrest individuals. Public Safety officers also have mutual aid agreements with the City of Muncie and Delaware County. While the mutual aid agreements do not address the investigation of criminal incidents, Public Safety has its own investigators and can receive and offer assistance to other law enforcement agencies in criminal investigations.

Public Safety officers enforce all state and local laws, including but not limited to underage drinking, controlled substances, crimes against property, and crimes against persons. Public Safety investigates all crimes reported to have occurred on campus property, refers out investigations when appropriate, and works cooperatively with local, county, and state law enforcement agencies.

Public Safety also works closely with the Office of Student Conduct and the Office of Housing and Residential Life to enforce the *Code of Student Rights and Responsibilities* (see <http://www.bsue.edu/studentcode>).

All crimes or suspected crimes on campus should be reported immediately to Public Safety. Crimes occurring off campus can also be reported to Public Safety or to the Muncie Police Department, the Delaware County Police, or the Indiana State Police, depending on where the incident occurred.

On Campus Emergencies: (765) 285-1111 or 5-1111 from campus phones

Other Emergencies: 911

Non-Emergencies:

- Ball State Public Safety: (765) 285-1111
- Muncie Police: (765) 747-4838
- Delaware County Police: (765) 747-7878
- Indiana State Police: (765) 282-1223

In response to a call, Public Safety will take the required action, by either dispatching an officer to the caller's location, or asking the caller to report to the Ball State police station to file an incident report. Ball State Public Safety reports involving students are referred to the Office of Student Conduct for review. Ball State Public Safety investigators will investigate a report when it is deemed appropriate.

Ball State and the Ball State University Department of Public Safety strongly encourage students, faculty, and staff members to report immediately crimes, suspected criminal activity, or other emergencies to Public Safety at the numbers found above.

Persons who have knowledge of an apparent crime and who believe the incident should be evaluated for the purposes of a timely warning to the campus community should report it immediately to Public Safety by calling (765) 285-1111 or 5-1111 from a campus phone. Reports of this nature can also be made to the list of offices and individuals noted in a later section "Annual Security Report and Disclosure of Crime Statistics."

Anonymous and Confidential Reporting

Persons may voluntarily and anonymously report crimes to Ball State Public Safety by using the Silent Witness program at www.bsu.edu/silentwitness. Silent Witness is a web-based program that allows individuals to report anonymously information about criminal activity on campus.

Crimes reported to counselors at the Ball State Counseling Center (765) 285-1736, to staff members in the Office of Victim Services (765) 285-7844, or to medical staff members at the Student Health Center, (765) 285-8431, are confidential by law. Some crime reports made to off-campus professionals also may be legally confidential, such as reports to a private physician, Better Way, or local counseling services.

Crimes reported only to staff members in the Counseling Center or the University Health Center are not included in the annual crime statistics. The Office of Victim Services provides information that does not identify individuals to Public Safety to be included in this annual report and to be assessed for sending timely warnings.

The Counseling Center does not have a policy encouraging clients to report crimes on a voluntary, confidential basis for inclusion in the annual security report.

Due to the Open Records Law of the State of Indiana, confidentiality cannot be afforded to persons reporting crimes to other individuals or offices that supply crime statistics for this annual report.

PUBLIC SAFETY ADVISORIES (AKA TIMELY WARNINGS)

When a crime occurs on campus or on a public area adjacent to campus, the Department of Public Safety may issue a public safety advisory if the situation poses a serious or ongoing threat to the campus community.

Public safety advisories are intended to heighten safety awareness, alert campus community members of potential dangers, and seek information that could lead to an arrest and conviction of perpetrators of violent crimes or major crimes against property.

The university issues public safety advisories through Ball State email.

Process for Determining to Issue a Public Safety Advisory

The Ball State Director of Public Safety or a designee reviews all reports to determine if there is an on-going threat to the community and if the incidents warrant public safety advisories. The university issues advisories subject to the availability of pertinent information concerning the incident.

Public Safety may consult with other university officials or local law enforcement and safety personnel on a case-by-case basis.

Ball State does not publish the names of crime victims or provide information that could lead to a victim's identity.

Criteria for Issuing a Public Safety Advisory

The university will issue a public safety advisory if the Department of Public Safety determines an incident meets all of the following conditions:

- a reportable crime, under the Clery Act, has been reported: criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, hate crime (includes any of the previously mentioned offenses, as well as cases of larceny or theft, simple assault, intimidation, or destruction of property motivated by bias)
- the crime was reported to university officials
- a crime occurred on campus or the public property surrounding campus
- there is a continuing danger to the campus community and issuing the public safety advisory will not compromise law enforcement efforts to address the crime
- any non-Clery crime occurring on campus or on public property adjacent to campus that, in the opinion of the Director of Public Safety or a designee, constitutes a serious or continuing threat to the campus community

The Department of Public Safety determines cases of aggravated assault and sex offenses on a case-by-case basis.

Ball State's Department of Public Safety provides a daily summary of certain types of incidents reported to the Department of Public Safety. Additionally, press releases and crime alerts related to certain specific incidents are posted at www.bsu.edu/news.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Complete emergency response guidelines for various types of emergencies are disseminated to employees each fall. These are available online at www.bsu.edu/prepared.

Communication and Notification in an Emergency

The Department of Public Safety is responsible for determining when an emergency exists, which segments of the campus community to notify, and through which means, as well as

coordinating with Marketing & Communications on the content of any messages. The University Police and Marketing & Communications are the only campus offices authorized to disseminate official information about campus emergencies to the campus community.

When a significant emergency or dangerous situation is confirmed to exist, the Department of Public Safety will take into account the safety of the community; determine what information to release; and begin the notification process without delay unless such notification will compromise efforts to assist a victim, respond to the emergency, or contain or mitigate the emergency.

The entire campus community will be notified when the potential exists for the majority of the community to be affected by an emergency, or when a situation threatens the operation of the campus as a whole. If the threat is limited to a segment of the population, notification may be limited to that segment, but additional segments of the population will be notified as ongoing assessment of the situation reveals a need to do so. Once the campus community has been notified, Marketing & Communications will notify the neighboring community by updating local media outlets.

