

# *Safety and Security*

## 2017

The Ohio Northern University Department of Public Safety publishes the following campus crime statistics and information in compliance with the Student Right-to-Know and Campus Security Act of 1990, and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (the Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013. Crimes are defined and compiled in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program (UCR).



## **Table of Contents**

### **Ohio Northern University Department of Public Safety Mission Statement**

#### **Introduction**

**1 - Reporting Crimes**

**2 - Emergency Response and Timely Warnings Notification**

**3 - Building Evacuation Procedures**

**4 - Public Safety Authority and Law Enforcement**

**5 - Security and Access to Campus Facilities**

**6 - Informational Programs**

**7 - Campus Notification of Crimes**

**8 - Off Campus Student Organizations**

**9 - Security Awareness and Crime Prevention Programs**

**10 - Alcoholic Beverages and Illegal Drugs**

**11 - Sex Offender Registration Information**

**12 - Missing Student Policy/Procedure**

**13 - Crime Stats**

**14 - Sex Discrimination, Including Sexual Misconduct and Sexual Harassment, including University Sex  
Discrimination Policy**

**15 - Legal Definitions**

**16 - Ohio Definitions**

**17 - Appendix**

# Ohio Northern University Department of Public Safety Mission Statement

The Department of Public Safety is here to enhance the quality of life at Ohio Northern University by maintaining a safe and secure environment conducive of the educational, professional and personal growth of all members of the campus community. We will work to foster community trust, mutual respect and cooperation. The department will provide expertise and educational services in the areas of self-protection, crime prevention, personal security, workplace safety, and environmental health.

The responsibility for developing and maintaining a safe, secure and welcoming environment belong to all members of the campus community. Within this context, we will strive to support the needs of the individual as well as supporting the philosophy of Ohio Northern University.

The vision of the Department of Public Safety is through integrity, innovation and enthusiasm; we will identify and meet the challenges of our increasingly diverse community by building partnerships which enhance the security and quality of life to those whom, we serve.

## Introduction

This report is compiled to keep the members of the Ohio Northern University community well informed about security and fire safety policies, procedures and practices on campus. The Ohio Northern University Department of Public Safety publishes the following campus crime statistics and information in compliance with the Student Right-to-Know and Campus Security Act of 1990. Crimes are defined and compiled in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program (UCR). The Annual Fire and Safety Report can be found by following the link: [www.onu.edu/public\\_safety](http://www.onu.edu/public_safety)

### **I. Reporting Crimes**

All crimes that may occur on campus must be reported to the proper authorities. Crimes that involve University employees or guests must be reported to the Department of Public Safety by calling 419-772-2222. Crimes involving students must be reported to either Student Affairs or the Department of Public Safety. Student Affairs staff members and Safety officers are available for assistance in reporting crimes to law enforcement agencies. Confidential counseling for victims is available. A number of campus telephones on building exteriors and interior hallways are available for reporting crimes or emergencies. Proper and timely reporting of crimes will significantly improve the ability of officials to appropriately address the incident.

The department of Public Safety and Student Affairs work closely together to address criminal actions or emergency situations on campus. Reports will be filed and proper measures taken through University channels or through outside law enforcement agencies if appropriate.

The Department of Public Safety provides continuous service and is available for assistance or for

reporting criminal actions. Student Affairs is staffed or on-call at all times for responding to the emergency needs of students. The person on duty will help to see that proper medical and/or counseling attention is available.

For those wishing to anonymously report suspected criminal activity can do so by calling the Campus Conduct Hotline at [866-943-5787](tel:866-943-5787). Campus Conduct Hotline is a confidential, independent, call-in service that provides a simple, anonymous way for you to help preserve the values and reputation of Ohio Northern University.

## **2. Emergency Response and Timely Warning Notifications**

Ohio Northern University will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus through text messaging, ONU's web page, mass e-mail and/or Nixle. You can sign up for Nixle to receive e-mail and or text alerts by going to the [www.onu.edu/public\\_safety](http://www.onu.edu/public_safety) web site.

Ohio Northern University will, without delay, initiate the University notification system through text, web, email, or Nixle, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

With any notice to the Department of Public Safety or campus officials of a possible emergency situation, an ONU Public Safety officer will be dispatched to the scene to assess the situation. If the officer determines it is an emergency, the officer will have dispatch initiate calls for the proper emergency responders and University officials.

