

**BALL STATE UNIVERSITY**  
**2010 Campus Security Report**  
**Prepared by the Office of Student Rights and Community Standards**  
**October 8, 2010**

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

You may click on the appropriate headings to find the specific information you are seeking. In addition, you will find the complete report below.

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## CAMPUS CRIME STATISTICS

CRIMINAL OFFENSES*	2007				2008				2009			
	On-campus	On-campus housing	Non-campus	Public property	On-campus	On-campus housing	Non-campus	Public property	On-campus	On-campus housing	Non-campus	Public property
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses (forcible)	4	4	0	0	1	1	0	0	1	1	0	1
Sex offenses (non-forcible)	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	1	1	1	0	2	4	2	0	3
Aggravated assault	1	0	1	1	0	0	0	1	1	1	0	9
Burglary	33	13	2	0	17	13	2	0	16	7	2	0
Motor vehicle theft	2	0	0	3	0	0	0	1	1	0	0	0
Arson	0	0	0	0	0	0	1	1	0	0	1	0
<b>ARRESTS</b>												
Weapons offense	2	0	0	1	4	0	0	2	0	0	0	3
Drug abuse violations	36	18	0	67	31	30	0	92	18	18	0	67
Liquor law violations	143	49	9	326	128	60	2	150	77	40	0	267
<b>DISCIPLINARY REFERRALS</b>												
Weapons offense	6		0	0	4	4	0	0	3	3	0	0
Drug abuse violations	9		0	0	2	2	0	0	1	1	0	0
Liquor law violations	728		0	0	514	514	0	0	450	450	0	0

No hate crimes are reported in any category of crime reports for the years 2007, 2009, and 2010. Hate crimes are also to be reported when they occur in the form or in conjunction with simple assaults, larceny-theft, intimidation, and destruction/damage/vandalism to property. No hate crimes were reported for 2007-2009 in these categories.

## REPORTING CRIMES AND EMERGENCIES

The Ball State University Department of Public Safety strongly encourages students, faculty, and staff to immediately report crimes, suspected criminal activity, or other emergencies to the University Police.

Emergencies: 911

Non-Emergencies:

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

### Timely Warnings

When there is an immediate and time-sensitive threat to the campus community, timely warning reports are made simultaneously via the Ball State Web site, e-mail, campus voice mail, and [mobile text messaging](#) (to those who subscribe). The [campus siren](#) may also be used.

Timely warning reports include reports of serious crimes including murder, manslaughter, robbery, arson, aggravated assault, burglary, motor vehicle theft, rape, and hate crimes. Information contained in the reports includes:

- Type of criminal activity reported
- Date and time of the incident
- Location of the incident
- A brief description of the offense
- Suspect(s)
- Specific safety response
- Police and emergency telephone numbers
- Issuance and removal dates

This system is used when immediate and specific action by students, faculty, and staff could protect them from imminent danger. This system is also used when classes are canceled or the campus is closed.

Ball State University Police makes available to all media upon request all public information related to reported criminal activity on a daily basis for the purposes of public awareness. Additionally, press releases and crime alerts related to certain specific incidents are posted at [www.bsu.edu/news](http://www.bsu.edu/news).

### Annual Security Report and Disclosure of Crime Statistics

The Office of Student Rights and Community Standards and University Police prepare an annual security report disclosing all crime statistics required by the U.S. Department of Education in compliance with the Clery Act. This report is filed with the Department of Education and is

made available to the public at [www.bsu.edu/fireandsafetyreports](http://www.bsu.edu/fireandsafetyreports). Ball State crime statistics can also be found <http://ope.ed.gov/Security>. You may also obtain a printed copy by calling or writing to:

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

or by calling or writing to:

Ball State University Department of Public Safety  
Attn: Crime Statistics  
200 N. McKinley Avenue  
Muncie, IN 47306  
Telephone: (765) 285-1222

Ball State University's annual crime statistics include on- and off-campus crimes as defined by the Clery Act that are reported to University Police. Crime reports are also forwarded to Student Rights and Community Standards by the Muncie Police Department, State Excise Police, and other law enforcement agencies through University Police. The crime statistics include also disciplinary referrals for alcohol, drug, and weapons law violations made to the following offices and individuals:

- Ball State University Police
- Office of Student Rights and Community Standards
- Office of Housing and Residence Life
- Any other office within the Division of Student Affairs
- Advisors to student organizations
- Director of Intercollegiate Athletics and coaches of intercollegiate athletic teams

### **Annual Security Report Preparation**

Ball State University's Annual Campus Security Report is the result of the effort of many people on campus. Each year offices and individuals submit data for inclusion in the annual crime statistics. No formal police report is required for a crime to be included in the statistics. Every effort is made to ensure that all persons required to report in fact do so and that our statistics are as accurate as possible.

