

# FORT HAYS STATE UNIVERSITY

## 2022 Annual Security and Fire Safety Report

Reporting Year: 2021 Calendar Year

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# Introduction to the Report

This report has been prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. In 1990, U.S. Congress passed the Student Right-to-Know and Campus Security Act, which required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and campus security information and policies. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Higher Education Opportunity Act of 2008 (Public Law 110-315) further created campus safety requirements in the following areas: hate crime reporting and emergency response; evacuation procedures; missing student notification; and fire safety issues.

The Clery Act requires institutions to disclose four general categories of crime statistics:

- A. Types of Offenses – Criminal Homicide, including: a) Murder and Non-Negligent Manslaughter; and b) Negligent Manslaughter; Sex Offenses including: a) forcible, and b) non-forcible; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- B. Violence Against Women Act – Stalking (including Cyberstalking), Domestic Violence, Dating Violence.
- C. Hate Crimes –Disclose whether any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias; and
- D. Arrests and Referrals for Disciplinary Action for illegal weapons possessions and violation of drug or liquor laws.

## Annual Security Report

<b>Office/Individual Responsible</b>	Amy Schaffer, University Compliance Officer. Contact Information: (785) 628-4175 or alschaffer@fhsu.edu
<b>Location where documentation is kept</b>	Sheridan 314, University Compliance Office
<b>Date policy and procedure were last updated</b>	September 2016

### Preparing the Annual Disclosure of Crime Statistics

Crime statistics that are provided in this annual report are based upon incidents reported by the University Police Department, Office of Student Affairs, Residential Life, and the University Compliance office. Each entity provides updated information on their educational efforts and programs to comply with the Act. This annual report is prepared by the University Compliance Officer. FHSU annually reports statistics for the three most recent calendar years concerning the occurrence on campus, in residence halls, in or on a non-campus building or property, and on public property. Campus crime, arrests, and referral statistics include those reported to the FHSU Police, Residential Life and the Office of Student Affairs. Limited information is provided from

the Hays Police Department regarding fraternity and sorority chapter houses as well as Kansas Wetlands Center and Sternberg Museum.

Each year, an e-mail notification is made to all faculty, staff, and enrolled students that provides the web site to access the University's Annual Security Report. Copies of the report may also be obtained at the University Compliance Office, Sheridan Hall 314, or by calling (785) 628-4175.

### **Procedure for Reviewing Crime Reports**

1. Crime reports are received in-person, phone, e-mail, or through Maxient. Crimes reported to the University Police Department are logged in their database and all crimes reported to the University Compliance Officer or other CSAs are logged in to Maxient.
2. All campus crime reports are reviewed by the University Compliance Officer or University Police to accurately record the Clery category.
3. Reports are compared for accuracy of reporting.
4. The University Compliance Officer and University Police Department review reports to prevent duplicate reporting.
5. The process for reporting crimes is reviewed annually.

### **Statistics from Local Law Enforcement Agencies**

In addition to collecting crime reports from campus security authorities (as defined in section III), Fort Hays State University makes a good faith effort in obtaining Clery crime statistics from local law enforcement agencies that have jurisdiction over the school's Clery geography. Each year a letter is submitted to those agencies requesting crime data on property that the University has identified as public property adjacent to campus, off campus, the campus itself, and locations the University leases for the use of students for University sponsored activities.

Those defined geographical areas are used to capture data of reported crimes from those agencies and is used for inclusion into the annual security report. For purposes of documentation, the response letters are retained by the Compliance Office. Accordingly, if no response is received, that lack of response will be noted in the Annual Security Report, Section IX.

Each year, an e-mail notification is made to all faculty, staff, and enrolled students that provides the web site for the University's Annual Security Report. Copies of the report may also be obtained at the University Compliance Office, Sheridan Hall 314, or by calling (785) 628-4175.

## **Geography**

Fort Hays State University is comprised of a main campus located in Hays, Kansas with off campus locations that are owned or controlled by the University. The University has identified all areas that are public property adjacent to campus, off campus, and the campus itself. Those defined geographical areas are used to capture data of reported crimes to both the University Police and the Hays Police and is used for inclusion into the annual security report. A detailed property listing is defined in appendix A

# Reporting

## General Procedures for Reporting a Crime or Emergency

Incidents affecting personal safety or property, and property of the State of Kansas must be reported to the University Police Department (UPD) on a timely basis. If you are the victim or a witness to a crime or circumstances which you believe may constitute a crime, call 911 to reach police assistance, emergency medical treatment and fire response. For non-emergencies, the University Police Department may be contacted at (785) 628-5304 during normal operating hours, which are 8 am to 4:30 pm, Monday-Friday. After hours, or on weekends or holidays, contact the Hays Police Department Dispatch Center, which provides dispatch services for the University Police Department, at (785) 625-1011. Additionally, seven kiosk phones are located throughout campus. The Kiosk phones go directly through UPD dispatch during business hours. After business hours, they are routed to the UPD cell phone. If the officer cannot answer, it is automatically routed to Hays dispatch.

Pursuant to statutory requirements, crimes reported to the University Police Department are submitted to the Kansas Bureau of Investigation, the central repository for the State of Kansas. UPD electronically submits the required data using the Kansas Incident Based Reporting System. Data collected within those submissions does not represent all criminal incidents committed at Fort Hays State University, as it is dependent on victims reporting crimes to the University Police Department. The collection of this data is designed to support the "Crime in the U.S. Report" published annually by the FBI. Additionally, data collected by UPD and the city police department is used by the University to prepare the annual Fort Hays State University Security Report to comply with the Jeanne Cleary Disclosure of Campus Security Policy and Crimes Statistics Act. UPD makes no provision for including confidential reports of crime in this Annual Security Report. The UPD depends on these reports to allocate its resources and maximize crime prevention efforts to provide a safe environment. In addition, the University Compliance Officer evaluates the reports are not duplicated.

Disciplinary and behavioral cases may also be reported by completing the Report A Concern Form available at <https://www.fhsu.edu/reporting> for review by the appropriate University Authority. Emergencies should NOT be reported through this venue.

## Criminal Activity Off-Campus

To report a criminal offense occurring off-campus, contact the Hays Police Department, (785) 625-1011, the Ellis County Sheriff's Department, (785) 625-1040, or dial 911 (emergencies only). FHSU has seven sororities and fraternities, three are located on campus and fall under the jurisdiction of the University Police Department and four are located off campus and fall under the jurisdiction of the Hays Police Department. The Office of Student Affairs and the Center for Student Involvement maintains contact with all recognized fraternity and sorority organizations whether they are off or on campus. Student Affairs and University Police have a close working relationship with the Hays Police Department when violations of federal, state, or local laws occur. This cooperative team approach addresses situations as they arise.

## Reporting criminal activity

Crimes should be reported promptly to the University Police Department to aid in providing timely warnings and to ensure campus safety. Victims or witnesses may report crimes on a voluntary confidential basis for the inclusion of the security report. Additionally, you may report a crime to the following people:

Director of Residential Life (Non-Confidential Reporter)	(785) 628-4245, McMIndes Hall 126
University Compliance Officer (Confidential Reporter)	(785) 628-4175, Sheridan Hall 314

### Voluntary Confidential and Anonymous Reporting

Anonymous reporting is allowed on campus. If an individual does not wish to report an on-campus crime to the University Police Department, the individual may use the Report A Concern Form <https://www.fhsu.edu/reporting> on the University Website. Individuals may also report the crime confidentially to the University Compliance Officer at (785) 628-4175.

Crimes disclosed to a professional or pastoral counselor, when they are acting in that role, are completely confidential and not reported with Campus Crime statistics. When speaking with a victim or witness to a crime, counselors are encouraged to inform the individuals of the procedure of reporting a crime.

## Campus Security Authorities

### Responsible Office

Office/Individual Responsible	Amy Schaffer, University Compliance Officer Contact Information: (785) 628-4175 or alschaffer@fhsu.edu
Location where documentation is kept	Sheridan 314, University Compliance Office
Date policy and procedure were last updated	September 2016

### Campus Safety Authority and Title IX Responsible Employee

The following employees are considered Campus Safety Authorities (CSAs), Title IX Responsible Employees, or both:

- University Compliance Officer/Title IX Coordinator
- Director and Assistant Directors of Residential Life
- Residential Life Community Directors and Assistant Community Directors
- Residential Life Community Assistants
- Club and Organization Faculty Advisors
- University Administration including but not limited to the President, Vice Presidents, and Assistant Vice Presidents
- Director of Athletics, Assistant Directors, and Athletic Coaches
- University Police Department

Training is required for all employees on an annual basis including reporting requirements and methods. The most updated information about training can be obtained from the University Compliance Officer, Sheridan Hall #314, (785) 628-4175, [alschaffer@fhsu.edu](mailto:alschaffer@fhsu.edu).

## Daily Crime Log

In accordance with Federal Law, the Fort Hays State University Police Department maintains a daily log for all crimes reported to the Fort Hays State University Police Department. The crime log is open for inspection to the public and includes the nature of the crime, date of occurrence, time of the occurrence, general location and disposition of the complaint, if known. The most recent 60-day period must be made available immediately and any portion older than 60-days must be made available within two business days. The law requires that this initial information be open for public inspection within two business days of the report of the crime unless the release of the information would jeopardize an on-going investigation, cause a suspect to flee, prohibited by law, would jeopardize the confidentiality of the victim, or result in the destruction of evidence. It also requires new information about the entries be made available within two business days. The crime log can be viewed online at <https://www.fhsu.edu/university-police/crime-log/archive-of-daily-crime-logs>. Every attempt will be made to have the log updated by 10:00 a.m. during regular business hours.