University faculty and staff should not discuss or post about emergencies on social media accounts that belong to Ball State. Before discussing or forwarding messages about emergency situations, please check the official communication sources to ensure the accuracy of the information.

The university conducts emergency response exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. In addition to regular testing of email/text communication, public address, sirens, etc., emergency response/evacuation tests during 2018 included:

Ball State Police Department trained with Muncie Police Department on May 22, 2018 in "Mobile Field Force" tactics. On June 27 and 28, 2019, the University Police Department conducted a local agency-wide active shooter training exercise on campus.

Ball State conducts a comprehensive emergency communications test on a regular basis. These are tests of communication systems including e-mail, text-messaging, voicemail, call boxes, and digital signage (call box and TV monitor messaging are tested weekly). A test of the emergency notification system was conducted October 1, 2018.

Employees and students are regularly notified by email regarding emergency preparedness procedures, severe weather preparation, and prevention tips. Emergency notifications issued in the past 365 days are archived here: <http://cms.bsu.edu/campuslife/healthsafety/campus-safety/emergency-notifications/archives>.

Types of Notification

Ball State will inform the campus community using three types of notifications:

- Emergency Warnings
- Public Safety Advisories (see prior section)
- BSUInform Notices

Emergency Warnings (including Severe Weather)

The Director of Public Safety or a designee may determine there is an immediate threat to the health and safety of students or employees on campus who need to protect themselves from imminent danger, such as a gas leak in a building.

In these cases, the university sends emergency notifications via Ball State's website, email, campus voicemail, and mobile text messaging to subscribers. The university may also use a campus siren.

When the National Weather Service issues a tornado warning, Ball State will post pertinent information on the homepage of bsu.edu and send a text message to subscribers of the university's emergency text-messaging system. Students, employees, and others should continue to monitor the weather via radio or television until the tornado warning has been lifted for their area.

Marketing & Communications also uses this system when the Vice President for Business Affairs or designee determines classes are canceled or the campus is closed.

BSUInform Notices

The university may issue a BSUInform notice when a situation is not an emergency and does not pose an immediate threat to the campus community but it is of significant safety interest to members of the Ball State community.

The service is intended to make students and employees aware by providing information about a situation. For instance, Public Safety might receive reports of a crime but do not believe a continuing threat exists. In another instance, a crime might occur off campus, but the incident's location might concern students' or employees' safety.

The university sends BSUInform notices through Ball State email accounts.

Staff Responsible for Notifications

Director of Public Safety
Associate Director of Public Safety
Vice President for Marketing and Communications
Vice President for Student Affairs
Associate Vice President for Student Affairs & Director of Housing & Residence Life
Associate Vice President for Facilities Planning and Management

Types of Communication

In the event of an emergency on campus, the university relies on an array of communication tools to keep the campus community informed and relay safety instructions. The University Police and Marketing & Communications are the only campus offices authorized to disseminate official information about campus emergencies to the campus community. The modes of communication include the following and vary with the nature and severity of the situation

Campus sirens: The sirens may emit a continuous three-minute sound warning. *Note: Sirens are tested at 11 a.m. each Friday.* <http://cms.bsu.edu/about/administrativeoffices/emergency-preparedness/communication-in-an-emergency>

Emergency alerts: Text messages and e-mails sent when immediate, specific action in response to a situation is needed. To subscribe, go www.bsu.edu/emergencytext.

Public safety notices (aka BSU Inform notices): E-mails sent when no specific action to a situation is required but information may help raise awareness or mitigate rumors. <http://cms.bsu.edu/campuslife/healthsafety/campus-safety/emergency-notifications/bsuinform>

Ball State home page: In the event of an emergency, the home page would be one of the first places university officials would post official information for all audiences. Should www.bsu.edu become unavailable during an emergency on campus, the university may post information on the site <http://ballstate.info>.

Ball State Emergency Management Twitter Account (@ballstate_alert): In the event of an emergency, the university will post information and continual updates on its official emergency management Twitter account @ballstate_alert.

Emergency call boxes: Emergency call boxes are in classrooms and other places around campus where it is inappropriate to place a regular telephone. The call boxes work like a telephone and dial the Department of Public Safety once the button is pressed. Also, emergency call boxes will receive alerts and say them aloud during emergencies. This happens almost instantaneously across all call boxes on campus. <http://cms.bsu.edu/about/administrativeoffices/emergency-preparedness/communication-in-an-emergency>

Evacuation

To be prepared for an emergency, Ball State community members are expected to recognize the sound of the evacuation alarm, know at least two ways out of the building from their regular workspaces, and know the predetermined meeting location for their units as appropriate.

When Ball State community members hear the evacuation alarm or are verbally instructed to begin evacuating a building, they should

1. Try to make sure that all members of their departments or units hear the alarm and evacuate the area by quickly checking nearby restrooms, copier rooms, storage rooms, etc., as they exit.

2. Use the nearest stairway. Do not use the elevator.
3. If requested, accompany and assist persons with disabilities.
4. Shut all doors behind them. Closed doors can slow the spread of fire, smoke, and water.
5. Evacuate as quickly as possible but in an orderly manner. Do not push or shove.
6. Once outside, move at least 100 feet from the building or follow the instructions of emergency personnel on the scene. Stay away from building entrances to avoid interfering with emergency personnel or equipment.

OFF-CAMPUS STUDENT CRIMINAL ACTIVITY

When a Ball State University student is involved in an off-campus criminal offense, or when criminal activity occurs at off-campus housing facilities operated by recognized student organizations, Public Safety may conduct a criminal investigation or assist in criminal investigations conducted by other law enforcement agencies. Ball State Public Safety officers have full police powers throughout the State of Indiana, including the authority to arrest individuals. Public Safety officers patrol residential and business areas surrounding the campus. Students cited or arrested for off-campus criminal activity in the Muncie area, if identified as students, are routinely referred to Student Conduct for separate review under the [Code of Student Rights and Responsibilities](#).

BUILDING ACCESS AND MAINTENANCE

Because concern with personal safety and the security of property is shared by all segments of the university community, several practices and policies have been established to ensure as safe a community as possible.