Public Safety and/or the University switchboard will notify the President of the University along with appropriate Cabinet members, University Communications and Marketing and/or others according to the ONU Campus Emergency Response plan. The ONU website, text messages, email, campus and local radios stations will be updated with current information.

Categories of risk and appropriate emergency responses are outlined in the Campus Emergency Response plan. Notification of campus personnel, and students when determined necessary, will be made through the University Communications and Marketing Department via text messages to subscribers, global email and website emergency notification.

## **3. Building Evacuation Procedures**

Depending on the circumstances, buildings may be either partially or totally evacuated. Under partial evacuation, occupants may be simply asked to relocate to another portion of the building deemed safe.

Complete evacuation will result in all persons leaving the building and moving to a designated assembly area outside. The Building Director will determine the best assembly areas located near their buildings. They are also responsible for making sure everyone clearly understands that all occupants are

to evacuate to the same area for accountability reasons.

General guidelines for managing a safe and orderly evacuation:

1. Keep yourself and others calm.
2. Announce the situation loudly and clearly to all people.
3. Give clear instructions, direct persons to the nearest exits and stairwells.
4. Remind personnel not to use the elevators during an evacuation.
5. Keep existing groups together. Faculty should lead their classroom students out of academic buildings.
6. Assist persons with disabilities.
7. Account for all evacuees. Key personnel from each group should quickly ascertain that all individuals safely reach the assembly area.
8. Wait for instructions. Do not re-enter the building until an announcement has been made that it is safe to do so.

The University conducts emergency response and evacuation exercises in the form of tabletop drills and scheduled and unscheduled residence hall fire drills. A live test of the outdoor warning sirens occurs on a monthly basis.

#### **4. Public Safety Authority and Law Enforcement**

The University's security authority is comprised of Safety personnel and Student Affairs staff members. The Department of Public Safety is responsible for coordination with law enforcement, security and emergency response. The department is staffed 24 hours per day throughout the year. The Department of Public Safety staff is comprised of male and female certified law enforcement officers. The department of Public Safety reports to the Vice President for Financial Affairs. The Student Affairs staff reports to the Vice President for Student Affairs. The Department of Public Safety does not have the authority to make arrests.

The Department of Public Safety maintains a cooperative working relationship with the Ada Police Department and the Hardin County Sheriff's Office. Crime-related information and reports are routinely exchanged on a formal and informal basis with these offices.

The University encourages reporting of all crimes. A statement of this policy is included in all faculty, staff and student handbooks.

#### **5. Security and Access to Campus Facilities**

With the exception of certain holidays, University buildings and residence halls are opened and locked daily according to a regular published schedule. Hours vary according to the University's calendar and scheduled events. The Department of Public Safety is responsible for maintaining the schedule of building openings and closings.

The University desires to maintain an attractive and safe campus. University Physical Plant personnel give priority response to correct physical dangers or conditions that may affect personal safety. Physical Plant and the Department of Public Safety perform regular comprehensive surveys of exterior lighting and exterior doors to be sure they are functioning properly.

All residence halls, residence hall rooms, and academic and administrative areas are equipped with locks and/or locking devices to assist in assuring personal safety and the security of University assets. These locks and/or locking devices will be maintained in good working condition. Locks and/or locking devices that are suspected of not functioning properly should be reported immediately to the Department of Public Safety or to Student Affairs personnel if appropriate.

## **6. Informational Programs**

Students and employees are informed about campus security procedures and practices, crime prevention, as well as being encouraged to be responsible for their own personal security and the security of others, in programs offered by the University. These programs are offered to the University community annually or upon request on a variety of topics. Student Affairs staff members (students) in the residence halls, as well as Greek student leaders, may schedule ONU Public Safety officers to visit and relate current thinking and policy regarding these issues. ONU employees may schedule similar programs. Please see below in for additional educational programming the University offers to raise awareness, reduce risk, and prevent incidents of sex discrimination, including sexual misconduct, sexual harassment, and sexual assault, stalking, sexual exploitation, domestic violence, and dating violence.

## **7. Campus Notification of Crimes**

Crimes of such a nature that may be a continued threat to University students, employees or guests will be reported by Student Affairs or the Communications and Marketing Office as soon after the occurrence as reasonable information can be assembled. These crimes would be of murder, rape, robbery, aggravated assault, burglary, and auto theft that are reported to the Department of Public Safety or local police agencies. It is intended that reports of these crimes will aid in the prevention of similar occurrences. ONU goes much further than many federal or state requirements in this regard and reports incidents which are not crimes but which it is felt the campus community should know about. Information on reported incidents is often times provided to the campus community even though it is known at the time that the reported incident or allegation may not later stand up under later scrutiny. Crimes not reported to the Department of Public Safety or police authorities are not reflected in the statistics below.