## Emergency Response and Evacuation Procedures

### Emergency Response

Fort Hays State University (FHSU) faces risk from a variety of potential emergencies caused by acts of nature or man that result in loss of life and property, cause human suffering, and disrupt normal campus operations. The University Police Department, (785) 628-5304 or 911, should be notified immediately in the case of an actual or threatened crisis or emergency event. When in doubt as to whether a situation rises to the level of a threat, crisis or emergency, University Police should be notified. With regard to any crisis event involving criminal activity or threat to the University, the University Police Department will generally provide the first response to the event in addition to Hays Police Department, Ellis County Sheriff's Department, Kansas Highway Patrol, Hays Fire Department, Ellis County Fire Department, Ellis County Emergency Medical Services and the Ellis County Emergency Management, who typically work together to manage the incident. Depending on the nature of the incident, other regional, state and federal jurisdictions may also respond and assist with the incident. Several Memorandums of Understanding (MOU's) have been generated for "Mutual Assistance" and can be found in Appendix B.

To address such emergencies, FHSU has established this Emergency Management Plan (EMP), which provides a guideline for the management of the actions and operations required to plan for, respond to and recover from an emergency or disaster. The overall objective of FHSU's emergency operations is to respond to emergency conditions and manage the restoration of normal functions.

General information about the emergency evacuation or shelter in place procedures for Fort Hays State University can be found at <http://fhsu.edu/university-police/emergency-response-guidelines/non-residential-building-evacuation-guidelines/>

### **Evacuating Campus Facilities:**

The University normally does not close facilities because of brief interruptions in normal services (e.g., short-term water outages or heating/cooling). Occasionally, however, an unplanned incident may render one or more facilities unsuitable for normal habitation or use. In such a case, it may be necessary to evacuate one or more buildings and/or campus in general.

An evacuation may be necessary if there is a fire, power failure, lack of water, hazardous material release, structural damage, bomb threat or other terrorist act, active shooter, flood, or any other situation that makes the facility or campus unsafe or uninhabitable.

### **Buildings**

A building evacuation may be initiated by the building fire alarm, by notice from emergency personnel such as police or fire officials, or by administrative decision. If the fire alarm sounds, emergency personnel or University Official gives an evacuation notice, everyone must leave the building. Individuals remain responsible for their own evacuation.

Building occupants may briefly delay evacuating if they need time to shut down electrical and other equipment, especially anything that involves flame, explosive vapors, or hazardous materials, unless otherwise notified by emergency personnel or University Official.

All building occupants will follow instructions issued by emergency personnel or University Official. The building may not be reentered until authorized by the emergency personnel or University Official.

Building Floor Plans are posted at various floors and entrances of each building, which defines the designated tornado shelter area, the direction of egress for both tornado safety and building evacuation, areas of rescue assistance and location of the emergency call master station and defibrillation unit.

When evacuating a building, remain calm and evacuate the building in an orderly fashion. Go to a place of safety at least 200 feet from the building, unless otherwise directed by emergency personnel or University Officials. Building Supervisors, Faculty and Staff members should assist students and visitors with a prompt and orderly evacuation, reporting to 911 any individuals that are missing, trapped or requiring assistance with evacuation.

Areas of rescue assistance for each campus building have been identified and are defined in Appendix C.

### **Campus**

In the event of an incident requiring the evacuation of campus, you will receive an emergency notification alerting you to vacate campus and go to where you feel safe off campus. Direction will be given relating to whether the campus evacuation includes students in on-campus housing.

Campus community members with vehicles are to leave campus by the shortest route possible, unless otherwise directed by law enforcement or university personnel. Pedestrians are to leave campus by the shortest route possible. The University web site will post additional information as the event occurs.

### **Shelter-in-place (Staying where you are)**

Shelter-in-place is terminology that means to stay where you are. This response is typically used during tornados and other events where evacuation cannot be completed in time. In an active shooter situation, and dependent upon what is occurring at that moment, you should protect yourself by following the principle “run, hide, fight”. This means that if you can run away from the shooter safely, you should do so. If you cannot run out safely, you should find a safe place to hide, putting as much of a barrier between you and the shooter as possible. Finally, if you cannot safely run or hide, you should be prepared to fight. Act with aggression, improvise weapons, and commit to your actions. Again, your response is dependent upon what is occurring at that moment. For more information on surviving an Active Shooter Event, go to <https://fhsu.edu/university-police/emergencies/>

In the event of a prolonged evacuation, the University’s Incident Management Team will determine alternative arrangements for displaced students, faculty and staff.

### **Emergency Evacuation for Individuals with Disabilities**

The University prohibits discrimination in its programs and activities, in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, 1990. University procedures require everyone, including people with disabilities or other conditions, to evacuate the facility when the fire alarm is activated or when otherwise instructed to do so. The University is committed to assisting with the development of personal action plans and training to identify and assist people who may need assistance in an emergency. The University also recognizes that not everyone with a disability is in need of assistance.

It is recognized that people with disabilities or other conditions may require assistance with evacuating in the event of an emergency. Therefore, people needing assistance in an emergency are encouraged to identify themselves to the University as an individual with a temporary or permanent disability or other condition and make a request for assistance in advance of an emergency.

The Department of Residential Life will assist students with disabilities and other conditions in developing a plan for evacuating their housing residence. The Coordinator of Disability Student Services (located in the Kelly Center) will assist on-campus students with disabilities. University employees with disabilities and other conditions should work with their supervisor and the Personnel Office in developing personal action plans.

Individuals remain responsible for their own evacuation. Additionally, if an individual needs assistance evacuating, it is the individual’s responsibility to identify evacuation assistants and request the assistance, in advance if possible, of those individuals.



# Timely Warnings

<b>Office/Individual Responsible</b>	Chief Communication Officer, Chief of University Police, the University General Counsel, and key University Personnel.
<b>Location where documentation is kept</b>	University Police, Custer Hall 112, (785) 628-5304
<b>Date policy and procedure were last updated</b>	July 2019

## Timely Warning Policy

In the event that a crime is reported to University Police or a local law enforcement agency that is considered to represent a serious or continuing threat to members of the University community, a campus-wide "timely warning" will be issued. A timely warning may also be issued for other circumstances that may not be criminal in nature, such as severe weather.

This warning will generally be issued via the FHSU email system, but in the event of an immediate threat to the University community, a notice may be posted on the University Police Website at <http://fhsu.edu/police/> In addition, a timely warning may be issued using the Emergency Notification System, although the Emergency Notification System may be used for providing alerts that do not constitute timely warnings under this policy.

Any timely warning pursuant to this policy will be issued without delay following the receipt of pertinent information which leads the University to believe that a circumstance constitutes a serious or continuing threat to students and employees. The decision of whether to issue a timely warning will be made by the Chief Communications Officer, in consultation with the Chief of University Police, the University General Counsel, and other appropriate University officials, although if the event giving rise to the timely warning also warrants use of the Emergency Notification, then either the Chief of University Police or University General Counsel as emergency co-managers may send the message. The creator(s) of the message will determine the avenue for dissemination and the content of the message. If only one discreet segment of campus is affected, then the timely warning could be limited in scope.

The timely warning will at a minimum describe, in as much detail as possible, the circumstance at issue in order to provide the FHSU community with information as to how to maintain their safety. The timely warning may be supplemented as needed to provide updated information or to inform the FHSU community that the threat or dangerous situation has resolved.

Anyone with information of any crime should report it to the University Police Department (785) 628-5304, the City of Hays Police Department (785) 625-1011, or dial 911.

# Access to Campus Facilities

FHSU is committed to maintaining an environment in which students, faculty, staff, and guests can work together free from all forms of harassment, exploitation and intimidation. The University will act as needed to discourage, prevent, correct, and, if necessary, discipline behavior that violates this standard of conduct.

During business hours, FHSU is open to students, parents, employees, contractors, guests and invitees. During non-business hours access to all University facilities is by key, if issued, or by admittance via the University Police Department.

## Residence Halls

The Department of Residential Life is committed to providing a safe environment in the residence halls. Students are made aware of safety concerns as well as tips on prevention through floor meetings and presentations. Safety issues are addressed at New Student Orientation and floor meetings each semester. While there are many safeguards in place for residence hall students, each student must do his/her part to assure a safe and secure environment by adhering to the safety related policies and procedures. Each hall or apartment complex is supervised by a Hall Director or Apartment Manager who lives and works in the residence hall or complex.

On every floor of a residence hall there is a Community Assistant. A Community Assistant (CA) is an upper-class student who has received extensive training in many different aspects of residence hall living. The hall staff undergoes training in enforcing residence hall safety and security policies as well as being aware of potential safety hazards and concerns. The Department of Residential Life provides an "on-duty" staff member in each hall every night and weekends for assistance with any problems. The names and telephone numbers and locations of on-duty hall staff are posted in the residence halls. Each resident should locate this information in advance of an emergency.

Tiger Village, Hansen Hall, Heather Hall, and Agnew Hall lock their exterior doors 24 hours per day, residents may enter with keys issued to them or by calling "on duty" staff members in each hall. McMIndes Hall doors are unlocked when the dining center is open and has a staff member located at the desk from 6:00 am until Midnight. McMIndes Hall also has Security Cameras to record activity placed in strategic locations throughout the building. Victor E Village doors are unlocked from 7:00 am until Midnight daily and has a staff member located at the desk 24 hours per day.

Residents can protect themselves and their property by making responsible decisions. Exterior doors should not be propped open at any time. Keeping every room door locked at all times will deter crime, as almost every theft in a residence hall is a result of an unsecured room or unattended belongings. Every security measure taken by the residence hall staff depends on the responsible actions of each resident for its effectiveness.

The campus safety related information can be found at <http://fhsu.edu/judicial/crime-prevention-tips/>

### **Security Considerations used in maintenance of campus facilities.**

The University Police Officers on patrol regularly observe campus lighting and report lights that are not functioning properly to the Physical Plant Department. The University Environmental/Safety Office regularly checks and services exit and emergency lighting on the campus. The Environmental/Safety office also conducts services and testing on fire detection and warning systems throughout the campus.