If you have any questions or concerns regarding any of the statistics and information in this report, please contact the Office of University Communications, Ball State University, Muncie, IN 47306; telephone: (765) 285-1560.

### **Confidential Reporting**

Crimes reported to counselors at the Ball State Counseling and Psychological Services Center, (765) 285-1736, or to staff at the University Health Center, (765) 285-8432, are confidential by

law. Some off-campus reports may also be legally confidential, such as reports to a private physician or local counseling services.

Crimes reported to the above services are not included in the annual crime statistics.

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

## **BUILDING ACCESS**

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

### **Residence Halls**

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

### **Other Campus Facilities**

Other campus facilities have specified hours of operation based on their use and the facilities they contain. These buildings are secured at closing times. Most academic buildings on campus will be locked at 10 p.m. while most administrative buildings are locked at 5 p.m., though these times will vary. University Police Officers actively patrol the campus in vehicles, on bicycle, and on foot. Buildings are periodically checked by University Police Officers.

## **UNIVERSITY POLICE**

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

By virtue of Indiana Codes 20-12-3.5-1 through 20-12-3.5-6, and mutual aid agreements with the City of Muncie and Delaware County, Ball State Police Officers have full police powers.

Ball State police officers enforce all state and local laws, including underage drinking, controlled substances, crimes against property, and crimes against persons. University Police works cooperatively with local, county, and state law enforcement agencies.

University Police also works closely with the Office of Student Rights and Community Standards and the Office of Housing and Residential Life to enforce the Code of Student Rights and Responsibilities (see <http://www.bsu.edu/studentcode>).

## REPORTING A CRIME

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

### Emergencies: 911

### Non-Emergencies:

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

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### Emergency Notification

*Emergency Notifications* are delivered simultaneously via the university web site, e-mail, campus voicemail, and mobile text messages (to those who subscribe) when there is an immediate threat to the campus community. The system is used when **immediate and specific action** of students, faculty, and staff is likely to protect them from imminent danger. This system is also used when classes are cancelled or the campus is closed. Visit <http://www.bsu.edu/commcenter> and select "manage emergency notifications" to subscribe to emergency text messaging.

### Severe Weather

Please note the unique nature of severe weather. Weather notifications have a very short timeframe and severe storms are often difficult to predict precisely. As a result, the Ball State emergency notification system WILL NOT be used to alert the campus about severe weather watches, warnings, or tornadoes. **The university will rely on the most effective methods of notification for severe weather: the three campus sirens and announcements on local TV and radio stations.** In addition to those, you may want to explore free alert services such as:

- The Weather Channel <http://www.weather.com/mobile/customtextmessaging.html>
- EmergencyEmail.org [www.emergencyemail.org](http://www.emergencyemail.org)

### *In the case of an emergency on campus:*

- In the case of an emergency on campus, the emergency warning sirens will emit a continuous three-minute sound warning.
- The siren is used to alert the public to impending weather emergencies, as well as hazardous material spills, national threats, and safety emergencies.
- If you hear the siren, take cover inside. Tune into your local radio or television station for further instructions and visit the [Ball State Web site](#). If you cannot get to a radio or

television, initiate tornado protection procedures as this is the most likely reason for the siren to sound.

- The siren does not sound for the entire duration of the emergency. Do not assume that the danger has passed when the siren stops sounding.

### ***Opt-in Text Messaging***

- Ball State offers an opt-in text message service that enables students, faculty, and staff to sign up to receive emergency information from the university via their cell phones.
- To subscribe to this service, go to [www.bsu.edu/commcenter](http://www.bsu.edu/commcenter) and select "manage emergency notifications."

### **Assessing Emergencies**

In the event of a threat to the safety of the campus, the Director of Public Safety, or his/her designee, contacts the Chief Communications Officer. The situation is reviewed and necessary and needed communications considered. The communications officer works under the direction of the Public Safety director. The university has two modes of communication: **Public Safety Notices** are sent when information may benefit the campus community to help raise awareness, mitigate rumors, and convey official information. They are sent when no immediate action is necessary. **Emergency Notifications** are sent when there is imminent danger on campus and immediate and specific actions can improve safety. When the safety of the campus community is in jeopardy, clear and quick communication is the university's top priority. The goal of the communication is to first preserve human safety.