Residence Halls

All nonresidents (guests) must be escorted by a hall resident when in living areas. Residence halls are locked at night and all residents must show student identification for entrance. All doors are locked at 12 a.m. and will re-open at 7 a.m. and a university staff member is present to ensure that only residents and their registered guests are permitted to enter. Staff members conduct daily rounds which include checking security measures and reporting any issues that require maintenance.

Guests age 18 and under must have parental/guardian permission to stay as a guest of a residence hall student. Residence hall hosts are responsible for ensuring their guests have the appropriate permission and are registered. Parental/Guardian permission forms are available online and at the residence hall front desks and night check stations. Guests age 12 and under must be supervised at all times.

Other Campus Facilities

Other campus facilities have specified hours of operation based on their use and the functions they contain. These buildings are secured at closing times. Most academic buildings on campus

will be locked at 10 p.m. while most administrative buildings are locked at 5 p.m., though these times will vary. Public Safety officers actively patrol the campus in vehicles, on bicycle, and on foot. Buildings are periodically checked by Public Safety officers.

Campus Maintenance

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Public Safety officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Other members of the university community are asked to report observed equipment problems to Work Control at (765) 285-5081 or workcontrol@bsu.edu. Additionally, a Public Safety committee comprised of student, faculty, and staff members periodically conducts a physical survey of campus to note and recommend safety and security concerns; a Student Government Association committee carries out a similar function.

SAFETY AWARENESS AND CRIME PREVENTION PROGRAMS

At the beginning of each academic year, University employees are sent a letter informing them of safety procedures, emergency communication, responding to emergencies and helping students in distress. The letter includes highlighted safety information and directs employees to the University website www.bsu.edu/prepared, which contains emergency response guidelines. Guidelines encourage employees to be responsible for their own and others' safety and provide information on how best to keep safe in various situations.

Students are notified by similar materials distributed through residence halls. In addition, Ball State's Public Safety Department promotes safety and crime prevention campaigns in the student newspaper, the [Ball State Daily News](http://www.ballstatedaily.com), at <http://www.ballstatedaily.com>.

Emergency phones have been placed throughout the campus to aid in the reporting of crimes or other emergencies.

A campus escort service provides the community with safe campus transportation to and from university buildings. The Charlie's Charter campus escort service can be reached at (765) 285-RIDE (5005), 6 p.m. to 3:30 a.m., Sunday thru Thursday.

Public Safety officers conduct Rape Aggression Defense (RAD) courses throughout the year. Learn more at www.bsu.edu/publicsafety/services.

Security awareness and crime prevention presentations relating to personal safety and the safeguarding of one's property are offered to the entire university community through the Department of Public Safety. Individuals or student organizations interested in obtaining a program presenter should contact Public Safety at (765) 285-3009.

In cooperation with the Office of Housing and Residence Life, Public Safety officers assist with the after-hours security of all residence halls.

The Office of Student Conduct is responsible for administering the *Code of Student Rights and Responsibilities* (published at www.bsu.edu/studentcode), which outlines the rights and responsibilities of students, behaviors prohibited on and off campus, sanctions, and the

procedural rights of students and student organizations. Any person, agency, organization, or entity may make a complaint to the Office of Student Conduct alleging a violation of the [*Code of Student Rights and Responsibilities*](#). In addition, any criminal offense may be reported to the Office of Student Conduct, which in turn will report to the appropriate law enforcement agency in consultation with victim. The [Office of Student Conduct](#) is located in the Student Center, room L-4, and may be reached at (765) 285-5036.

ALCOHOL POLICY

More information about drugs and alcohol may be found at <http://www.bsu.edu/AlcoholAwareness> and Ball State's Safe and Drug-Free Campus website found at <https://www.bsu.edu/about/administrativeoffices/student-conduct/policiesandprocedures/sdfcampus>.

The Ball State alcohol policy appears in the *Code of Student Rights and Responsibilities* (<http://www.bsu.edu/studentcode>), at <http://www.bsu.edu/studentcode/alcoholpolicy>, and is provided below:

When students choose to consume alcoholic beverages, Ball State University encourages responsible practices and behavior in accordance with campus policies, the laws of the State of Indiana, and the City of Muncie. On and off campus violations of University policy and local and state laws related to alcohol will result in disciplinary action.

A. General Guidelines

1. *University Sponsored Events* - Illegal purchase, service, consumption, or possession of alcoholic beverages at any university-sponsored event on or off campus is prohibited. Upholding applicable local, state, and federal laws in connection with this policy is the joint responsibility of the persons in attendance at the activity, the sponsoring organization, and the management of the establishment in which the activity is held.
2. Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.
3. Providing alcoholic beverages at any time to an individual who is under 21 years of age is strictly prohibited.
4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the *Code of Student Rights and Responsibilities (Code)*.
5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
6. Students found responsible for providing alcohol to minors and selling or distributing alcohol in violation of state law shall be in violation of the *Code*.
7. Students hosting events (including but not limited to parties, "pre-gaming," "socials" etc.) where (a) minors consume alcohol (b) alcohol is provided to minors, or (c) alcohol is otherwise distributed in violation of local ordinances or state laws are subject to sanctions outlined in the *Code of Student Rights and Responsibilities* up to and including suspension or expulsion from the University. Groups and organizations are subject to sanctions up to and including suspension of recognition or withdrawal of recognition.

B. On Campus: With respect to the service, possession or consumption of alcoholic beverages on the Ball State University campus, state statutes and city ordinances will be enforced in addition to the following regulations:

1. Residents who are of legal age to possess or consume alcoholic beverages and who reside in university-operated employee apartments or University Apartment units may possess and consume such alcoholic beverages in the privacy of their residences.
2. Consumption and possession of alcohol may be permitted on some residence hall floors where all residents are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the student rooms.

C. Parental Notice: The university will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a *second* violation of the alcohol policy, and (3) on the *first* violation of the alcohol policy when one or more of the following occurs:

- the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- medical attention to any person, including the student, is required as a result of the student's alcohol-related behavior;
- there is property damage;
- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;
- the student's alcohol-related behavior negatively impacts the learning environment.