The Physical Plant Department maintains the campus buildings and grounds with a concern for safety and security. The staff inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. If you have concerns about the physical safety of campus buildings and grounds, call the Physical Plant Office, Monday through Friday, 8:00 a.m. to 4:30 p.m., at (785) 628-4424. For emergencies that occur outside of business hours, call the Hays Police Department at 911 or (785) 625-1011.

## **University Police Authority**

The Fort Hays State University Police Department provides primary police protection services to the University campus, Sternberg Museum of Natural History, FHSU Foundation property, the University Farm, the Pavilion, parking lots and residence halls 24 hours/day, 365 days/year and employs full-time, armed, state-certified police officers and an unarmed security officer.

FHSU police officers are commissioned by the State of Kansas under K.S.A. 76-726 and have the same law enforcement authority and responsibilities as local police and sheriff deputies. UPD has primary jurisdiction over all property owned or controlled by Fort Hays State University, concurrent jurisdiction within the City of Hays and all UPD officers carry an Ellis County Sheriff Deputy commission.

UPD officers are responsible for a full range of public safety services, including criminal investigations, enforcement of criminal statutes and city ordinances, collection of data for the required statistical crime reports, motor vehicle accident investigations, civil commitments for person(s) in need of care, traffic and parking enforcement, emergency management, enforcement of FHSU Rules and Regulations and the security of the University's physical assets. UPD refers statutory violations for judicial oversight and prosecution to Municipal, District and Federal Courts.

In addition to enforcement of state law, county resolution and city ordinances, university police officers shall enforce rules and regulations of the board of regents and rules and policies of the state education institution, whether or not violation thereof constitutes a criminal offense pursuant to K.S.A. 76-726 (4) (b).

### **Professional Affiliations & Agreements**

The University Police Department works in concert with Local, State and Federal Law Enforcement Agencies to provide protective services, public safety and enforcement related

duties. There are six written memoranda of agreements between various agencies which provide a general outline of the following topics:

- Police Protection
- Parking Regulation and Enforcement
- Emergency Management and Cooperation
- Fire Protection
- UPD Concurrent Jurisdiction within the City of Hays
- Investigative Crime Unit & Task Force
- Emergency Shelters

**Several Memorandums of Understanding (MOU's) have been generated for "Mutual Assistance" and can be found in [Appendix B](#).**

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to the University Police in a timely manner. If you are the victim of any crime or if you witness a crime, call 9-1-1 to reach police assistance, emergency medical treatment or fire response. For non-emergencies, the University Police can be contacted at (785) 628-5304 during normal operating hours. After hours or on weekends, contact the Hays Police Department Dispatch Center, which dispatches for the University Police Department at (785) 625-1011. Additionally, there are seven kiosk phones located throughout campus that connect to dispatch. The University Police Department is located at Custer Hall, in the Center of Public Safety, Room 112, 420 Custer Drive.

#### **Monitoring and recording criminal activity in off-campus locations**

Aside from fraternities and sororities, there are no other off-campus student organizations with housing facilities. Student Affairs maintains contact with recognized fraternity and sorority organizations through the efforts of the Director of Student Engagement. University Police members do not provide law enforcement service to off-campus residences of recognized fraternity and sorority organizations nor are activities off-campus recognized by university authority. Criminal activity at recognized fraternity and sororities residences is monitored and recorded by the Hays Police Department. The FHSU University Police members enjoy a close working relationship with Hays Police Department when violations of federal, state, or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns.

## **Security Awareness Programs & Crime Prevention**

Prevention programs for students and employees occur at the beginning of the fall and spring semesters. The focus of prevention programs occurs during the fall semester with follow-up programming occurring in the spring semester. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. The University Police Department, Student Residential Life, Student Affairs, Drug and Alcohol Awareness Network (DAWN), Kelly Center, and the University Compliance Office work collaboratively to offer a series of lectures and

presentations to university groups each semester, as well as on a request basis covering all areas of personal safety. Programs during the freshman seminar also occur which captures all freshman students. Students are encouraged to make use of these informative opportunities to help them eliminate concerns about personal safety. Programs also include prevention of crimes and security procedures and practices.

When time is of the essence, information is released to the university community through security alerts posted through the university's e-mail system to students, faculty and staff, the Leader Alert Emergency Notification System, and postings in the residence halls.

FHSU encourages students and employees to take responsibility for their own security and the security of others. Members of the campus community are urged to secure their valuables and be aware of their surroundings. To assist in this endeavor, there are educational programs each semester on a variety of topics including personal safety awareness and security, rape awareness education, and crime prevention. Information of safety and security is also provided on request to students and employees regularly via presentations, posters, brochures, college and student newspapers, and other printed materials.

Information call boxes, also referred to as kiosk phones, provide communication to dispatch and/or emergency responders and are located throughout campus.

Each year FHSU has a campus safety walk program sponsored by the Student Government Association (SGA). University officials walk the entire campus with SGA members noting any safety concerns such as lights burned out, trees or shrubs that need to be trimmed or any dark sidewalk paths. FHSU addresses any needs listed and reports back to Student Government on the resolution and the date and time it was completed.

### **FHSU Philosophy Regarding Alcohol and Other Drug Abuse**

<https://www.fhsu.edu/health-and-wellness/counseling/drug-alcohol/alcohol-and-drug-free>

Fort Hays State University has long recognized that an academic community is harmed in many ways by the abuse of alcohol and the use of other drugs. This high risk behavior is exemplified by decreased productivity of members of the community, serious health problems, strained social interactions as well as forms of vandalism. Problems associated with the illicit use and abuse of substances have a pervasive impact upon the academic community and are not associated with a singular socioeconomic group or age level. The processes of education and learning are especially impaired by alcohol abuse and the use of illicit drugs.

Fort Hays State University subscribes to the basic philosophy of the Network of Colleges and Universities committed to the Elimination of Drug and Alcohol Abuse, which states:

- A. The institutional establishment enforces clear policies that promote an educational environment free from the abuse of alcohol and other drugs.
- B. The institution will provide education for its members for the purpose of preventing alcohol and other drug abuse as well as educating them about the use of legal drugs in ways that are not harmful to self or others.

- C. Fort Hays State will create an environment that promotes and reinforces healthy responsible living; respect for community laws; campus standards and regulations; the individual's responsibility within the community; and the intellectual social, emotional, spiritual or ethical, and physical well-being of its community members.
- D. The institution will provide for a reasonable level of care for alcohol and drug abusers through counseling, treatment and referral.

The foundation of the philosophy concerning alcohol and drug abuse for Fort Hays State University is the firm commitment to an educational program which provides the adequate information and counseling to help all members of the academic community to make informed and responsible decisions concerning the use of any controlled substance. The institution is committed to a healthy environment for learning and living.

### **Drug and Alcohol Policies**

<https://fhsu.edu/policies/documents/Drug-and-Alcohol-Policy1/index.pdf>

### **Employees**

Fort Hays State University prohibits the unlawful possession, use, manufacture, purchase, or distribution of alcohol or drugs, or any attempt thereof, by students or by employees on its property or as part of its activities. The University is committed to prevent the illegal or irresponsible use of drugs and alcohol by students and employees. Any student or employee found to be using, possessing, manufacturing, or distributing controlled substances or alcohol, or whose behavior evidences being under the influence of alcohol or controlled substances, in violation of the law on University property or at University events shall be subject to disciplinary action in accordance with policies of the State of Kansas, the Board of Regents, and Fort Hays State University.

For employees, the University will take appropriate personnel action for such infractions, up to and including termination. Students who violate this policy will be subject to sanctions which include completion of an appropriate substance assistance or rehabilitation program at the individual's expense, reprimand, probation, suspension and expulsion from the University.

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

### **Employee Substance Abuse Prevention Programs**

Students and employees of Fort Hays State University should be aware and informed that the following drug or alcohol counseling, treatment or re-entry programs are available to

student or employees on a national, statewide, local, and campus basis. Alcohol and drug counseling and treatment are available for students at the University Counseling Center (Kelly Center). This office is an excellent resource for information about community resources for counseling and treatment and can provide further information about health problems and treatment related to alcohol and drug problems. Faculty and staff members of Fort Hays State University may contact the State Lifeline, a 24-hour toll free assistance line (800) 284-7575 for a referral. If referred through the Lifeline program, the first counseling session is paid by the State. Fort Hays State University will also present educational programs on substance abuse on a periodic basis to inform students and employees of the dangers of substance abuse.

### **Procedures which will be Followed in the Event an Employee is Convicted of Criminal Drug Statute Violations Which Occur in the Workplace**

In accordance with Fort Hays State University's disciplinary policies and practices, when an employee is found to be in violation of the Drug-Free Workplace Statement of Fort Hays State University, he/ she may be subject to penalties up to and including termination. Employees may also be required to satisfactorily participate, at their own expenses, in a drug abuse assistance or rehabilitation program before being allowed to return to work. Appropriate action will be taken within thirty (30) days of Fort Hays State University's notice of a conviction or violation of the University's statement on a drug-free workplace.

### **Service and Consumption of Alcohol on Campus (<http://www.fhsu.edu/policies/>)**

POLICY TITLE: Service and Consumption of Alcohol on Campus

POLICY PURPOSE: To establish the conditions under which service and/or consumption of alcohol on campus can occur, and the procedure to be followed when service and/or consumption is allowed.

APPLIES TO: All university community members

DEFINITIONS: "Alcohol" or "Alcoholic beverages" means alcoholic liquor, cereal malt beverages and beer. "Alcoholic liquor" means whiskey, gin, vodka, or any other intoxicating liquor containing this liquid. "Cereal malt beverage" means any beverage having not more than 3.2% alcohol by weight produced by fermentation and not by distillation. "Beer" means any beverage having more than 3.2% alcohol by weight produced by fermentation.