### **Responsible Staff**

Director of Public Safety

Associate Vice President for Marketing and Communications

Vice President for Student Affairs & Dean of Students

Associate Vice President for Student Affairs & Director of Housing & Residence Life

Associate Vice President for Facilities Planning and Management

Residence Hall Directors

Director of University Communications

Director of Marketing Communications

### **Dissemination of Information**

Once it has been determined that an imminent danger situation exists, the Emergency Notification System is activated. Information—including safety instructions for students, faculty, and staff—will be made available to the campus community through e-mail, opt-in text messaging, voice mail, the Ball State Web site, and local radio and TV stations. University Marketing and Communications is the only campus office authorized to disseminate official information about campus emergencies to the campus community. Updated information about the situation will be posted on the Ball State Web site as available.

### **Testing Procedures**

The university tests its emergency notification protocol and technical systems no fewer than three times per year. The university also conducts at least one table top or full scale disaster drill each year. Those drills have included university communications for two years.

## **SAFETY AWARENESS AND CRIME PREVENTION PROGRAMS**

At the beginning of each academic year, University employees are sent a letter informing them of safety procedures, emergency communication, responding to emergencies and helping students in distress. The letter includes highlighted safety information, directs employees to the University website [www.bsu.edu/prepared](http://www.bsu.edu/prepared), and is accompanied by a printed version of emergency response guidelines to keep close to office telephones. Guidelines encourage employees to be responsible for their own and others' safety and provide information on how best to keep safe in various situations.

Students are notified by similar materials distributed through residence halls. In addition, articles in the student newspaper (the Daily News) regarding safety and crime prevention are initiated by University police.

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

A campus escort service has been established to provide the community with safe campus transportation to and from university buildings. The Campus Escort Service can be reached at (765) 285-5005, 6 p.m. to 3:30 a.m., Sunday thru Thursday.

University Police conduct Rape Aggression Defense (RAD) courses throughout the year. Learn more at [www.bsu.edu/publicsafety/prevention.html](http://www.bsu.edu/publicsafety/prevention.html).

Crime prevention presentations relating to personal safety and the safeguarding of one's property are offered to the entire university community through the University Police Department. Thousands of students take advantage of these programs each year. Individuals or student organizations interested in obtaining a program presenter should contact Public Safety at (765) 285-3009.

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

The Office of Student Rights and Community Standards is responsible for administering the *Code of Student Rights and Responsibilities* (published at [www.bsu.edu/studentcode](http://www.bsu.edu/studentcode)), which outlines the rights and responsibilities of students, behaviors prohibited on and off campus, sanctions, and the procedural rights of students and student organizations. Any person, agency, organization, or entity may make a complaint to the Office of Student Rights and Community Standards alleging a violation of the *Code of Student Rights and Responsibilities*. In addition, any criminal offense may be reported to the Office of Student Rights and Community Standards, which in turn will be reported to the appropriate law enforcement agency. The Office of Student Rights and Community Standards is located in the Student Center, room L-4; telephone: 765-285-5036.

## **OFF-CAMPUS STUDENT CRIMINAL ACTIVITY**

When a Ball State University student is involved in an off-campus criminal offense, or when criminal activity occurs at off-campus housing facilities operated by recognized student organizations, University Police may conduct a criminal investigation or assist in criminal investigations conducted by other law enforcement agencies. University Police officers patrol residential and business areas surrounding the campus but also have full police powers throughout Muncie and Delaware County. Students cited or arrested for off-campus criminal activity in the Muncie area, if identified as students, are routinely reported to Student Rights and Community Standards for adjudication under the *Code of Student Rights and Responsibilities*.

## **MISSING STUDENT NOTIFICATION POLICY**

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

### **Confidential Contact Person**

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

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

### **Notification Procedures for Missing Persons**

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

- Residence Hall Director
- Assistant Residence Hall Director
- University Police

When report is made to residence hall staff, University Police will be contacted immediately and staff will work with University Police. Cooperative efforts may include:

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

University Police will gather all essential information related to the missing person and conduct a thorough investigation. No later than 24 hours after the missing person report is first received,

University Police will notify the individual's designated contact or (for persons under 18 years of age and not emancipated) the subject's parent or guardian to inform them that the resident student is believed to be missing.