## **8. Off Campus Student Organizations**

The University campus includes all buildings and property owned by the institution. In addition, crimes are reported for incidents which may have occurred on property or in buildings owned by recognized

Ohio Northern University student organizations.

## **9. Security Awareness and Crime Prevention Programs**

The Department of Public Safety Office has programs in place in order to make students and employees aware of not only Security's presence but the available services as well.

The Department of Public Safety participates in new student orientation to provide an overview of the services available and provide information encouraging students to be responsible for their own safety and security.

Blue Light Emergency Phones are located throughout the Campus. Phones are located in parking lots, on buildings and in walkways. When activated by pushing the red Emergency Button, the phone is immediately connected to the Department of Public Safety Office and Public Safety cell phone. Additionally, all Officers present on campus are dispatched immediately to the location of a phone that has been activated.

## **10. Alcoholic Beverages and Illegal Drugs**

Alcoholic beverages may only be possessed or consumed by individuals in private areas on campus as long as laws of the Village of Ada and the State of Ohio are followed. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited by University, local, state and federal regulations unless prescribed by a physician. Refer to the ONU Student Handbook for the complete description of policies.

There are many programs offered to students, faculty and staff through Student Affairs regarding alcohol, chemical and other drug abuses, dangers and concerns. Please refer to the ONU Student Handbook for any and all references to drug or alcohol abuse education programs required under section 1213 of the Higher Education Act of 1965.

## **11. Sex Offender Registration**

The Clery Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information concerning registered sex offenders may be obtained. 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 and the Family Educational Rights and Privacy Act of 1974, the University is providing a link to the Ohio State Sex Offender Registry. All sex offenders are required to register in the state of Ohio and to provide notice of each institution of higher education in Ohio at which the person is employed, carries out a vocation, or is a student. The Ohio State Sex Offender Registry is available at: <http://www.icrimewatch.net/index.php?AgencyID=55149>. In addition, community members can contact the Ada Police Department, or review the complete list of sex offenders registered in Hardin County at the Hardin County Sheriff's Department Website: <http://co.hardin.oh.us/sheriff>.

## **12. Missing Student Policy/Procedure**

### ***Policy:***

This policy, with its accompanying procedures, establishes a framework for cooperation among members of the University community aimed at locating and assisting students who are reported missing. A student shall be deemed missing when he or she is absent from the University for more than 24 hours without any known reason. All reports of missing students shall be directed to the Department of Public Safety which shall investigate each report and make a determination whether the student is missing in accordance with this policy. All students shall have the opportunity to identify an individual to be contacted by the University in the event he/she is determined to be missing. If a missing student is under 18 years of age, the Department of Public Safety is required to notify the parent or guardian of the missing student not later than 24 hours after the determination by Public Safety that the student is missing. Public Safety will also notify the Village of Ada Police not later than 24 hours after it determines that the student is missing. The Vice President for Student Affairs shall have the responsibility to make the provisions of this policy and the procedures set forth below available to students.

### ***Procedure:***

Any report of a missing student, from whatever source, should immediately be directed to the Department of Public Safety and an investigation is to be conducted.

### ***Notification:***

When a student is reported missing, Public Safety shall:

- initiate an investigation to determine the validity of the missing person report.
- contact the Vice President for Student Affairs.
- make a determination as to the status of the missing student.
- notify the individual identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing.
- if the missing student is under the age of 18 and not emancipated, Public Safety will notify the student's custodial parent or guardian as contained in the records of the University within 24 hours of the determination that the student is missing.
- notify the Ada Police Dept. within 24 hours after determining that the student is missing.

The Vice President for Student Affairs notifies the Director of Residence Life and the Student Affairs Response Team (SART) duty person. The Vice President for Student Affairs shall initiate whatever action he or she deems appropriate under the circumstances in the best interest of the missing student.

### ***Student Contact Information:***

Students shall be given the opportunity to designate emergency contact information on the University



website.