CONTENTS: POLICY STATEMENT: With approval of the University President or designee, Fort Hays State University permits the service and/or consumption of alcoholic beverages in the following designated non-classroom areas on the University campus or on off-campus University owned property:

- Memorial Union
- Beach/Schmidt Performing Arts Center (Sheridan Hall)
- Hubbard Press Box and East Side Suites
- Moss/Thorns Gallery of Art (Rarick Hall)
- Schmidt-Bickle Indoor Training Facility
- Sternberg Museum, Seibel Lobby and food service area
- Gross Memorial Coliseum (designated area for entertaining)
- Kansas Wetlands Education Center I.

### Conditions for Service and/or Consumption of Alcohol on Campus

- No alcohol will be sold, served or consumed on University property pursuant to this policy without prior approval of the President or designee.
- Student organizations are prohibited from using their organization funds to purchase alcohol.
- Alcohol may not be possessed or consumed on campus by anyone under the age of 21. Residence Halls (see policy below).

The following conditions relate to service and/or consumption of alcohol at an event sponsored by a University group or student organization:

- Individuals sponsoring any event should implement precautionary measures to insure that alcoholic beverages are not accessible or served to persons under the legal drinking age or persons who appear intoxicated.
- Social functions where alcoholic beverages are provided by the sponsoring organization shall have direct access of these beverages limited to persons designated as servers.
- Non-alcoholic beverages and food must be available in the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
- No social event shall include any form of "drinking contest" in its activities or in the promotion of them.
- The serving of alcoholic beverages shall not be used in any advertising of a FHSU event.
- Possible sanctions for violation of this policy include loss of recognition of a campus organization, loss of visiting privileges, disciplinary warning, probation, and removal from school.

All disciplinary procedures will meet the standards of the Fort Hays State University's Student Bill of Rights.

### **Students**

FHSU has a duty to establish rules and policies that all students are required to follow for the good of the community. Students have a right to expect enforcement of these rules and policies. FHSU also has a right to expect students to abide by them as responsible members of the learning community. If any infractions of the Student Code of Conduct are found to have an element of malice, the resulting sanctions may be more severe. FHSU reserves the right to make a case-by-case determination as to whether conduct of a serious nature which occurs off of the premises of the University, but has an impact on the University community, may be addressed under this policy.

### **Alcoholic Beverages**

Students must comply with the published regulation concerning the transport, provision and consumption of beer, wine and other alcoholic beverages on campus or University property.

Residence Halls, (<https://www.fhsu.edu/reslife/Downloads/Residential-Life-Handbook/>):

Possession and/or consumption of alcoholic beverages are prohibited in all of our residence halls (Agnew, Custer, Heather, McMIndes, Tiger Village and Victory E Village) regardless of age. Alcohol



containers and paraphernalia are prohibited in all of our residence halls regardless of age. Apartment (Stadium Place and Wooster Place) residents of legal drinking 21 age, as defined by Kansas law, may possess and consume alcohol in their own apartments or the apartment and in the presence of another resident of legal drinking age. Such beverages must be packaged in containers of one (1) liter or less in volume and represent reasonable personal consumption. An apartment resident may consume alcohol in his/her apartment even if his/her assigned roommate is present and under 21 years of age. Consumption may not be in public, and must be done inside the apartment. A resident of legal drinking age will be held accountable for a roommate and/or others under legal drinking age who consumes alcoholic beverages while he/she is present. Anybody in a room where an alcohol or drug violation occurs will be held responsible for the violation. All other possession and consumption of alcoholic beverages is PROHIBITED in the Wooster and Stadium Place apartments.

### **Legal Sanctions**

Students and employees are reminded that local, state and federal laws provide for a variety of legal sanctions and penalties for the unlawful possession or distribution of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines or up to \$25,000 for unlawful distribution or possession with intent to distribute narcotics. For unlawful possession of a controlled substance, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under 21 years of age may be punished by up to twice the term of imprisonment and fine otherwise authorized by law.

Kansas law provides that any person who violates the criminal statutes on controlled substances by possessing, offering for sale, distributing, or manufacturing opiates and narcotics, such as cocaine and heroin, shall be guilty of a Class C felony. For conviction of a Class C felony, the court may sentence a person to a term of imprisonment of a minimum of three to five years, a maximum of 10 to 20 years, and a fine of up to \$15,000. Unlawful possession of a depressant, stimulant or hallucinogenic drug is punishable as a Class A misdemeanor, with a penalty of up to a year in jail and a fine of \$2,500. Depressants include barbiturates, Valium, and barbital. Hallucinogens include LSD, marijuana, and psilocybin. State law classifies amphetamines and methamphetamines as stimulants.

Article 7 of the Kansas Liquor Control Act provides for punishments ranging from up to six months imprisonment and fines of up to \$1,000 for violation of the statutes relating to the possession and distribution of alcohol.

The local ordinances of Hays also provide for prohibitions relating to illicit drugs and alcohol. Generally, these local ordinances are similar in content to state law.

## **University Sanctions**

### **Employees**

In accordance with Fort Hays State University disciplinary policies and practices, when an employee is found to be in violation of the Drug-Free Workplace Statement of Fort Hays State University, he/she may be subject to penalties up to and including termination. Employees may also be required to satisfactorily participate, at their expense, in a drug abuse assistance or rehabilitation program before being allowed to return to work. Appropriate action will be taken within thirty (30) days of Fort Hays State University's notice of a conviction or violation of the University's statement on a drug-free workplace.

### **Students**

All violations of policy will be handled on an individual basis, affording each student the right to due process. Procedures of this process are described in the student handbook. If found to be in violation of policy, sanctions which may be imposed include: documentation; probation; educational sanctions; suspension; and / or expulsion.

It is FHSU's belief that all disciplinary sanctions should provide the opportunity for personal growth; to that end counseling and referral for individual assessment may be included as a condition of any sanction.

## **Referral Sources / Drug and Alcohol Abuse Programs**

### **On-Campus**

- A. Drug and Alcohol Wellness Network (Kelly Center) (785) 628-4401 - <http://www.fhsu.edu/kellycenter/dawn>
- B. Student Health Services- (785) 628-4293 - <http://www.fhsu.edu/studenthealth>

### **Off- Campus**

- A. Smoky Hill Foundation for Chemical Dependency Inc- (785) 625-5521
- B. Dream Inc- (785) 628-6655
- C. High Plains Mental Health Center-(785) 628-2871
- D. Alcoholics Anonymous/Narcotics Anonymous/AI Anon- (785) 625-9860

### **State of Kansas**

- A. Substance Abuse Program Directory, Kansas Department for Aging and Disability Services - <http://www.kdads.gov/>
- B. Kansas Alcohol and Drug Treatment Center Directory- <http://www.recovery.org/browse/kansas/>

### **National**

- A. Substance Abuse & Mental Health Services Administration- (877) 726-4727
- B. National Institute on Drug Abuse- <http://www.drugabuse.gov>
- C. US Department of Health and Human Services- (877) 696-6775
- D. Centers for Disease Control and Prevention- (800) 232-4636 (HIV and other health concerns) <http://www.cdc.gov>

# Sexual Assault / Offense Policy

Fort Hays State University is committed to an environment in which students, faculty and staff are free from all forms of harassment, exploitation and intimidation.

It is FHSU policy to prohibit harassment of individuals on the basis of their status as a member of a protected class, which includes race, color, religion, gender, age, national origin, marital status, sexual orientation, veteran status and physical or mental disability. The protections afforded by this policy apply equally to all FHSU employees and students

## **Title IX Policy**

Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681, et. seq., (“Title IX”) prohibits discrimination on the basis of sex in any federally funded education program or activity. Any instance of Sexual Harassment, as defined previously, shall be considered a violation of University Policy as it may jeopardize a person’s equal access to education that Title IX is designed to protect. This policy applies to Sexual Harassment that occurs within the University’s Education Programs or Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the University community.

The University will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the University’s Education Programs or Activities.

Administrators, faculty member, staff, students, contractors, guests, and other members of the University community who commit Sexual Harassment are subject to the full range of University discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or dismissal); physical restriction from University property; cancellation of contracts; and any combination of the same.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the University’s Education Programs or Activities; such sexual misconduct may be prohibited by the Student Code of Conduct if committed by a student, the Faculty Handbook if committed by a faculty member, or other University policies and standards if committed by an employee.

Consistent with the U.S. Department of Education’s implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the University’s Education Programs or Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, the Faculty Handbook if committed by a faculty member, or other University policies and standards if committed by an employee.

It is a violation of this policy to engage in Retaliation. Reports of Retaliation should be made to the Compliance Coordinator. Any act of Retaliation shall be considered a separate and distinct violation of University Policy.

#### Reporting and Case Handling Procedure for Sexual Harassment and Sexual Violence

1. A report is provided to the Compliance Officer from one of the following:
  - a. Complainant
  - b. Responsible employee
  - c. A faculty or staff member
  - d. A coach
  - e. A community member
  - f. University Police
  - g. Any other party

In addition to reporting to the Compliance Officer, any person may report Sexual Harassment to any University employee with managerial authority over other employees, including cabinet members, deans, department heads, unit supervisors, and other managers (collectively, "Reporting Officials") who must promptly forward such report of Sexual Harassment to the Compliance Officer. University employees who are not Reporting Officials are encouraged, but are not required to, forward reports of Sexual Harassment to the Compliance Officer.