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

## **ALCOHOL POLICY**

Additional information about drugs and alcohol may be found at Ball State's [Safe And Drug-Free Campus](#) website and at <http://www.bsu.edu/AlcoholAwareness>.

The following policy appears in the *Code of Student Rights and Responsibilities* in Appendix A:

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

### ***A. General Guidelines***

1. *University Sponsored Events*- Illegal purchase, service, consumption, or possession of alcoholic beverages at any University-sponsored event on or off campus is prohibited. Upholding applicable local, state, and federal laws in connection with this policy is the joint responsibility of the persons in attendance at the activity, the sponsoring organization, and the management of the establishment in which the activity is held.
  2. Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.
  3. Providing alcoholic beverages at any time to an individual who is under 21 years of age is strictly prohibited.
  4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the Student Code.
  5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
  6. Students found responsible for providing alcohol to minors and selling or distributing alcohol in violation of state law shall be in violation of the student code.
- ***Students hosting parties where alcohol is provided to minors, provided in excess to others, or otherwise distributed in violation of the law shall be subject to possible suspension or expulsion from the University.***

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

1. Residents who are of legal age to possess or consume alcoholic beverages and who reside in University-operated employee or University Apartment units may possess and consume such alcoholic beverages in the privacy of their residences.

2. Consumption and possession of alcohol may be permitted on some residence hall floors where all residents are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the student rooms.

## **Laws Concerning Drinking or Serving Alcohol**

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

### **Alcohol Use by Persons Under the Age of 21**

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

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

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

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

It is illegal:

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

- To sell, barter, exchange, give, provide, or furnish an alcoholic beverage to a person known to be an alcohol abuser.
- To hinder, obstruct, interfere with, or prevent the observance or enforcement of the Indiana Alcohol Beverage Code. For a person 21 years of age or over to encourage, aid, or induce a minor to unlawfully possess or use an alcoholic beverage.
- To take an alcoholic beverage into bar, restaurant, or place of public entertainment. (Indiana Law prohibits patrons from taking any alcoholic beverage into any bar or other place without liquor license. It also prohibits taking liquor into any restaurant or place of public entertainment.)
- To possess alcoholic beverages on which Indiana tax has been unpaid or to transport untaxed beverages into the state.
- To directly or indirectly charge for alcoholic beverages without a license (including charging for food, entertainment, cups, napkins, tokens, etc. where alcoholic beverages are distributed-there are no loopholes). (NOTE: A one-day temporary permit is easily obtained. This permit allows you to charge for beer or wine but also allows police inspection of the premises without a warrant. Rules on minors, intoxicated guests, etc., would still apply.)

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

### **Alcohol or Other Drug Impaired Driving**

It is illegal:

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

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

### **Parties, Permits, and "Common Nuisances"**

Indiana law requires a license to "...Ship, barter, give away, exchange, furnish, or otherwise handle or dispose of an alcoholic beverage..." (except to give it to a family member or invited guest who is of legal age). This has been interpreted to mean that it is all right to serve over-21 friends a beer or two but one may not sell it or receive anything of value in exchange for it. If a

party gets larger than "invited guests," or if admission is charged (or "donations" accepted), a temporary permit is required. Without a permit, one can be charged with

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

### **Social Host Liability**

Under civil law in Indiana, the host of a party might be sued for damage caused by a guest who was served alcohol negligently. Negligence is determined by juries, so it is hard to predict, but the following steps will reduce liability for negligent serving of alcohol: enforce state laws and don't serve minors or intoxicated people; limit consumption to reasonable levels and provide safe rides or a place for intoxicated people to stay until they are sober; avoid high risk activities like drunk driving. Use common sense.

### **A Caution for Guests...**

Even non-drinking guests at parties where alcohol is being served could be at risk for an arrest or conviction. It is a crime to "visit a common nuisance" (i.e. an unlicensed big party). Minors could also be charged with "constructive possession" of alcohol if they are close enough to alcohol that it is "within their dominion for control."

## **DRUG POLICY**

The use, possession, sale, or transfer of narcotics, drugs or hallucinogens is prohibited on campus, except as permitted by law. The following policy appears in the *Code of Student Rights and Responsibilities* in 5.3.3:

**Drugs** - Using, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs, or prescription drugs, except as expressly permitted by law, or possessing drug paraphernalia which can be demonstrated to be linked to illegal drug activity.