**Student notification of this policy is:**

- included on the ONU website.
- discussed during beginning quarter/semesters mandatory housing, floor or wing meetings.
- included in the annual Campus Security Report.
- sent to students by University e-mail

**13. Crime Stats**

Crime Classification	On Campus: Including Residential Facilities			On-campus Student Housing Facilities			Non-campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	1	2	1	1	2	0	0	0	0	0	0
Fondling	0	3	3	0	3	3	0	0	0	0	0	2
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	3	4	5	3	3	3	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	1	0
Arson	0	1	0	0	1	0	0	0	0	0	0	0

\* As part of the reauthorization of the Violence Against Women Act (VAWA), the definition of sexual offense were changed to reflect the new FBI Uniform Crime Reporting definitions. Forcible and non forcible categories were changed to rape, fondling, incest, and statutory rape. Forcible and non-forcible sex offenses will not be reported for 2014 and on. Instead those crimes will now be reported under the new definitions of rape, fondling, incest, and statutory rape.

VAWA Offenses	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Domestic Violence	0	0	0	0	0	0	0	2	0	0	3	0
Dating Violence	0	2	2	0	2	2	0	0	0	0	0	0
Stalking	3	2	1	1	0	1	0	0	0	0	0	0

The following are arrests and disciplinary referral statistics for three offense categories:

Offense	On Campus: Including Residential Facilities			Residential Facilities Only			Non -Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Weapons Possessions												
Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals	0	1	0	0	1	0	0	0	0	0	0	0
Drug Abuse Violations												
Arrests	7	4	0	5	0	0	0	0	0	2	1	0
Disciplinary Referrals	16	17	27	15	14	25	0	0	0	0	1	2
Liquor law Violations												
Arrests	2	3	4	1	3	4	0	0	0	3	4	4
Disciplinary Referrals	82	66	82	77	64	77	1	0	5	2	1	1

There were no reported Hate Crimes for the years 2015, 2016 or 2017.

There were no Unfounded Crimes for the years 2015, 2016, or 2017.

For more comprehensive statistics for Ohio Northern University,  
 Visit the following website: <http://ope.ed.gov/security>

**14. Sex Discrimination, Including Sexual Misconduct and Sexual Harassment**

Ohio Northern University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined for purposes of the Clery Act. The University prohibits sexual harassment and sexual misconduct, which includes sexual assault, sexual exploitation, domestic violence, and dating violence, and sex/gender based stalking. Sexual misconduct often overlaps with the crimes of rape, sexual assault, stalking, dating violence, and domestic violence. Victims of these behaviors are protected by federal laws, specifically Title IX ([http://www.onu.edu/title\\_ix](http://www.onu.edu/title_ix)), and the Clery Act, which mandates the contents of this report.

**Primary and Ongoing Prevention and Awareness Training**

In an effort to reduce the risk of sex discrimination, including sexual harassment and sexual misconduct, the University utilizes a range of awareness and prevention campaigns, strategies, and initiatives, which are informed by evidence-based research and/or are assessed for their effectiveness.

Educational programs are offered for all incoming students and employees, and are conducted during new student and new employee orientation. Programs and other campaigns are offered throughout the year to all students and employees and include strong messages regarding awareness and primary prevention (including normative messaging, environmental management, and bystander intervention). Programs discuss the University's policies on sex discrimination, including sexual harassment, sexual misconduct, and consent. Programs also offer information on risk reduction.

Specifically, all incoming undergraduate students are required to complete online educational training, Campus Clarity, before arriving on campus for the start of the school year. The Campus Clarity online training, Think About It, is an award-winning substance abuse and sexual violence prevention program aimed at engaging and educating college students of the dangers surrounding alcohol, drugs, and sexual violence. The University's Office of Student Conduct contacts any student who has not completed Campus Clarity by the first few weeks of the fall semester to ensure completion. During orientation, the Director of Student Conduct and the Title IX Coordinator educate all incoming students on sexual assault issues, resources available to them, and the University's policies and procedures for sex discrimination, including sexual harassment and sexual misconduct, which includes sexual assault, sexual exploitation, dating violence, domestic violence, and sex/gender based stalking.

Ongoing prevention and awareness programming is offered throughout the year, which include strong messages regarding awareness and primary prevention (including normative messaging, environmental management, and bystander intervention). The University offers a variety of programming, including presentations on the meaning consent and sexual assault, how to recognize sexual violence and the options and resources available to victims, the One Love Foundation's Escalation program on dating violence and domestic violence and stalking, Bringing in the Bystander workshops, and the University's sex discrimination policy. The University also has a social media campaign on sexual violence issues during the Public Health Education week.