Current contact information for the Compliance Officer is as follows:

Amy L. Schaffer  
University Compliance Officer  
Sheridan Hall, Room 314  
(785) 628-4175  
[alschaffer@fhsu.edu](mailto:alschaffer@fhsu.edu)

2. The Compliance Officer reaches out to the Complainant.
3. The Complainant and the Compliance Officer have an informational meeting to discuss the rights of the Complainant, the availability of supportive services with or without the filing of a formal complaint, the Complainant's interest in such services, the process for filing a Formal Complaint, the investigation process, and what possible next steps may be. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.
4. The Complainant then decides whether they wish to file a Formal Complaint. If the Complainant does not wish to file a Formal Complaint, the Compliance Officer may file a Formal Complaint in the following circumstances:
  - a. The allegations are so severe they have concern for the safety of other members of the University Community
  - b. There is a "pattern or practice" of Sexual Harassment from the Respondent

- c. Other instances that the Compliance Officer deems it necessary to proceed with a Formal Complaint for the good of the University Community.
5. If a formal complaint is not filed, the Complainant may still receive supportive services in order to be successful at FHSU.
6. Upon receipt of a Formal Complaint, the Compliance Officer will provide written notice to all parties that includes: a physical copy or hyperlink to this policy; sufficient details regarding the complaint, including the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known); the grievance process and the parties' rights therein; the University's prohibitions on retaliation and false statements; the availability of any informal resolution process; the presumption of nonresponsibility of the Respondent; and Information about resources that are available on campus and in the community.
7. The Compliance Officer will conduct an assessment to determine whether the conduct, as reported, falls or could fall within the scope of this policy, and whether the conduct, as reported, constitutes or could constitute Sexual Harassment. If the Compliance Officer determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Compliance Officer will dismiss the matter and notify the parties of the dismissal, the reasons therefore, and the process to appeal the dismissal. The Compliance Officer may refer the report to other University offices, as appropriate.
8. The University may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Compliance Officer determines that any one or more of the following is true:
  - a. The Complainant provides the Compliance Officer written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
  - b. The Respondent is no longer enrolled or employed by the University; or
  - c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Compliance Officer dismisses a Formal Complaint pursuant, the Compliance Officer will provide written notice of dismissal to the parties and advise them of their right to appeal. The Compliance Officer may refer the subject matter of the Formal Complaint to other University offices, as appropriate.

9. The parties may choose to proceed with Informal Resolution in the following instances:
  - a. All parties agree to informal resolution
  - b. The complaint does not involve a student accusing an employee of Sexual Harassment.

- c. If there is no agreement reached within Informal Resolution, then the formal investigation may proceed.
10. If the parties choose to proceed with Informal Resolution, the Compliance Officer will transmit a written notice to the parties that:
  - a. Describes the parameters and requirements of the informal resolution process to be utilized;
  - b. Identifies the individual responsible for facilitating the informal resolution;
  - c. Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
  - d. Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.
11. After the parties have been notified the investigation shall proceed.
  - a. The investigator will gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the parties.
  - b. The investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.
  - c. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within approximately sixty (60) to ninety (90) days of the transmittal of the written notice of Formal Complaint.
  - d. All parties have an equal opportunity to present witnesses, including fact and expert witnesses, and evidence during the investigation.
  - e. All parties have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney. Except for the questioning of witnesses during the hearing, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the University about the matter without the party being included in the communication. In the event a party's advisor of choice engages in

- disruptive or otherwise disallowed behavior, the University may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.
- f. The Investigator shall provide detailed written notices to all parties whose participation is invited or expected, including witnesses, of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
  - g. The Investigator shall provide both parties and their advisors an opportunity to inspect and review all evidence obtained as part of the investigation that is directly related to the allegations contained in the Formal Complaint. Both parties shall be provided at least 10 days to submit a written response which the Investigator shall consider prior to completion of the investigative report. The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public
  - h. After the period for the parties to provide any written response has expired, the Investigator shall create an investigative report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. The report shall be distributed to the parties and their advisors at least 10 days prior to the hearing.
  - i. The Complainant and Respondent, along with their advisor of choice, have the opportunity to review the written report prior to the hearing.
12. At any time after receiving a report of Sexual Harassment, the Compliance Officer may remove a student Respondent from one or more of the University's Education Programs or Activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal.

In the event the Compliance Officer imposes an interim removal, the Compliance Officer must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal. In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its

campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

13. Once the Investigation is complete, formal complaint shall go to a formal hearing that is overseen by the Hearing Officer.
  - a. Each party shall have their advisor of choice present at the hearing.
  - b. If a party does not have an advisor, they will be provided one prior to the hearing by the University with no cost to the party.
  - c. All witnesses and evidence shall be at the hearing.
  - d. Any testimony of persons who refuse to be cross-examined at the hearing may be excluded.
  - e. Advisors shall ask questions of all parties including witnesses in real time. The questions shall be presented to the Hearing Officer prior to being asked.
  - f. The Hearing Officer will determine whether questions are relevant and explain any decision to exclude a question as non-relevant.
  - g. The Hearing Officer will provide a written decision after the hearing that includes the following:
    - i. Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
    - ii. A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
    - iii. Findings of fact, made under a preponderance of the evidence standard, that support the determination;
    - iv. A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
    - v. The discipline determined by the appropriate University official;
    - vi. Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Compliance Officer; and
    - vii. A description of the University's process and grounds for appeal.
  - h. The University will provide the written determination to the parties simultaneously.
14. The standard of evidence used for all decisions shall be the "preponderance of the evidence" (that is, "more likely than not").
15. After the decision has been distributed to the Complainant and Respondent along with their advisors, they both may determine whether they wish to appeal. An appeal may be brought on the following bases:
  - a. A procedural irregularity that affected the outcome



- b. New evidence that was not reasonably available at the time of the determination
  - c. Title IX personnel had a conflict of interest or bias that affected the outcome
16. Any appeal must be filed within seven (7) days of distribution of the decision by the Hearing Officer, and shall be filed with the Vice President for Student Affairs or its designee (“appeal officer”). The appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Compliance Officer any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal, and will attempt to issue a written decision within fourteen (14) days of the deadline for any written opposition to the appeal.
  17. The appeal officer will issue a final, written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.
  18. During the investigation and adjudication processes, questioning regarding a Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
  19. From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.
  20. The Compliance Officer, investigator, hearing officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these University officials has a material conflict of interest or material bias must raise the concern promptly so that the University may evaluate the concern and find a substitute, if appropriate.
  21. The University will construe and apply this policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom specified in the Faculty Handbook. In no case will a Respondent be found to have committed Sexual Harassment 12 based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom specified in the Faculty Handbook.
  22. It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to

be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during an investigation, adjudication, or appeal under this policy. Violations of this section will be addressed under the Code of Student Conduct in the case of students and other University policies and standards, as applicable, for other persons.

23. The University will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. The University will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records.

Notwithstanding the foregoing, the University may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the University's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the University's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

24. This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by the University's NonDiscrimination Policy.

This policy is intended to be construed in accordance with Title IX and related rules and regulations, which are incorporated by reference herein. This policy, and any associated procedures or guidelines, may be supplemented or modified accordingly.

### **Primary Prevention and Awareness Programs and Services**

#### **Primary Prevention and Awareness Programs for Students**

Fort Hays State University promotes awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, dating violence, domestic violence, sexual assault, and stalking during freshman orientation, the UNIV 101 freshman seminar course, and a variety of programs on campus and in the residence halls throughout the year. Participation and reflection of participation are required during orientation and UNIV 101. The most up-to-date information about training opportunities can be obtained from the University Compliance Officer, Sheridan Hall #314, (785) 628-4175, alschaffer@fhsu.edu.

#### **Primary Prevention and Awareness Programs for Employees**

Fort Hays State University promotes awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, sex offense, dating violence, domestic violence, sexual assault, and

stalking to all employees on an annual basis. For information regarding the most up-to-date training opportunities, contact the University Compliance Officer at (785) 628-4175 or [alschaffer@fhsu.edu](mailto:alschaffer@fhsu.edu).

### **On-Going Prevention and Awareness Campaigns for Students and Employees**

Fort Hays State University promotes awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, sex offense, dating violence, domestic violence, sexual assault, and stalking throughout the year. Events may include, but not limited to, brochures, flyers, emails, programs, meetings, and other trainings. If you are interested in hosting or attending a training, please contact the University Compliance Officer at (785) 628-4175 or [alschaffer@fhsu.edu](mailto:alschaffer@fhsu.edu).

### **Counseling and other student services for victims of sexual offenses**

Fort Hays State University staff and faculty want the first priority for the involved parties to receive the assistance they need. There are a variety of programs and services ready to assist you through this process. The most up-to-date resources can be found at <http://www.fhsu.edu/judicial/resources-and-services/>.

### **Options Domestic and Sexual Violence Services, (785) 625-4629**

- Options mission is to empower individuals who experience domestic, sexual, interpersonal or stalking violence through individual support.
- Fort Hays State University and Options have partnered to provide support for involved parties.

### **Health & Wellness Services, (785) 628-4401**

- Health & Wellness Services staff care for those with Medical Needs
- Health & Wellness Services staff can provide emotional support through personal counseling.
- Staff can also help victims access services outside the university, if necessary.
- Services are confidential.
- Health & Wellness Services is located on the 3<sup>rd</sup> floor of the Fischli Wills Center for Student Success.

### **Hays Medical Center (SART), (785) 261-7123**

- The Sexual Assault Nurse Examiner (SANE)/Sexual Assault Response Team (SART) is a community-based coordinated response to child and adult victims of sexual assault. The purpose of this program is to provide victim centered care to all victims of sexual assault.
- Hays Medical Center is located at 2220 Canterbury Road.

### **High Plains Mental Health, (785) 628-2871**

- High Plains, a licensed community mental health center, is dedicated to an aggressive pursuit of providing a comprehensive mental health program to the citizens of Northwest Kansas.
- High Plains is located at 208 East 7th Street.