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

### **Laws Concerning Controlled Substances**

#### **Controlled Substances**

"Controlled Substances" are regulated drugs that have been determined to have special "abuse potential." Such drugs include; marijuana, hashish or hash oil, cocaine, LSD and other hallucinogens, barbiturates and other sedative-hypnotics, amphetamines and other prescription stimulants, MDMA (Ecstasy), PCP, and similar drugs. It is illegal under both state and federal to:

- Manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

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

Criminal sanctions for such violations can include fines from \$5,000 to \$10,000 under state law and up to \$25,000 under federal law, and imprisonment in a state prison for up to 50 years or in a federal prison for up to life. The sanction imposed will be determined by; (1) the classification of the controlled substance, (2) the quantity involved, (3) the nature of the offense (sale, use, etc.), (4) the age of the recipient (higher penalties for possession, sale or delivery near a school, etc.), and (5) the prior criminal record of the offender. More detailed information may be obtained by consulting the Indiana Criminal Code or the Federal Controlled Substances Act, as amended.

### **Anabolic Steroid**

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

### **Tobacco Under Indiana Law**

It is illegal for a person under the age of 18 to purchase or possess tobacco, and it is illegal to sell tobacco to a person under the age of 18. A person purchasing a tobacco product must have proper identification for proof of age. A fine of up to \$500 may be imposed for such violations. Indiana law also prohibits smoking in public buildings (including all BSU properties), except in designated smoking areas and private residence rooms. A fine up to \$500 may be imposed for such violations.

### **Pell Grant Award Recipients**

All students who receive Pell Grant awards are required to sign a certification and compliance statement, which is a part of the Ball State University financial aid application form. As a condition of the Pell Grant, the student agrees not to engage in the unlawful manufacture, distribution, possession or use of a controlled substance during the period covered by the grant. Violation of this agreement will lead to the cancellation of the grant. Under Federal regulations, all Pell Grant recipients have to remain drug-free (on and off campus) throughout the grant period or lose funds.

### **Campus Resources for Alcohol and Other Drug Information**

In addition to the information below, campus resources for alcohol and other drugs can be found at the [Alcohol Awareness](#) and the [Safe And Drug Free Campus](#) websites. These are regularly advertised in the student campus newspaper.

### **Health Education**

The Alcohol/Drug Education Program is a part of Health Education in the Student Health Center. This office provides a wealth of information as well as alcohol and drug abuse consultation and assessments for students. There are several individual and group programs available to students who want to learn more about how alcohol and other drug use is impacting their lives and how they can monitor their behavior. The Court Offenders Alcohol and Marijuana Programs are peer-facilitated six-week educational programs for Ball State University students who have been arrested for a misdemeanor alcohol or marijuana offense anywhere in the State of Indiana. These programs are recognized by the state's judicial system as legitimate alcohol and marijuana educational programs. Referrals come from the courts, probation officers, attorneys and other correctional programs attached to the judicial system. The programs focus on alcohol or marijuana education and behavioral change.

The program includes individual student assessment, a behavioral contract, group sessions and individual evaluations. Initially, each referred student has an hour-long assessment with the program coordinator, which is followed by six 1 1/2 hour sessions and attendance at an Alcoholics Anonymous meeting. Following completion of the group sessions, each student completes an exit interview and establishes alcohol behavioral goals for the following three to six months.

### **Counseling and Psychological Services Center**

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

### **Fisher Institute for Wellness & Gerontology**

The Fisher Institute for Wellness & Gerontology is designed to respond to a variety of life-style issues. Some of the work of the Institute in this area is designed to provide quality alcohol and drug information to members of the University community.

### **Academic Department Courses**

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

- Department of Physiology and Health Science
- School of Physical Education
- Department of Family and Consumer Sciences
- School of Nursing
- Department of Sociology
- Department of Counseling Psychology and Guidance Services

# SEXUAL ASSAULT

## Sexual Assault Prevention Programs

Numerous programs and printed materials are offered to the university community relating to personal safety and prevention of sexual assault. University Police offers a 12-hour RAD (Rape Aggression Defense) program free of charge. The Calendar of Events Handbook, available at the University bookstore, provides detailed information on responding to victims of sexual assault. It lists all the available resources for victims in need of counseling, medical attention, and emergency shelter. This information is also available on-line from the [Student Rights & Community Standards](#) website.

## Reporting Sexual Assault

Victims of sexual assault are strongly encouraged to report the incident to the University Police at (765) 285-1111. Off-campus incidents should be reported to either University Police or the Muncie Police Department at (765) 747-4838. It is important to preserve physical evidence that may be needed for investigation and prosecution: the victim should not change clothes or otherwise cleanse her/himself before going to a hospital. If the victim is reluctant to contact the police initially, she/he should still seek treatment at a hospital to preserve evidence and address any health concerns.