The Bringing in the Bystander workshops encourage bystander engagement through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, identifying allies, and/or creating distractions. Bringing in the Bystander highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose, and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders.

New University employees receive comprehensive online training on sex discrimination, including sexual harassment and sexual misconduct and the University's sex discrimination policy. University employees receive annual training on these issues.

## **Sex Discrimination Policy**

### **I. Notice of Nondiscrimination**

This Sex Discrimination Policy (“Policy”) addresses all forms of sexual discrimination prohibited under Title IX, including sexual misconduct and sexual harassment. Title IX is a federal law which provides that no person, on the basis of sex, shall be “excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Ohio Northern University (“ONU” or the “University”) does not discriminate or tolerate discrimination on the basis of sex, gender, transgender status, gender identity, or gender expression in its educational, extracurricular, or athletic programs, or in any admission or employment decisions.

The University is committed to promptly and equitably responding to all reports of sexual discrimination with the goal of eliminating the misconduct and/or harassment, preventing its recurrence, and addressing its effects on any individual or the community.

This Policy applies to allegations of sex discrimination made against any ONU student[1] by a fellow student or other member of the ONU community. The Policy applies regardless of sexual orientation, as Complainants and Respondents may be female, male, straight, gay, lesbian, bisexual or transgendered students.

This Policy applies to allegations of sex discrimination on or off campus. It applies in face to face encounters, social media and other forms of electronic communication.[2] It applies whenever sex discrimination creates a hostile and discriminatory environment on campus or significantly affects another student’s access to education.

The Policy is published online on the University website and emailed annually to all University email addresses. It is also included in the Student Handbook, which is electronically distributed annually to all students. Additional copies are available upon request from the Office of Student Conduct.

## II. Definitions

### Sexual Harassment:

Sexual harassment is:

- Unwelcome;
- Sexual, sex-based and/or gender based;
- Verbal, written, online and/or physical conduct.

Sexual harassment may take the form of *quid pro quo* harassment and/or hostile work environment harassment.

*Quid Pro Quo* Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

Hostile Work Environment Sexual Harassment: A hostile work environment is created when sexual harassment is:

- Severe, or;
- Persistent or pervasive, and;
- Objectively offensive, such that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from ONU's educational, residential, social, or employment environment under both an objective and subjective standard.

Sexual harassment may be committed by anyone, regardless of gender, age, intent, position, relationship or authority, and it may occur in the classroom, workplace, residential settings, over electronic media (including the internet, telephone, and text), or in any other setting on or off campus.

Sexual harassment also includes harassment based on gender, sexual orientation, transgender status, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is

sufficiently severe, such as rape. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. In assessing the existence of a hostile environment, ONU will review and consider both objective and subjective factors.

It is important to the University that individuals feel free to come forward and seek assistance before issues of sexual harassment become severe or pervasive. Reports of sexual harassment that do not rise to the level of creating a hostile environment may be investigated and addressed by the University so as to prevent further incidents from occurring.

**Sexual Misconduct:**

Sexual misconduct is “non-consensual physical contact of a sexual nature,” such as acts using force, threat, intimidation, or advantage gained by the offended person’s mental or physical incapacity or impairment of which the offending person was aware or should have been aware. Sexual misconduct may include, but is not limited to, Sexual Assault, Sexual Exploitation, Stalking, Domestic Violence and Dating Violence. These categories of behavior are further defined as follows:

**Sexual Assault** - Sexual assault is defined as:

- Having *sexual intercourse* or *sexual contact* with another individual without effective consent (as defined below), by the use or threat of force or coercion, or where the individual is incapacitated (as defined below);
- *Sexual intercourse* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact;
- *Sexual contact* includes intentional contact with the intimate parts of another, causing another to touch one’s intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

**Sexual Exploitation** - Sexual exploitation is defined as:

- An act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose.

The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; or
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking - Stalking occurs when a person:

- Engages in a course of conduct or repeatedly commits acts toward another person on the basis of sex, gender, or sexual orientation, under circumstances that would cause a reasonable person to:

- (1) fear for his or her safety or the safety of others; or
- (2) suffer substantial emotional distress.

- Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Extortion of money or valuables;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- Unwelcome/unsolicited communications about a person, his or her family, friends, or coworkers;
- Sending or posting unwelcome/unsolicited messages with an assumed identity;
- Implicitly threatening physical contact; or

- Any combination of these behaviors directed toward an individual person.