D. Good Neighbor Exception - Students are always encouraged to call for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. When another person is in need of critical care or when a situation otherwise warrants emergency response, call 911 immediately. The Good Neighbor Exception provides university officials the opportunity to waive university disciplinary action for a student if he/she risked revealing one's own violation of the *Code of Student Rights and Responsibilities* in order to seek medical or other emergency assistance to another person in distress. The Good Neighbor Exception typically applies only to individuals committing minor offenses and shall be the judgment of the designated university official. *NOTE: The exception does not apply to any criminal charges.*

Laws Concerning Drinking or Serving Alcohol

The summary below is intended to provide an overview of some of the sections most relevant to university students. It is not intended as a substitute for professional legal advice. Those needing legal advice should consult an attorney.

Social Host Law

Indiana has a "social host" law. Not only is it illegal to provide alcohol to minors; Indiana's social host law also makes illegal providing minors a place to consume alcohol ("hosting"). Doing so is a Class B misdemeanor, which can be increased to a Class A misdemeanor if a person has a prior unrelated conviction. If the consumption of the alcohol, ingestion, or use of the beverage leads to bodily injury or death of any person, a violation of this law becomes a Level 6 felony.

Indiana Lifeline Law

The Indiana Lifeline Law provides legal immunity for some alcohol-related offenses, subject to certain conditions, to persons who call 911 to report an alcohol-related medical emergency including sexual assault or drug overdose. In order to receive immunity, the person must demonstrate that they are acting in good faith by completing ALL of the following:

- remaining on the scene until law enforcement and emergency medical assistance arrives
- providing his or her full name and any other relevant information requested by police
- cooperating with authorities on the scene

The law will not interfere with law enforcement procedures or limit the ability to prosecute for other criminal offenses such as providing to a minor, operating while intoxicated, or possession of a controlled substance. For more information: <http://www.indianalifeline.org>.

Alcohol Use by Persons under the Age of 21

Indiana alcoholic beverages laws define the term "minor" as "a person less than twenty-one (21) years of age." Under Indiana Law, it is illegal for a minor:

- To possess an alcoholic beverage (even to hold a sealed container for another person).
- To consume an alcoholic beverage.
- To misrepresent his or her age for the purpose of obtaining alcoholic beverages.
- To furnish false or altered identification of any type for purpose of providing evidence of age to obtain alcohol.
- To have in his or her possession false or fraudulent evidence of age.
- To drive an automobile being used to transport alcoholic beverages, unless the minor's parent or legal guardian is present in the car. (Note: When a minor operates a motor vehicle containing ANY alcoholic beverages she/he is subject to arrest, unless a parent or legal guardian is in the car. A 21 year-old passenger does NOT qualify a minor to operate a vehicle containing an alcoholic beverage. It is no defense that the beverage belongs to someone else or is unopened.)
- To "be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished."

Criminal sanctions for such violations include a fine of up to \$500 and/or imprisonment in a local jail for up to 60 days. In addition to the criminal sanctions, Indiana law mandates a 90 day to one year driver's license suspension for any minor who is convicted of using any type of fake ID, or of entering a bar or tavern or purchasing or procuring an alcoholic beverage (with or without using false or altered driver's license). Under certain circumstances, local prosecutors have used the "criminal code," rather than the "alcoholic beverage code," to prosecute users of fake ID's; misdemeanor charges of "deception" and felony charges of "forgery" have sometimes been filed. Under federal law, possession or use of fake or altered driver's licenses or state or federal ID cards can be punishable by a fine up to \$25,000 and/or a five year jail term.

General Alcohol Laws (these apply to all persons regardless of age):

It is illegal:

- To be in a public place in a state of intoxication (also known as "public intoxication").
- To sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor.

- To sell, barter, deliver, or give away an alcoholic beverage to a person who is intoxicated.
- To sell, barter, exchange, give, provide, or furnish an alcoholic beverage to a person known to be an alcohol abuser.
- To hinder, obstruct, interfere with, or prevent the observance or enforcement of the Indiana Alcohol Beverage Code. For a person 21 years of age or over to encourage, aid, or induce a minor to unlawfully possess or use an alcoholic beverage.
- To take an alcoholic beverage into bar, restaurant, or place of public entertainment. (Indiana law prohibits patrons from taking any alcoholic beverage into any bar or other place without liquor license. It also prohibits taking liquor into any restaurant or place of public entertainment.)
- To possess alcoholic beverages on which Indiana tax has been unpaid or to transport untaxed beverages into the state.
- To directly or indirectly charge for alcoholic beverages without a license (including charging for food, entertainment, cups, napkins, tokens, etc. where alcoholic beverages are distributed—there are no loopholes).

Criminal sanctions for such violations include a fine of up to \$1,000 and/or imprisonment in a local jail for up to six months.

Alcohol or Other Drug Impaired Driving

It is illegal:

- To operate a motor vehicle while intoxicated (under the influence of alcohol, any controlled substance, any other drug, or any combination of alcohol, controlled substances, and other drugs).
- To operate a motor vehicle with 0.08% or more alcohol in the blood, even if intoxication is not proven.
- To operate a motor vehicle while intoxicated or with 0.08% or more alcohol in the blood if said operation results in serious bodily injury to another person (FELONY).
- To operate a motor vehicle while intoxicated or with 0.08% or more alcohol in the blood if said operation results in the death of another person (FELONY).

Indiana law states that anyone operating a motor vehicle within the state gives "implied consent" to submit to a chemical test of intoxication (breath, blood, or urine). Failure to submit to the test may be presented as evidence against the driver in court and will result in a longer driver's license suspension than if the driver took the test and failed it. The courts have ruled that failure to cooperate with a test will constitute refusal in the eyes of the court. (NOTE: It is illegal to drive a car while impaired - even at blood alcohol levels below 0.08.) Criminal sanctions for such violations include fines and imprisonment, license suspensions, and can include mandatory education or treatment programs.

Parties, Permits, and "Common Nuisances"

Indiana law requires a license to "ship, barter, give away, exchange, furnish, or otherwise handle or dispose of an alcoholic beverage..." (except to give it to a family member or invited guest who is of legal age). In other words, one may serve alcohol to friends who are 21 years of age or older but one may not sell it or receive anything of value in exchange for it. If a party gets larger than "invited guests," or if admission is charged (or "donations" accepted), a temporary permit is required. Without a permit, one can be charged with

- Serving alcohol without a permit (a class B misdemeanor) or
- Maintaining a common nuisance (a level 6 felony)

DRUG POLICY

The use, possession, sale, or transfer of narcotics, drugs, or hallucinogens is prohibited on campus, except as permitted by law. The following prohibition appears in the *Code of Student Rights and Responsibilities* (<http://www.bsu.edu/studentcode>) at section 5.3.3:

Drugs - Using, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs, or prescription drugs, except as expressly permitted by law, or possessing drug paraphernalia which can be demonstrated to be linked to illegal drug activity. See also [Drug Policy Appendix B](#).