## **Preserving Evidence after Sexual Assault**

In the immediate aftermath of a sexual assault, the most important thing is for the victim to get to safe place. Whether it be the victim's home, a friend's home or with a family member, immediate safety is what matters most. When a feeling of safety has been achieved, it is vital for the victim to receive medical attention, and strongly recommended for the victim to receive a forensic examination.

Preserving DNA evidence can be key to identifying the perpetrator in a sexual assault case, especially those in which the offender is a stranger. DNA evidence is an integral part of a law enforcement investigation that can build a strong case to show that a sexual assault occurred and to show that the defendant is the source of biological material left on the victim's body.

**Victims should make every effort to save anything that might contain the perpetrator's DNA, therefore a victim should not:**

- Bathe or shower
- Use the restroom
- Change clothes
- Comb hair
- Clean up the crime scene
- Move anything the offender may have touched

\*Even if the victim has not yet decided to report the crime, receiving a forensic examination and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date.

## **What does a forensic medical exam entail?**

A forensic medical exam may be performed at a hospital or other healthcare facility, by a sexual assault nurse examiner (SANE), sexual assault forensic examiner (SAFE) or another medical professional. This exam is complex and on average, takes 3-4 hours. While this may seem lengthy, medical and forensic exams are comprehensive because the victim deserves and needs special attention to ensure that they are medically safe and protected. In addition, it is important to collect evidence so that if the victim chooses to report the crime to police, they can access the stored evidence.

1. To start, the medical professional will write down the victim's detailed history. This sets a clear picture of existing health status, including medications being taken and preexisting conditions unrelated to the assault.
2. Next there is a head-to-toe, detailed examination and assessment of the entire body (including internal examination). This may include collection of blood, urine, hair and other body secretion samples, photo documentation of injuries (such as bruises, cuts and scraped skin), collection of clothing (especially undergarments).
3. Finally, the medical professional will speak about treatment for sexually transmitted infections (STIs) that may have been exposed during the assault.

NOTE: The victim has the right to accept or decline any or all parts of the exam. However, it is important to remember that critical evidence may be missed if not collected or analyzed. After the forensic medical exam is performed and the evidence is collected and stored in the kit, the victim will be able to shower, brush their teeth, etc. - all while knowing that the evidence has been preserved to aid in a criminal prosecution if so desired.

### **What is a "rape kit"?**

The sexual assault exam kit (commonly referred to as a "rape kit") is the collection of DNA and other forensic evidence, which is then kept by the SANE or medical provider until picked up by law enforcement or the crime lab. It is then stored until the victim determines whether or not to pursue a case. The kit itself is generally a large envelope or cardboard box, which can safely store evidence collected from your body or clothing. While the contents of a sexual assault forensic exam may vary by state and jurisdiction, it may include items, such as:

- Instructions
- Bags and sheets for evidence collection
- Swabs
- Comb
- Envelopes for hair and fibers
- Blood collection devices
- Documentation forms

Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, states may not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both." Under this law, a state must ensure that victims have access to an exam free of charge or with a full reimbursement, even if the victim decides not to cooperate with law enforcement investigators. (Previously, states were required to ensure access to exams free of charge, but could put conditions on the exam, such as cooperating with law enforcement officials.)

Essentially, this law allows victims time to decide whether or pursue their case. A sexual assault is a traumatic event and some victims are unable to decide in the immediate aftermath. Because forensic evidence can be lost as time progresses, a "Jane Doe Rape Kit" enables a victim to have forensic evidence collected without revealing identifying information. For instance, in some states, victims are given a code number they can use to identify themselves if they choose to report the crime at a later date.

Each state has determined different time frames for the storage of a kit. The victim should be informed at the time of the exam as to the length of time the kit will be retained, as well as the disposition of the kit. Processing the evidence collected may take only a few weeks, but many areas of the country have significant backlogs. So the wait to have the evidence tested could range from a few weeks to a few months, or even longer.

NOTE: to find a local hospital or healthcare facility that is equipped to collect forensic evidence, contact the National Sexual Assault Hotline (800) 656-HOPE. The hotline will connect callers to

their local crisis center, which can provide information on the nearest medical facility, and in some instances, send an advocate to accompany victims through the evidence collection process. <https://www.rainn.org/get-help/national-sexual-assault-hotline>

### **Supportive Services available for individuals involved in**

Upon the request, Fort Hays State University will provide supportive services to the victim. These can include, referrals to counseling or medical care, class schedule changes, housing changes, assistance in withdrawing from a class, and other supports the victim may need. For information regarding supportive services contact the University Compliance Officer at (785) 628-4175 or [alschaffer@fhsu.edu](mailto:alschaffer@fhsu.edu).

### **Sex Offender Registration**

In accordance to the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, Adam Walsh Child Protection and Safety Act of 2006, and the Family Educational Rights and Privacy Act of 1974, the Fort Hays State University Police Department is providing a link to the Kansas Bureau of Investigation Sex Offender Registry. This act requires registered sex offenders to indicate when they are enrolled or employed at institutions of higher learning. A printed list may be reviewed at University Police Department in Custer Hall, Rm 112. A name-based search of registered offenders is available from the Kansas Bureau of Investigation at <http://www.kbi.ks.gov/registeredoffender/>

For additional information on the Adam Walsh Child Protection and Safety Act of 2006 and Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act visit <http://ojp.gov/smart/legislation.htm>

### **Disclosure of Results of Disciplinary Proceedings Policy Statement**

Upon written request, FHSU will disclose the results of any disciplinary proceeding conducted by Fort Hays State University against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim, or the next of kin, if the victim is deceased.

## **Missing Student Notification Procedures**

FHSU is required, under the Higher Education Act, to notify the custodial parent of a student who is under the age of 18, not later than 24 hours after the student is missing. Official missing student reports must be referred immediately to the FHSU Police Department. UPD officers have been trained on how to investigate and respond to a missing person’s report.

All FHSU students, including those living in an on-campus student housing facility, who are 18 years of age or older have an option to identify an individual to be contacted, within 24 hours from the time the student was determined to be missing. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. Students can register their information within Workday.

Additionally, FHSU is required to notify the University Police Department not later than 24 hours after the student is missing. If it is determined that the student has been missing for more than 24 hours, the University Police Department will contact the emergency contact person or parent if the student is under 18 years of age.

For students residing in campus housing that have been missing for more than 24 hours, the University will notify the Vice President of Student Affairs, the Director of Residential Life, and the Director of the Kelly Center, or their designees. Additionally, any official missing person report on students missing for more than 24 hours will be referred immediately to the University Police Department for the appropriate missing person(s) investigation. If it is determined that the student has been missing for more than 24 hours, the University Police Department will contact the emergency contact person or parent or guardian if the student is under 18 years of age.

# Fort Hays State University Crime Statistics

The following table represents the number of applicable offenses reported to have occurred:

Crime	Year	On-Campus Property	On-Campus Housing	Non-Campus Property	Public Property
Murder/Non-negligent manslaughter	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Negligent manslaughter	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Rape	2019	5	5	0	0
	2020	1	1	0	0
	2021	3	1	0	0
Fondling	2019	1	1	0	0
	2020	0	0	0	0
	2021	1	0	0	0
Incest	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Robbery	2019	1	0	0	1
	2020	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2019	0	0	1	1
	2020	0	0	0	0
	2021	0	0	0	1
Burglary	2019	8	8	1	0
	2020	2	1	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2019	1	0	1	0
	2020	0	0	0	0
	2021	0	0	0	0
Arson	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Stalking/Cyberstalking	2019	1	1	0	0
	2020	5	2	2	0
	2021	1	0	0	0



Domestic Violence	2019	1	1	1	0
	2020	0	0	0	0
	2021	0	0	3	0
Dating Violence	2019	0	0	1	0
	2020	2	2	1	0
	2021	0	0	0	0
Arrests: Weapons: Carrying, possessing, etc.	2019	0	0	3	1
	2020	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, possessing, etc.	2019	0	0	0	0
	2020	2	1	1	0
	2021	2	2	0	0
Arrests: Drug Abuse violations	2019	17	14	8	4
	2020	13	11	0	4
	2021	15	12	0	8
Disciplinary Referrals: Drug Abuse Violations	2019	1	1	0	0
	2020	5	5	2	4
	2021	1	1	0	0
Arrests: Liquor Law Violations	2019	6	6	3	16
	2020	3	2	1	12
	2021	22	4	0	20
Disciplinary Referrals: Liquor Law Violations	2019	129	122	0	1
	2020	118	113	0	4
	2021	66	64	0	0

**Crime reports that were “unfounded” and withheld from the crime statistics (only a sworn or commissioned law enforcement personnel may “unfound” a crime for reporting purposes.**

#### **Hate Crimes Statistics:**

2021: 1 On-Campus Property/On-Campus Housing Destruction/Damage/Vandalism of Property with Racial Basis

1 On-Campus Property/On-Campus Housing Destruction/Damage/Vandalism of Property with Religion Basis

#### **Report to Ed Via the Web-Based Data Collection - Responsible Office**

<b>Office/Individual Responsible</b>	Amy Schaffer, University Compliance Officer. Contact Information: (785) 628-4175 or alschaffer@fhsu.edu
<b>Location where documentation is kept</b>	Sheridan 314, University Compliance Office
<b>Date policy and procedure were last updated</b>	September 2016

# Annual Fire Safety Report

<b>Office/Individual Responsible</b>	Terry Pierce, University Police Chief
<b>Location where documentation is kept</b>	Custer Hall Room 112, Police Department
<b>Date policy and procedure were last updated</b>	

## On-campus student housing fire safety system:

FHSU is subject to inspection and standards established by the Fire Marshal of the State of Kansas for code compliance. Typically, the City of Hays does not perform fire inspections of the University unless requested by the State Fire Marshal or in response to a verifiable complaint regarding a fire hazard or code violation. Additionally, as prescribed by K.S.A. 75-1250 et. seq., the University will continue to adhere to the standards prescribed by the State of Kansas Department of Administration’s Division of Architectural Services.