Domestic Violence – Domestic Violence is defined as:

- Felony or misdemeanor crimes of violence;
- committed by a current or former spouse or intimate partner of the victim/survivor;
- by a person with whom the victim/survivor shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim/survivor as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim/survivor under Ohio’s domestic or family violence laws; or
- by any other person against an adult or youth victim/survivor who is protected from that person’s acts under Ohio’s domestic or family violence laws.

Dating Violence – Dating Violence is defined as:

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor;
- And where the existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the following factors:
  - the length of the relationship;
  - the type of relationship; and
  - the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of Domestic Violence above.

**Consent:**

Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity.

Guidance for determining consent:

- Consent cannot be inferred from silence, passivity, or lack of active resistance.



- A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
  - When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
  - By definition, there is not consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological.
  - Either person may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
  - A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.
  - Intoxication is not an excuse for failure to obtain consent.
- 
- A person incapacitated by alcohol or drug consumption, or who is unconscious or asleep or otherwise physically or mentally impaired, is incapable of giving consent.
  - A person who is below the legal age of consent is incapable of giving consent.

**Incapacitation:**

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of his or her sexual interaction).

An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this Policy.

**Retaliation:**

Intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s informal or formal complaint or participation in a University of Office of Civil Rights (“OCR”) investigation or proceedings related to practices prohibited by this Policy. This includes action taken against a bystander who intervened to stop or attempt to stop sex discrimination. Conduct will be deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the Policy.

**Advisor of Choice:**

In any proceeding involving Sexual Assault, Dating Violence, Domestic Violence, and Stalking, Complainants and Respondents have the right to be accompanied by an Advisor of Choice. The Advisor of Choice's role is advisory only, as the Advisor of Choice provides support, advice and guidance to the Complainant and/or Respondent. The Advisor of Choice is not permitted to speak during any proceeding, to address the Disciplinary Board or University Board of Appeals, or to question witnesses. ONU may remove or dismiss an Advisor of Choice who becomes disruptive or who does not abide by the restrictions on his or her participation.

The Complainant and the Respondent should select an Advisor of Choice whose schedule allows attendance at the scheduled date and time for all proceedings. Delays will not normally be allowed due to the scheduling conflicts of an Advisor of Choice.

**University Advisor:**

In any proceeding involving Sexual Harassment and Sexual Exploitation, Complainants and Respondents have the right to a University Advisor. University Advisors must be members of the ONU community excluding trustees, members of the Disciplinary Board or University Board of Appeals, or any parent/guardian of anyone involved in the matter. University Advisors may not be licensed attorneys.

The University Advisor's role is advisory only, as the University Advisor provides support, advice and guidance to the Complainant and/or Respondent. The University Advisor is not permitted to speak during any proceeding, to address the Disciplinary Board or University Board of Appeals, or to question witnesses. ONU may remove or dismiss a University Advisor who becomes disruptive or who does not abide by the restrictions on his or her participation.

The Complainant and the Respondent should select a University Advisor whose schedule allows attendance at the scheduled date and time for all meetings and proceedings. Delays will not normally be allowed due to the scheduling conflicts of a University Advisor.

**Proceeding:**

Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and Complainants concerning accommodations or protective measures to be provided to a Complainant.

**Title IX Coordinator and Team:**

The Title IX Coordinator is the designated University official with primary responsibility for coordinating the University's compliance with Title IX. The Title IX Coordinator oversees the implementation of grievance procedures, which includes notification, investigation and disposition of complaints of sex discrimination. The Title IX Coordinator will coordinate the provision of educational materials and training for the campus community. Finally, the Title IX Coordinator will ensure a fair and neutral process for all parties and monitor all other aspects of the University's Title IX compliance. If the Title IX Coordinator is unavailable or has a potential conflict of interest, then Deputy Title IX Coordinators are also available to address Title IX issues. The following individuals have been designated to handle Title IX issues and questions:

**Title IX Coordinator:**

Nancy Sabol  
Director of Academic Support & Associate Professor of Law  
ONU Pettit College of Law  
Tilton Hall of Law 181  
525 South Main Street  
Ada, Ohio 45810  
(419) 772-2218  
n-sabol@onu.edu

**Deputy Title IX Coordinator:**

Brian Hofman  
Associate Professor of Sports Management, Assistant Coach of Women's Volleyball, &  
Assistant Athletic Director  
Department of Human Performance & Sport Sciences  
King-Horn Center 233  
525 S. Main St.  
Ada, Ohio 45810  
(419) 772-1878  
b-hofman@onu.edu

**Deputy Title IX Coordinator:**

LaShonda Gurley  
Director of Multicultural Development  
Division of Student Affairs  
Lehr-Kennedy House  
525 S. Main St.  
Ada, Ohio 45810  
(419) 772-3145  
l-gurley@onu.edu

**III. Reports and Complaints**

All students are strongly encouraged to promptly report any incidents of sex discrimination, whether those incidents occurred on or off campus.