The complete drug policy is Appendix B of the *Code of Student Rights and Responsibilities* and can be found online at www.bsu.edu/studentcode/drugpolicy and below:

The use, abuse, possession, sale, distribution, manufacture or transfer of narcotics, illegal drugs as defined by state or federal law, or any controlled substance is prohibited at all times, except as expressly permitted by law. Controlled substances include, but are not limited to, marijuana, hash oil, hashish, inhalants, and abuse of over-the-counter drugs and prescription drugs, and/or the use of over-the-counter drugs or prescription drugs, or any other immediate precursor to be used to manufacture any other illegal drug, including without limitation, methamphetamine, except as expressly permitted by law.

Possession or manufacture of drug paraphernalia which is to be used for any one of the following purposes (a) to introduce into a person's body a drug, marijuana or any controlled substance, (b) to test the strength, effectiveness or purity of a drug, marijuana or any controlled substance, or (c) enhances, or is perceived to enhance, the physiological effect of a drug, marijuana or any controlled substance, is also a violation of this policy.

Violation of this policy, on or off campus, will result in disciplinary action by the university. Those found responsible may face sanctions up to and including consideration of suspension or expulsion, depending on prior disciplinary record and severity of the violation.

Students who reside in university housing facilities, may be subject to immediate contract termination if found responsible for any violation of this policy.

Students need to be aware that any student convicted of a state or federal drug violation that occurred while enrolled and while receiving federal financial aid may be declared ineligible for future federal student aid for up to a year. Individuals convicted of both possession and selling may face a longer period of ineligibility.

The university will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a *second* violation of the alcohol policy, and (3) on the *first* violation of the alcohol policy when one or more of the following occurs:

- the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- medical attention to any person, including the student, is required as a result of the student's alcohol related behavior;
- there is property damage;
- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;
- the student's alcohol-related behavior negatively impacts the learning environment.

Good Neighbor Exception - Students are always encouraged to call for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. When another person is in need of critical care or when a situation otherwise warrants emergency response, call 911 immediately. The Good Neighbor Exception provides university officials the opportunity to waive University disciplinary action for a student if he/she risked revealing one's own violation of the *Code of Student Rights and Responsibilities* in order to seek medical or other emergency assistance to another person in distress. The Good Neighbor Exception typically applies only to individuals committing minor offenses and shall be the judgment of the designated university official. *NOTE: The exception does not apply to any criminal charges.*

Laws Concerning Controlled Substances

The summaries below are intended to provide an overview of some of the laws relevant to university students. They are not intended as a substitute for professional legal advice. Those needing legal advice should consult an attorney.

Controlled Substances

"Controlled Substances" are regulated drugs that have been determined to have special "abuse potential." Such drugs include but are not limited to, marijuana, hashish or hash oil, cocaine, LSD, and other hallucinogens, barbiturates and other sedative-hypnotics, amphetamines and other prescription stimulants, MDMA (Ecstasy), PCP, and similar drugs. It is illegal under both state and federal to:

- Manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.
- Deal in a substance represented to be a controlled substance (including counterfeit, "look-alike" drugs).
- Manufacture, advertise, distribute, or possess with intent to manufacture, advertise or distribute a substance represented to be a controlled substance.
- Possess, without a valid prescription, a controlled substance.
- Visit a building, structure, vehicle, or other place used by person to unlawfully use a controlled substance.
- Possess, manufacture, deal in, or deliver drug paraphernalia (an instrument, device, or other object intended for use for introducing a controlled substance into a body or for enhancing the effect or testing a controlled substance).

Criminal sanctions for such violations can include fines from \$5,000 to \$10,000 under state law and up to \$25,000 under federal law, and imprisonment in a state prison for up to 50 years or in a federal prison for up to life. The sanction imposed will be determined by: (1) the classification of

the controlled substance; (2) the quantity involved; (3) the nature of the offense (sale, use, etc.); (4) the age of the recipient (higher penalties for possession, sale or delivery near a school, etc.); and (5) the prior criminal record of the offender. More detailed information may be obtained by consulting the Indiana Criminal Code or the Federal Controlled Substances Act, as amended.

Anabolic Steroids

Under Indiana law, it is a criminal offense to manufacture, deliver, possess, or use an anabolic steroid without a valid and legal prescription. It is illegal for a physician or other licensed practitioner to issue a prescription for an anabolic steroid for enhancing performance in an exercise, sport, or game, or to increase muscle mass, strength, or weight without a medical necessity. Criminal sanctions for such violations can include fines and/or imprisonment. More detailed information may be obtained by consulting the Indiana Criminal Code.

Indiana Tobacco Laws

It is illegal for a person under the age of 18 to purchase or possess tobacco, and it is illegal to sell tobacco to a person under the age of 18. A person purchasing a tobacco product must have proper identification for proof of age. A fine of up to \$500 may be imposed for such violations. Indiana law also prohibits smoking in public buildings (including all Ball State properties), except in designated smoking areas. Ball State's tobacco use policy can be found at this link: <https://www.bsu.edu/-/media/WWW/DepartmentalContent/SmokeFree/TobaccoFreePolicy.pdf>.

Financial Aid Recipients

All students who seeking financial assistance with their education apply using the Free Application for Federal Student Aid (FAFSA). The application asks students whether or not they have been convicted of a drug offense while receiving federal student aid (grants, work-study, or loans). The answer "yes" requires additional information to determine eligibility for aid.

Students should carefully check the conditions of their specific financial aid. For instance, the Indiana 21st Century Scholars scholarship requires students to pledge, "I will not use illegal drugs or alcohol or commit a crime or delinquent act" as part of their application. Failure to understand and comply with one's obligations to specific aid can jeopardize continued receipt of that aid.