## Notifying the Police/Assistance from the University

Ball State University will provide whatever assistance the victim needs in notifying the police. On-campus assaults should be reported to University Police at (765) 285-1111. Off-campus incidents should be reported to either University Police or the Muncie Police Department at (765) 747-4838. In all cases, emergency assistance can be reached by calling 911.

If the victim does not wish to prosecute the offender or report the offense to the police, she/he can still file a report with the Office of Student Rights and Community Standards, provided the offender is a student. A disciplinary review will be initiated under procedures outlined in the *Code of Student Rights and Responsibilities*.

Ball State University fully supports the *Campus Sexual Assault Victim's Bill of Rights* which can be found at [www.bsu.edu/sa/srcs/sexassault](http://www.bsu.edu/sa/srcs/sexassault). Included in the *Campus Sexual Assault Victim's Bill of Rights* are such principles as:

- Every effort will be made to accommodate a victim's preference as to the gender of the reporting officer.
- Every victim will be treated with respect and sensitivity.
- Every case will be taken seriously and thoroughly investigated regardless of the victim's gender or the gender of the assailant.
- The police will assist the victim in obtaining necessary medical attention and counseling, and will continue to assist victims as they proceed through the legal system.

## Victim's Services

### *On-Campus Assistance*

- Office of Victim Services (765) 285-7844  
The Office of Victim Services provides an advocate for 24-hour availability to respond to the hospital or neutral location when requested. The program is designed to assist individuals in the recovery process by providing timely information and confidential support and guidance through the campus judiciary and criminal justice systems.
- Counseling and Psychological Services (765) 285-1736 or after hours (765) 747-7330

### *Off-Campus Assistance (24 hour availability)*

- Muncie Police Department Victim Advocate Program: (765) 747-4777
- A Better Way (765) 747-9107 (A Better Way is the local domestic violence shelter)

### **Changing a Victim's Academic and Living Conditions**

Ball State University will make changes in a victim's academic and living conditions if requested by the victim and when other options are reasonably available.

### **University Disciplinary Procedures**

The student conduct regulations are detailed within the *Code of Students Rights and Responsibilities (Code)* on-line at [www.bsu.edu/studentcode](http://www.bsu.edu/studentcode). The *Code* states the rights and responsibilities of students including procedural rights of students and student organizations and the range of sanctions that can be imposed for violations of the *Code*.

The policy on sexual misconduct is found in Section V of the *Code of Student Rights and Responsibilities* which provides:

**5.1.5 Sexual Misconduct:** Sexual intercourse or sexual touching, however slight, by one person upon another without effective consent or when it involves compelling a person to submit to such conduct by force, threat of force, use of intoxicants to impair a victim's ability to give consent or otherwise taking advantage of any impairment which might render a person incapable of making a reasonable or rational decision about sexual activity. As defined by the State of Indiana, sexual misconduct also includes any sexual act when the person is not of legal age. *See also Sexual Misconduct Policy, Appendix I.*

The procedures, policies and sanctions outlined in the *Code of Students Rights and Responsibilities* apply to all violations of the *Code* including sexual misconduct violations.

As outlined in Section VI, 6.4.5, Procedures for Disciplinary Hearings, the accused student and the accuser are allowed the same opportunities to present evidence and have others present during a disciplinary proceeding. Students are informed of the outcome of a disciplinary proceeding alleging a sex offense or crime of violence within (5) school days after the conclusion of the hearing. This compliance does not constitute a violation of the Family Educational Rights and Privacy Act.

Sanctions for students include: disciplinary probation, suspension, and expulsion (Section VI, 6.4.6 of the Code).

Prosecution - We strongly encourage survivors of rape/sexual assault to prosecute the assailant under criminal law as well as filing a complaint under the *Code of Student Rights and Responsibilities*.

For further information on the *Code of Students Rights and Responsibilities*, contact the Office of Student Rights and Community Standards located in the Student Center, room 224; telephone: (765) 285-5036.

### **Registered Sex Offender Information**

Information regarding registered sex offenders may be obtained from the Department of Public Safety by contacting the University Police. Indiana's Sex and Violent Offender Registry is located online at [www.insor.org/insasoweb/](http://www.insor.org/insasoweb/) and is updated by the Criminal Justice Institute.