All administrators, support staff, and faculty members, except those identified below as confidential resources, are mandatory reporters and are required to promptly report any incidents of sex discrimination, whether those incidents occurred on or off campus. Reporting requirements for administrators, support staff, and faculty members are further addressed below under Mandatory Reporting and Confidential Resources. Reporting allows victims/survivors to receive needed resources and helps to maintain a safe campus environment.

***Reporting Complaints to the University***

If you believe that you or someone you know has been the victim/survivor of sex discrimination, you are strongly encouraged to promptly report the misconduct to the University's Title IX Coordinator or Deputy Title IX Coordinators listed above.

Additionally, a report may be made to Adriane Thompson-Bradshaw, Vice President for Student Affairs & Dean of Students at (419) 772-2433, any member of the Residence Life Staff at (419) 772-2401, The Department of Public Safety at (419) 772-2222, or to the anonymous Campus Conduct Hotline at (866) 943-5787.

Any person who alleges sex discrimination by a faculty member, administrator, or support staff member (rather than by a student) is strongly encouraged to report complaints as described above. The Title IX team will partner with the Office of Human Resources to address the matter.

Any person filing a complaint of sex discrimination will be provided with a copy of this Policy and a statement of his or her rights and options, including options for, available assistance in, and how to request changes to academic, living, transportation, and working situations, if requested by the Complainant and if such accommodations are reasonably available, regardless of whether the

Complainant chooses to report to law enforcement authorities.

The University also has the authority to institute an administrative complaint if it believes that a violation of this Policy occurred.

### ***Reporting Complaints to Law Enforcement or the Office of Civil Rights***

Instances of sex discrimination may violate both the University's sex discrimination policy and the law. As a result, the University encourages victims/survivors to pursue their complaints through both the University's process for sex discrimination and through the criminal justice system. Victims/survivors have the option to notify law enforcement authorities if they so choose. The Title IX Coordinator or Deputy Title IX Coordinator can assist a victim/survivor in notifying law enforcement authorities if the victim/survivor requests assistance. Victims/survivors have the option to decline to notify law enforcement authorities if they so choose.

The Village of Ada, Ohio is served by two local law enforcement agencies; the Village of Ada Police Department and the Hardin County Sheriff's Office. Individuals wishing to make a police report may do so at any time.

The Village of Ada Police Department, located at 155 West Buckeye Avenue, Ada, Ohio 45810, has staffed hours of 8:00am to 4:00pm, Monday through Friday. An individual may appear at the department during those hours to make a police report in person. No appointment is necessary. The Ada Police Department may also be reached at (419) 634-0010. This number can be used 24 hours a day. If a call is placed outside of the Police Department's hours of operation, the call will be forwarded to the Hardin County Sheriff's Office's dispatch center. For calls forwarded to the Sheriff's Office, a deputy will be dispatched to make a report at the location of the caller.

For emergencies, always dial 911.

Additionally, the U.S. Department of Education's Office of Civil Rights is charged with enforcing Title IX compliance. Inquiries about Title IX issues may be referred to the Office for Civil Rights/Cleveland at U.S. Department of Education, 1350 Euclid Ave., Suite 325, Cleveland, OH 44115 or by calling (216) 522-4970.

### ***Confidentiality of Reports and Complaints***

The Title IX Coordinator, Title IX Deputy Coordinators, or designee will seek consent from the Complainant before beginning an investigation, and will also notify the Complainant of what information may be disclosed, to whom it will be disclosed, and the reason for the disclosure. To the extent possible, disclosure of any information relating to a complaint will be limited to the individuals conducting the

University's investigation.

If the Complainant requests confidentiality or asks that the complaint not be pursued, the University will inform the Complainant that its ability to respond may be limited as a result, but that it will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation. The University will also inform the Complainant that Title IX prohibits retaliation, and that it will take actions to prevent retaliation as well as strong action against anyone who engages in retaliation.