Campus Resources for Alcohol and Other Drug Information

In addition to the information below, campus resources for alcohol and other drugs can be found at <http://www.bsu.edu/alcoholawareness> and the Safe and Drug Free Campus website found at <https://www.bsu.edu/about/administrativeoffices/studentrights/policiesandprocedures/sdfcampus>.

Health, Alcohol and Drug Education

The Alcohol and Other Drug Education Program is a part of the Office of Health, Alcohol, and Drug Education located in the Student Health Center. This office provides a wealth of information as well as alcohol and drug abuse consultation and assessments for students. There are several individual and group programs available to students who want to learn more about how alcohol and other drug use is impacting their lives and how they can monitor their behavior.

Counseling Center

The Counseling Center provides a variety of support assessment services that are designed to educate and enhance awareness of students in the area of chemical dependence.

Academic Department Courses

A number of academic departments offer courses and other opportunities for students to study the complex issues of drug abuse, the impact of society, as well as to prepare for careers in alcohol and drug counseling, patient care, and other related fields. The following units typically conduct research and offer courses regarding alcohol and other drug use:

- Department of Nutrition and Health Science
- School of Kinesiology
- School of Nursing
- Department of Social Work
- Department of Counseling Psychology, Social Psychology, and Counseling

ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The Office of Student Conduct and Department of Public Safety prepare an annual security report disclosing all crime statistics required by the U.S. Department of Education in compliance with the Clery Act. This report is filed with the Department of Education and is made available to the public at www.bsu.edu/fireandsafetyreports along with a companion report on fire safety. By October 1 of each year, a notice of the report's availability and how it may be obtained is emailed to current students via their official Ball State email addresses as well as emailed or mailed (a postcard from Human Resources) to current service employees. Prospective students are informed of the report when they apply to Ball State; notice of the report to prospective employees is coordinated by Human Resources (classified and contract staff) and Office of General Counsel (faculty and professional staff positions). Ball State crime statistics can also be found at <http://ope.ed.gov/Security>. Persons may also obtain a printed copy by calling or writing to:

Office of Student Conduct
Student Center, Room L-4
2000 W University Avenue
Muncie, IN 47306
(765) 285- 5036

Ball State University's annual crime statistics include on- and off-campus crimes as defined by the Clery Act and that are reported to the Department of Public Safety. Crime reports are also forwarded to Student Conduct by the Muncie Police Department, State Excise Police, and other law enforcement agencies through Public Safety. Finally, Ball State's crime statistics include reports of crimes (including disciplinary referrals for alcohol, drug, and weapons law violations) made in good faith to the following offices and individuals (crime reports made to these offices and persons are also evaluated to determine if timely warnings are required) :

- Academic advisors
- Ball State Department of Public Safety
- Director of Intercollegiate Athletics, athletics administrators, coaches, and trainers

- Professional employees in Division of Student Affairs
- Graduate assistants in Division of Student Affairs
- Resident Assistants and other student staff members—Housing and Residence Life
- Sport Facilities and Recreation Services
- Burriss School and Indiana Academy staff members
- Faculty and staff advisors to student organizations
- Desk and program staff members (including students) in L.A. Pittenger Student Center
- Rinker Center for International Programs
- Emens Auditorium and Pruis Hall attendants, etc.
- Indianapolis and Fishers Centers employees

Additionally, Public Safety maintains a crime log that is available to the public. Requests for the crime log can be made to the Records Coordinator at the front desk of the Ball State Department of Public Safety during business hours. An on-line crime log for the prior two weeks can be found here: <http://cms.bsu.edu/campuslife/healthsafety/campus-safety/crime-log-listing>

Annual Security Report Preparation

Ball State University's annual campus security report is the result of the effort of many people on campus. Each year individuals from the offices noted above are contacted by email with information about their roles and obligations in reporting, instructions for reporting, and a solicitation for any crimes that may have been reported to them. Specific information about the alleged crime such as date, time, location, and description are requested including knowledge of whether the crime had been reported to police. This information is used to make decisions about issuing timely warnings and to reconcile multiple reports of crimes to avoid counting any report more than once. No formal police report is required for a crime to be included in the statistics. Every effort is made to ensure that all persons required to report in fact do so and that our statistics are as accurate as possible.

Person with questions or concerns regarding any of the statistics and information in this report should contact Marketing and Communications, Ball State University, Muncie, IN 47306; telephone: (765) 285-1560.

MISSING STUDENT NOTIFICATION POLICY

This policy was established by Ball State University, in compliance with the Higher Education Opportunity Act of 2008, to provide students with procedures and information for reporting a missing person. The policy applies specifically to students who reside in University-owned housing facilities.

Confidential Contact Person

Resident students who are 18 years of age or older or who are emancipated minors have the option, upon moving into the residence hall, to identify a specific contact person who will be notified within 24 hours if that student has been reported missing. The identity of that contact person will remain confidential with the exception of law enforcement and staff designated to respond to missing person reports.

For resident students under the age of 18 and not emancipated, the University is required to notify a custodial parent or guardian within 24 hours of the time a student is reported missing.

Notification Procedures for Missing Persons

If a student is believed to be missing, *defined as an individual who has not been seen or heard from for 24 hours or more and whose whereabouts is unknown*, a report should be made to one of the following:

- Residence Hall Director
- Assistant Residence Hall Director
- Public Safety

When report is made to a residence hall staff member, the Department of Public Safety will be contacted immediately. Residence hall staff members will work with Public Safety officers to find the student. Cooperative efforts may include:

- Welfare check of the missing student's residence hall room
- Contact attempts via cell phone, email, or other means
- Identification of and contact with other individuals who may have knowledge of the missing student's whereabouts

Public Safety officers will gather all essential information related to the missing person and conduct a thorough investigation. No later than 24 hours after the missing person report is first received, Public Safety will notify the individual's designated contact or (for persons under 18 years of age and not emancipated) the subject's parent or guardian to inform them that the resident student is believed to be missing.

Regardless of the student's age, emancipation status, or whether the student has designated a contact person, Public Safety police officers will, within 24 hours of the report, notify the local law enforcement agency with jurisdiction in the area where the student is missing.