All academic and residential life buildings, within the defined boundaries of Fort Hays State University, are actively monitored with interactive fire alarm systems, which reports directly to a 24-hour monitoring service, which in turn, notifies the Hays Law Enforcement Dispatch Center. This excludes areas within the agricultural and/or farm areas.

Various fire suppression systems, commonly referred to as fire sprinklers, are utilized as required by statute/code and enforced by the Fire Marshal.

## Fire Suppression Systems for Residential Life Buildings

<b>Building</b>	<b>Full Sprinkler</b>	<b>Limited Sprinkler</b>	<b>No Sprinkler System</b>	<b>Active Alarm System</b>
Agnew Hall	X			X
Custer Hall			X	X
Heather Hall	X			X
McMindes Hall		X		X
Stadium Place Apartments A			X	X
Stadium Place Apartments B	X			X
Stadium Place Apartments C	X			X
Stadium Place Apartments D			X	X
Tiger Village	X			X
Victor E Village	X			X
Wooster Place Apartments A			X	X
Wooster Place Apartments B			X	X

Wooster Place Apartments C			X	X
Wooster Place Apartments D			X	X
Wooster Place Apartments E			X	X
Wooster Place Apartments F			X	X

( X ) denotes type of system

### Fire Drills:

During the reporting period of 2021, the University conducted four supervised fire drills for the residence halls. A team consisting of members from Residential Life supervised and critiqued the drills. Results of the critique were discussed with Student Affairs Staff.

### Policies or rules on Portable Electrical Appliances, Smoking & Open Flames in a student housing facility.

- All residence halls are smoke free. Smoking is permitted outside the building. Use of incense and/or open flames in the residence halls is prohibited. Candle warmers are permitted and encouraged.
- Residents are expected to use reasonable care in their usage of appliances and other electrical items. Due to potential fire hazards and power failures caused by overloaded electrical circuits, electrical appliance usage must be limited. Residents are encouraged to use UL-approved surge protectors with appliances to avoid blowing fuses. Multiple incidents of blown fuses may result in additional limitations of the items students may keep/use in their rooms.
- Small electric coffee pots, flameless candle warmers, and small microwave ovens (less than 700 watts in size) are allowed to be used in student rooms. Small cooking appliances without open coils such as George Foreman grills, electric woks, electric skillets, or electrical quesadilla makers are allowed but may be used in kitchens only. They may be stored in student rooms.
- Space heaters, halogen or torchiere lamps, and Medusa lamps with goose-necks and plastic shades are not allowed in student rooms.
- Cooking: The residence halls are not equipped with the kind of wiring, plumbing or ventilation systems which permit cooking in student rooms. Each hall has a kitchenette area that residents may use for cooking. Residents are expected to clean up after themselves.
- Microwave Ovens: Each floor is equipped with a common microwave oven for residents to use. Only microwave-safe dishes and utensils may be utilized and food is not to be left unattended. Failure to follow appropriate cooking methods may result in excessive heat/smoke production which will trigger the hall fire alarm system. Intentional disregard of cooking methods or failure to adhere to reasonable safety procedures which results in fire safety system activation will result in disciplinary action for a fire safety violation.

### **Student housing evacuation procedures for response to a fire:**

Campus Emergency Response Guidelines may be found on the Fort Hays State University Police Department webpage, under “Campus Emergency Response Guidelines,” located at <http://www.fhsu.edu/university-police/emergency-response-guidelines/residential-life-evacuation-guidelines/>

Residential Life residents will be notified about a fire in their building through the building’s fire alarm.

### **Discovering a Fire:**

- Remain calm; close the door to isolate the fire if safe to do so.
- Pull the manual fire alarm to start the evacuation and **call 911**.
- Use a fire extinguisher on a small, confined fire if you have been properly trained and it is safe to do so.
- Report any person trapped, injured or unaccounted for to 911, the [University](#) Police or the Hays Fire Department.
- Exit the building

### **When an Alarm Sounds:**

- Upon hearing an alarm, evacuate the building in an orderly fashion. If possible, close all interior doors and turn off the lights behind you. Do not lock the door.
- Move to the closest exit and proceed down the exit stairwell in a safe and orderly manner. Do not use the elevators! Emergency exits are conspicuously marked with an illuminated sign.
- Residential Life staff should assist students and visitors in a prompt and orderly evacuation to a safe area at least 200 feet from the building and report any missing or trapped person to 911.
- Remain at least two hundred (200) feet outside of the building in the safe area and await further instructions from the University Police personnel or the Hays Fire Department. In the event of inclement weather or a prolonged evacuation, the Director of Residential Life or designee should make arrangements for the temporary sheltering of displaced residents in a nearby Residential Life building or other available FHSU building.
- Do not go back into the building for any reason until directed to do so by Emergency Personnel. If you have a problem or concern, notify University Police or 911.

### **Evacuation Guidelines for Persons with Disabilities:**

- *Persons using wheelchairs:* If you are on a ground floor, you may not need assistance exiting the building. Proceed to a safe area 200 feet from the building and wait for instructions on when the building may safely be reentered. If you are located in a multi-level building, exit to the nearest designated evacuation point. (Designated evacuation points will be discussed at resident hall meetings to inform residents of the locations and evacuation routes.) Ask for assistance. Contact 911 or have someone notify the University Police or Fire Department as to where you are located in the building.

- Persons with mobility impairments: These individuals may use crutches, canes or walkers. Ask for assistance. If you are unable to use the stairs, follow the procedure for persons using wheelchairs (above).
- Persons who are deaf or hard of hearing: Buildings are equipped with visual fire alarm systems. Be familiar with the evacuation route in your building before an incident occurs. Ask for assistance by writing a note or using hand gestures. (Evacuation routes will be discussed at residence hall meetings to inform residents of the evacuation routes.)
- Persons who are blind or visually impaired: Buildings are equipped with audible fire alarm systems. Ask for assistance evacuating and let the person know how to assist you. If you have a guide dog, instruct the person on how to assist you.

**Designated Evacuation Points within Residential Life:**

- McMIndes Hall - Central elevator lobby on each floor
- Agnew Hall - Service desk lobby on main floor
- Custer Hall - Lobby or corridor areas adjacent to elevator
- Heather Hall – Service desk lobby on main floor
- Stadium Place Apartments - No designated evacuation points
- Wooster Place Apartments - No designated evacuation points
- Victor E Village – No designated evacuation points
- Tiger Village – No designated evacuation points

**Training:**

Fire safety education and training programs will occur for residential hall students at fall and spring floor meetings. Ongoing training and evacuation drills will address fire safety and evacuation procedures for staff and students.

**Reporting a fire and notification:**

Should a fire occur, 911 should be contacted immediately. In the event that 911 is not contacted or the fire alarms not activated, employees and or students are still required to report the fire to the University Police Department for inclusion to the fire statistics report.

**Improvement in fire safety:**

At this time, future improvements in fire safety are not necessary.

## Fire Safety Log

A “Fire Log” is maintained by the University Police Department for all fires occurring in an on-campus housing facility. The Fire Log is included in the daily crime log and can be viewed online at <https://www.fhsu.edu/university-police/crime-log/archive-of-daily-crime-logs>. Every attempt will be made to have the log updated by 10:00 a.m. during regular business hours.

## Fire Safety Statistics

One Fire occurred within On-campus student housing during the 2021 reporting period.

<b>Residential Facilities reporting Fires</b>	<b>Total for each building</b>	<b>Cause of Fire</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage Value</b>
Wooster Place E	1	Food on stove caught fire	0	0	\$16,368

# Appendix A

## ON CAMPUS

**Main Campus:** The main area of the campus is located in the south west corner of Hays, Kansas and has the address of 600 Park Street. The main campus consists of the academic and farm halves which are separated by U.S. Highway 183 Bypass.

The north boundary of the academic portion of the campus is the south side Old U.S. Highway 40 between the intersections with Elm Street and the U.S. Highway 183 Bypass.

The eastern boundary generally runs south from Old U.S. Highway 40 to West 6<sup>th</sup> Street. Specifically, the eastern boundary of the campus runs from Elm Street west along the north curb of the 500 block of 8<sup>th</sup> Street then turns south and runs along the eastern curb of the 700 block of Park Street to West 7<sup>th</sup> Street. The boundary moves east approximately 50 feet and goes south in the 600 block of Park Street along a fence and lot edge to include Lot N which is owned by the University. The boundary then goes west to West 6<sup>th</sup> Street /Park Street intersection.

The border then turns south and follows the eastern sidewalk to Jellison Walking Bridge. At the bridge, the border leads south across the bridge to the western bank of Big Creek. The border then generally follows a southern route along the creek to a point that is northwest of the intersection of Dwight Drive and Elm Street. The border then crosses the creek to the intersection of Dwight Drive and Elm Street.

The border then crosses Elm Street in the 400 block and follows the eastern curb of Elm Street from the 400 block south east until Elm Street curves to the east and intersects with Main Street. The border then proceeds south to the north bank of Big Creek.

The southern boundary runs along the north bank of Big Creek to a point that is northwest of the buffalo corral in West Frontier Park, then southwest along the corral to U.S. Highway 183 Bypass. The western boundary then runs north-northwest along the west side of U.S. Highway 183 Bypass to the intersection of Old U.S. Highway 40.

**UNIVERSITY FARM AND SOCCER COMPLEX:** The University Farm and Soccer Field lies on the west side of U.S. Highway 183 Bypass.

The north border is the property line that runs between the 1300/1400 block of 210<sup>th</sup> Avenue east approximately 2.75 miles to the western side of the city athletic field, then south approximately 1 mile along the athletic field, then east approximately .5 miles. The northern border then turns north approximately .33 miles along the east side road that separates the city property from the University property. The border then turns east for approximately .75 miles to U.S. Highway 183 Bypass.