All inquiries by the media or the general public regarding missing persons will be referred to Marketing and Communications. All public statements will be coordinated through that office.

Notification Procedures for Missing Persons Living Off Campus

Upon notification from any person that a Ball State University student may be missing, the university staff member receiving the information should refer the matter immediately to Public Safety at (765) 285-1111.

Officers will respond to reports of missing students in a timely manner. It is the policy of the Ball State Department of Public Safety to thoroughly investigate reports of all missing persons.

SEXUAL ASSAULT, DATING/DOMESTIC VIOLENCE, AND STALKING

Ball State is committed to preventing sexual assault, domestic and dating violence, stalking, and other forms of sexual harassment and misconduct. New students and employees are provided significant programming and training prior to beginning classes or shortly after matriculation and employment. A key program for new students is [Think About It](#), which provides a highly interactive and informative discussion of consent, forms of sexual violence, the role of alcohol in sexual violence, bystander intervention, and university resources. Red Zone prevention

programming takes place in many large, primarily-freshman classes; residence halls sponsor numerous programs, Greek life and athletics sponsor programs targeted at those student sub-populations, and the Public Safety Department provides Rape Aggression Defense (RAD) training throughout the year. On average, Ball State sponsors approximately twenty programs each month during the academic year.

Ball State is committed to addressing complaints of sexual harassment and misconduct—including domestic and dating violence, sexual assault, and stalking—in an effective, timely, and equitable manner. This statement provides brief information about the policy and procedures by which complaints against a student will be addressed. The complete Sexual Harassment and Misconduct Policy can be found at www.bsu.edu/studentcode/sexualmisconduct.

Complainants, Investigations, and Conduct Procedures

Complaints about a student's behavior should be made to or are forwarded by Ball State police, responsible employees, or other party to Ms. Katie Slabaugh, the Associate Dean of Students/Title IX Coordinator at (765) 285-1545 (AD 238). The Associate Dean of Students/Title IX Coordinator or designee (Title IX Coordinator) will designate an investigator who will provide needed academic accommodations and initial remedies, and recommend an appropriate resolution which may include further investigation, a remedies-based resolution, or dismissal of a complaint.

If further investigation is deemed necessary, the investigator will interview the complainant, respondent (accused student), and witnesses as applicable to gather additional facts. The investigator will review the preliminary report with the parties, finalize the report, and forward the report to the Director of Student Conduct (Director). The Director, in consultation with the investigator, will determine if further adjudication is warranted using a preponderance of evidence standard.

If the Director determines that no further adjudication is warranted, the Director will notify both parties simultaneously in writing. The complainant may appeal this decision to the Title IX Coordinator who may confirm the Director's decision or require a hearing by the Sexual Misconduct Board.

If the Director determines that further adjudication is required, the Director will notify the respondent with a letter charging one or more violations of the Sexual Harassment and Misconduct policy, providing a rationale for doing so, proposing sanctions, and noting options for resolving the complaint. The complainant will receive a simultaneous notification. Both parties will be invited to separate meetings with the Director. In this meeting, the Director will review procedures, as well as formal and informal options for adjudication and their implications.

If the respondent accepts responsibility for the charged violation(s), the Director will implement the proposed sanctions and notify both parties of the decision and the opportunity to and criteria for appeal. If either party appeals, the other party will be notified and given an opportunity to respond to the appeal. The appeal will be reviewed by the Associate Vice President for Student Affairs/Director of Housing and Residence Life.

If the respondent does not accept responsibility and requests a hearing, the Director will notify both parties of the time, date, and location of a hearing by the Sexual Misconduct Board. The Sexual Misconduct Board (SMB) will review the available information and testimony from the investigator, the Director, and the parties to the complaint. The SMB will determine, using a

preponderance of evidence standard, whether a violation has occurred and if so, recommend sanctioning to the Director.

The sanctions that may be recommended include, but not limited to: disciplinary probation, mandated behavioral assessments and required follow-up with recommended treatment or interventions, restriction on contact, restriction on location, restrictions on participation, trespass, educational sanctions, suspension, and expulsion.

The Director will review the SMB's findings of fact, decision regarding violation(s), and recommendation for sanction(s) as applicable. Once the Director has finalized the decision, the Director will simultaneously notify both parties in writing of the decision and the opportunity to appeal and criteria for making an appeal. If either party appeals, the other party will be notified and given an opportunity to respond to the appeal. The appeal will be reviewed by the Associate Vice President for Student Affairs/Director of Housing and Residence Life or designee.

Both parties will be simultaneously notified in writing in any changes of the results through appeal. The results of the appeal are final.

Education Programs

Ball State University currently uses *Think About It*, an online education program, as its initial educational program for all new students. *Think About It* is a comprehensive program that addresses sexual assault (a broader term that includes rape and acquaintance rape) on the college campus, the role of alcohol and other drugs in sexual assault, and other types of sexual violence including domestic violence, dating violence, and stalking. *Think About It* also trains participants in how to intervene effectively and safely in situations where students are at risk for sexual assault, other violence, or injury. A similar program is aimed at all new employees (including graduate assistants). This program focuses not only on prevention but the obligations of employees to report sexual harassment and misconduct.

Ball State University prohibits harassment on the basis of sex or gender and the crimes of sexual violence, dating and domestic violence, and stalking. These behaviors, collectively referred to as sexual harassment and misconduct in Ball State's policy, are prohibited, inconsistent with the university's values, and incompatible with the safe, healthy environment that the Ball State community requires to function effectively.

Definitions and Consent

When applicable, sexual violence is defined by the State of Indiana's criminal code. Forms of sexual violence not defined by criminal code are defined in the Sexual Harassment and Misconduct Policy, Appendix K which is found at www.bsu.edu/studentrights/sexualmisconduct.

Ball State defines consent as

“a knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent is effective when it is informed, freely and actively given, and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity.”

Consent includes but is not limited to the following concepts:

- consent cannot be given by someone who is incapacitated;

- a minor cannot give consent;
- consent cannot be inferred from silence, passivity, or lack of resistance;
- consent to one form of sexual activity does not imply consent to other forms;
- consent can be withdrawn at any time;
- consent does not exist when there is force, a threat of force, violence, or any other form of coercion or intimidation;
- a current or past dating or sexual relationship does not constitute consent; past consent does not imply future consent; and
- consent to sexual activity with one person does not imply consent to another person.

Where alcohol or other drugs are involved, incapacitation is defined with respect as to how the alcohol or other drugs consumed affects a person's ability to understand fully the "who, what, when, where, why, and/or how" of his/her sexual interaction with someone else.

Indiana law provides that a minor (meaning a person under the age of 16 years) cannot consent to sexual activity.

A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor.

Ongoing Prevention and Awareness Programs

In addition to *Think About It* (noted above), Ball State promotes "*Step In. Speak Up.*" which refers to bystander intervention programming, a student organization, and a free smartphone application. The "*Step In. Speak Up.*" app provides information, resources, and strategies for response to and prevention of sexual violence, including stepping in safely, positively, and effectively as a bystander in cases where there is a risk of sexual assault.

Think About It and other Ball State programming provides information on how to reduce risk in relationships, including recognizing signs of abusive behavior, how to avoid potential attacks, and assistance in cases where an attack could not be avoided.

Think About It is provided prior to classes and is a required program for new students that is enforced by holds placed on future registration. Red Zone programming provided by the Health, Alcohol and Drug Education Office in conjunction with the Office of Victim Services focuses on risk reduction for sexual assault during the first six to eight weeks of classes. *Step In. Speak Up.* programming is conducted throughout the year. These signature programs are supplemented by additional programming throughout the year as provided by residence halls, Greek life and other student organizations, athletics, Public Safety, and other university offices throughout the year.

All programming includes references to the *Sexual Harassment and Misconduct Policy* (<http://www.bsu.edu/studentcode/sexualmisconduct>) which provides the following information:

- protective measures for complainants that may be implemented before and after adjudication of a complaint;
- possible sanctions against respondents that may be imposed following a final determination in a complaint;

- procedures that victims should follow if sexual harassment or misconduct has occurred including information about:
- the importance of preserving evidence;
- to whom the offense should be reported;
- options regarding law enforcement and campus authorities including how to notify Ball State and Muncie police agencies, to be assisted by campus authorities in notifying Ball State or other police agencies if the victim chooses, to decline to notify any police agency; and
- a victim’s right to request administrative no-contact instructions by Ball State and restraining and personal protection orders by local criminal and civil courts as well as Ball State’s responsibility to assist in implementing those orders.

Protective Measures

There are a number of immediate and interim measures that may be provided to ensure the safety and wellbeing of all Parties, to address retaliation by any Party, and mitigate disruption of the educational focus of any Party. A request for interim measures may be made to the Associate Dean of Students/Title IX Coordinator. The Associate Dean of Students/Title IX Coordinator or designee will meet with the student to coordinate the implementation of appropriate interim measures and accommodations in alignment with existing university academic policy.

Appropriate accommodations and measures may be coordinated during and/or following the investigation and resolution of a complaint. Delayed reporting may affect the ability to provide requested academic accommodations and interim measures.

1. Appropriate accommodations and measures include but are not limited to:
2. Housing relocation (for students living in university housing);
3. Alternative instructional or on-campus work arrangements (e.g., changing academic schedule, withdrawing from a class or retaking a class consistent with university policy, etc.);
4. Academic support, such as tutoring, rescheduling exams or assignments, or providing alternative course completion options consistent with university policy;
5. Access to counseling services;
6. Providing information about available medical services;
7. Providing information to Parties about visa and immigration assistance, and other available victim services; and
8. Issuing written, administrative “no-contact instructions;”
9. Limiting a Party’s access to certain university facilities or activities pending resolution of the matter;
10. Assisting a Party in identifying options regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
11. Imposing an interim suspension; and
12. Providing other remedies tailored to the Parties to achieve the goals of this policy.

The *Sexual Harassment and Misconduct Policy* also provides detailed information on the procedures for institutional disciplinary cases that involve sexual harassment and misconduct including domestic violence, dating violence, and stalking. The procedures outlined in this policy:

- provide for prompt, fair, and impartial investigations and resolutions;
- are conducted by investigators, hearing panel members, and other adjudicators who receive annual training on issues related to sexual harassment and misconduct, including dating/domestic violence and stalking and who receive annual training on how to conduct investigations and hearings that protect the safety of complainants and promote accountability;
- provide the same opportunities to complainants and respondents to have an advisor of their choice be present at all meetings related to the complaint;
- provide for simultaneous notification in writing to both complainant and respondent of the outcome of disciplinary proceedings, procedures for appeal, any changes to the outcome of a disciplinary proceeding prior to the time the results become final, and when such results become final;

In addition, the *Sexual Harassment and Misconduct Policy*

- provides information on how Ball State protects complainant/victim confidentiality including how publicly-available record-keeping will be accomplished without including identifying information about the complainant/victim to the extent permissible by law;
- provides information about on- and off-campus options available for complainants/victims in regards to counseling, health, mental health, victim advocacy, legal assistance, visa and immigration services, student financial aid, and other services; and
- provides written notification for complainants/victims about options for and assistance with changing academic, living, transportation, and working situations if so requested by the complainant/victim and if accommodations are reasonably available, regardless of whether the complainant/victim chooses to report the crime to Ball State police or other local law enforcement.

The University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.”

Whenever a student or employee reports that she or he has been a victim of sexual harassment and misconduct including domestic violence, dating violence, and stalking, the complainant/victim will be provided with a written explanation of his or her rights and options as described above and in more detail in the Ball State *Sexual Harassment and Misconduct Policy* at <http://www.bsu.edu/studentcode/sexualmisconduct> and the Ball State *Statement on Sexual Harassment* at <https://www.bsu.edu/about/administrativeoffices/general-counsel/policies-and-legal-information/sexual-harassment>.

The University will, upon written request, disclose to the alleged victim of a crime of violence (as defined in section 16, of title 18, United States Code), or non-forcible sex offense (Incest or Statutory Rape), the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the offense. If the alleged victim is deceased as a result

of the crime or offense, the University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

REGISTERED SEX OFFENDER INFORMATION

Information regarding registered sex offenders may be obtained from the Department of Public Safety. Indiana's Sex and Violent Offender Registry is located online at <http://www.icrimewatch.net/indiana.php>.