The eastern edge of the University Farm the runs south-southeast along U.S. Highway 183 Bypass for approximately 2.5 miles. It then runs along the fenced north boundary of the Hays Municipal

Golf Course southwest approximately .20 miles then northwest approximately .5 miles then west approximately .5 miles to 230<sup>th</sup> Avenue. The boundary then south along the 1200 block of 230<sup>th</sup> Avenue for approximately .75 miles. The boundary then follows the south boundary of the Hays Municipal Golf Course northeast approximately .25 miles, then southeast approximately .25 miles until it reaches approximately the middle of the 1400 block of Golf Course Rd.

The border then runs west along the north side of Golf Course Road to 230<sup>th</sup> Avenue. The boundary then runs south .5 miles along the western side of 230<sup>th</sup> Avenue to Bison Rd. The border then runs east .5 miles along a property fence. The border then runs south 1.5 miles along a property fence (crossing Spring Hill Road) to the middle of the mile section. The property line then runs west 1 mile (crossing 230<sup>th</sup> Avenue) to the middle of the mile section. The property line then turns north for 1.5 miles (crossing Spring Hill Road) to the middle of the 1300 block of Bison Road. The property line runs west 1.5 miles west along Bison Road and the mile section line to the intersection of 210<sup>th</sup> Avenue and Golf Course Rd. The property line then runs north along the east side of the 1200 and 1300 blocks of 210<sup>th</sup> Avenue to the north property line.

### **OFF CAMPUS**

**Sternberg Museum:** Located at 3000 Sternberg Drive, Hays, Kansas. The property includes the two lane drive that leads from 27<sup>th</sup> Street northeast to Sternberg Drive and the main grounds of the museum. The main property is bordered on the north side by the fence row running northeast to southwest along the south side of I-70 to the northeast corner of the parking lot owned by the University and located on the east side of Canterbury Drive. The property line then runs south along the east side of the parking lot until reaching Sternberg Drive. The property then runs west along Sternberg Drive until reaching the west edge of the parking lot and the drive leading to 27<sup>th</sup> Street. The property line then runs north along the west edge of the lot to the property line shared with Cedar View Assisted Living Community. The property then runs west to Chetolah Gold Creek, then follows the creek to the north-northwest until reaching the fence on the south side of I-70.

**Pavilion:** The Pavilion is located on the west side of the 1600 block 230<sup>th</sup> Avenue in Ellis County, Kansas. The property is the northeastern most 1/8 section located in the mile section on the west side of the road (Sec 18, Twn 13, Rng 18, NE/8).

**Un-Named Property:** There is an un-named section of pasture land in the 2600 block of 370<sup>th</sup> Avenue in Ellis County, Kansas, described as Section 28, Township 11, Range 16, West one half of the mile section.

**Sorority/Fraternity:** The following properties are owned or controlled an officially recognized student organization. All addresses are within the city limits of Hays, KS.

409 West 8<sup>th</sup> Street – Alpha Gamma Delta

404 West 7<sup>th</sup> Street – Sigma Chi

316 West 7<sup>th</sup> Street- Alpha Gamma Rho

**Kansas Wetlands Education Center:** The Kansas Wetlands Education Center is located at 592 NE K-156 Highway at the southeast side of Cheyenne Bottoms Wildlife Area in Barton County,



Kansas. The property line runs southeast from K156 for approximately 1000 feet, then south along the mid-section of the mile section to Northeast 50 Road. The southern edge runs along Northeast 50 Road to the intersection with Cheyenne Bottoms Road. The property line then runs northwest along Cheyenne Bottoms Road to the intersection with highway K-156. The property line then runs northeast along highway K-156 approximately .75 miles to the northern boundary of the property.

# Appendix B

The following is a summary of those agreements between Fort Hays State University and/or the University Police Department and various outside agencies.

## **Annexation Agreement between the City of Hays and Fort Hays State University - May 2, 1995**

Section 6 defines the authority of the University Police Department as it relates to the Annexation Agreement. Specifically, it states "The University will continue to maintain its autonomous police force with the authority, powers, and jurisdiction as statutorily authorized in K.S.A. 76-726 et. seq. The University and City police will continue to cooperate and to provide assistance to each other whenever possible and appropriate." Section 7 defines the authority of the University for parking regulations and enforcement. Specifically, it states "The regulation of parking on University property shall remain under the control of the Kansas Board of Regents pursuant to K.S.A. 74-3209 et. seq. or successor statutes, or the policies or regulations promulgated by the Kansas Board of Regents or University. The University's Police Force will continue enforcement of traffic and parking violations on the University campus. Parking violations will be enforced and adjudged through the University system as authorized by K.S.A. 74-3210a et. seq. or successor statutes, or policies or regulations promulgated by the Kansas Board of Regents or University." Section 12 generalizes Emergency Management and Cooperation between FHSU and the City of Hays. Specifically, it states "The City and University pledge to work together in emergency management of natural or man-made emergencies and pledge to continue to work together to both prevent and alleviate disasters and emergencies."

The UPD represents FHSU as a participating member of the Ellis County Communications Group, Ellis County Local Emergency Planning Committee and the Ellis County Emergency Operations Center.

Fort Hays State University does not maintain an autonomous fire department and is reliant upon the City of Hays Fire Department to provide those services as outlined within the annexation agreement between FHSU and the City of Hays. In Section 2, it specifically states "The City shall provide fire protection to the University free of charge consistent with and as provided to other entities within the City. The University shall maintain its active efforts to prevent false alarms."

## **City of Hays Police Department Agreement with FHSU Police Department - December 2, 2005**

This agreement gives concurrent enforcement authority to FHSU Police Department within the city limits of Hays and is considered a request for assistance by the City, pursuant to K.S.A. 22-2401a. This agreement does not alter, diminish, or increase the jurisdiction or responsibility of the City or FHSU, and their police departments, but eliminates the necessity of having a specific prior request for assistance from the FHSU Police Department to respond to calls in areas populated predominately by students and university personnel in any area within the city limits of the City of Hays, Kansas.

**Ellis County High Technology Crime Unit (HTCU) Memorandum of Understanding - March 27, 2003**

Establishes an agreement between the FHSU Police Department, Ellis County Attorney's Office, Ellis County Sheriff's Department and the Hays Police Department. Resulted in the formation of a joint investigative crime unit for the purposes of investigating technology-related crimes within Ellis County.

**MOU between FHSU Police and the Kansas ICAC Task Force - March 27, 2003**

The purpose of this MOU is to maximize interagency cooperation, formalize relationships between member agencies and investigate suspects who utilize the Internet to seek, harm or exploit children as sexual partners and/or traffic in child pornography. The Kansas Internet Crimes Against Children Task Force includes investigators and supervisors from various local, state, and federal law enforcement agencies who provide assistance both locally and in various jurisdictions, subject to availability.

**Statement of Agreement between FHSU and the Ellis County Chapter of the American Red Cross**

Written agreement designating Gross Memorial Coliseum (GMC) as a mass care shelter for Ellis County. This requires a request by Red Cross, in consultation with the Ellis County Emergency Management office and the University Police Department, to provide physical facilities to support the American Red Cross disaster relief. The shelter will be staffed & closed by Red Cross during the duration of the disaster event. GMC is generally used for sheltering during inclement weather, such as blizzards when the highways are closed and all motels are at capacity.

**MOU between Hays Unified School District #489 and Fort Hays State University**

Defines the process to be used by USD #489 and Fort Hays State University in the event of a crisis incident requiring the emergency evacuation of schools to FHSU's Gross Memorial Coliseum for student sheltering operations. The Superintendent of Schools or designee is authorized to order evacuation to FHSU when no other options are available for sheltering, after notification to the University Police Chief or designee. USD #489 is responsible for the transportation & supervision of students. FHSU is responsible for directing USD #489 to appropriate entrances and will unlock doors and provide lighting, heating and restrooms for the duration of the evacuation. All agencies agree to work cooperatively in order to safeguard USD #489 students in the event of a major crisis event.

# Appendix C

## Designated Areas of Rescue Assistance:

- **Albertson Hall** – In each of the four stair towers at each level above the first floor
- **Center for Applied Technology** – No designated areas of rescue assistance
- **Schmidt Foundation Center for Art and Design** - No designated areas of rescue assistance
- **Cunningham Hall** - Any exit
- **Davis Hall** - Northeast stairwell of Davis Hall
- **Forsyth Library** - The north side stairwell on the second floor and basement
- **Gross Memorial Coliseum** - Southeast stairwell, Gate 1
- **Hammond Hall** – No designated areas of rescue assistance
- **Malloy Hall** - On the second floor, the stairwell on the east side. In the basement of Malloy, go to the stairwell on the west side
- **Martin Allen** - South stairwell on the second floor and the west stairwell leading outside of the building
- **McCartney Hall** - East side of McCartney Hall in the stairwell on all floors
- **Memorial Union and Fischli Wills Center for Student Success** - Follow illuminated exit signs
- **Picken Hall** - South stairwells
- **Rarick Hall** - The northeast stairwell on all floors
- **Residential Life Maintenance Building** – No designated areas of rescue assistance
- **Sheridan Hall** - West side of Sheridan in the stairwell on all floors
- **Stroup Hall** – No designated areas of rescue assistance
- **Tomanek Hall** - The southeast stairwell on all floors

## Designated Evacuation Points within Residential Life:

- **McMindes Hall** - Central elevator lobby on each floor
- **Agnew Hall** - Service desk lobby on main floor
- **Custer Hall** - Lobby or corridor areas adjacent to elevator
- **Stadium Place Apartments** - No designated evacuation points
- **Wooster Place Apartments** - No designated evacuation points
- **Victor E Village** - No designated evacuation points
- **Tiger Village** – No designated evacuation points.