If the Complainant continues to ask that his or her name or other identifiable information not be revealed, the University will inform Complainant that it cannot ensure confidentiality, but that the Title IX Coordinator will evaluate that request in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all members of the community.

If ONU determines that it can honor a Complainant's request for confidentiality, the University will attempt to pursue other steps to limit the effects of the alleged sex discrimination and prevent its recurrence.

### ***Mandatory Reporting and Confidential Resources***

It is the University's policy that all administrators, support staff, and faculty members, other than the employees identified below and their support staff, are mandatory reporters under Title IX. Accordingly, administrators, support staff, and faculty members who become aware, directly or indirectly, of possible violations of this Policy are required to promptly contact a member of the Title IX team.

An individual who wishes to confidentially discuss an incident of sex discrimination without formally reporting it to the University may contact the ONU departments listed below. These departments are not subject to the mandatory reporting requirement:

ONU Counseling Center

419-772-2190

Michael Schafer – Director ([m-schafer@onu.edu](mailto:m-schafer@onu.edu))

Rebecca Diller—Assistant Director ([r-diller@onu.edu](mailto:r-diller@onu.edu))

ONU Health Center

419-772-2086

Karen Schroeder – Director ([k-schroeder.5@onu.edu](mailto:k-schroeder.5@onu.edu))

ONU Chaplain

419-772-2200

David MacDonald – University Chaplain [\\_d-macdonald@onu.edu](mailto:d-macdonald@onu.edu)

A victim/survivor who elects to speak with the confidential resources identified above must understand that confidentiality will generally preclude the Title IX team's knowledge of the incident and therefore the ability to conduct an investigation and/or pursue disciplinary action against the individual accused. Should a victim/survivor later decide to file a complaint with the University, ONU would conduct an investigation at that time.

### ***Amnesty for Reporting Sex Discrimination***

The University recognizes that a student who has been drinking alcohol or using drugs at the time of an act of sex discrimination may be hesitant to make a report because of potential consequences for his/her/their own conduct. A student who reports sex discrimination, either as a Complainant or a third party witness, will not be subject to disciplinary action by the University for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

### ***Bystander Intervention***

The University encourages all community members to take reasonable actions to prevent or stop an act of sex discrimination. Taking action may include direct intervention, calling the Department of Public Safety or law enforcement, or seeking assistance from an appropriate University employee. The University provides annual programming on how to safely take action.

### ***Anti-Retaliation***

The University will not tolerate retaliation against any person making a complaint of sex discrimination or against any person cooperating in the investigation of alleged acts of sex discrimination. Retaliation includes, but is not limited to, intimidation, threats, or harassment against any Complainant or third party. Individuals who are alleged to engage in retaliatory tactics may face disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sex discrimination. Any acts of retaliation should be promptly reported to the Title IX Coordinator.

## **IV. Investigation of Complaints**

Following the receipt of a sex discrimination complaint, ONU's Title IX team or its designee will conduct an investigation into the allegations. The investigation shall be conducted promptly and will be conducted in a manner that is thorough and impartial. The investigation may require interviews with the involved parties and witnesses, as well as a review of other relevant information and documentation.

## ***Timeline***

Upon receipt of a sex discrimination complaint, ONU will exercise good faith to investigate and resolve the matter (not including appeals) within sixty (60) days, unless extenuating circumstances necessitate a longer time frame. Such extenuating circumstance may include, but not be limited to, temporary delays in the investigation to allow local law enforcement to gather evidence, time during the calendar year when ONU is not in session, and the accommodation of student travel schedules.

## ***Conduct of Investigation***

The investigation will be conducted in a manner that is thorough, reliable, and impartial and may include interviews of the parties involved, including witnesses, and the gathering of other relevant information and documentation. Conduct investigation procedures will follow Appendix B, Article I as outlined in the Student Handbook.

## ***Protective Measures***

Upon receipt of a report of sex discrimination, the University will provide reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational and work environment. The University will determine the necessity and scope of any protective measures. Even when a Complainant or Respondent does not specifically request that protective measures be taken, the University may choose to impose protective measures at its discretion to ensure the safety of Complainant or Respondent, the broader University community, or the integrity of the review process. Protective measures may be interim or continued for as long as is necessary to provide a safe educational environment and to remediate the negative impact of any acts of sex discrimination.

Persons seeking protective measures should speak with the Title IX Coordinator or Deputy Title IX Coordinator. The University will also maintain contact with the parties to ensure that all emotional and physical well-being concerns are being addressed. In determining accommodation/protective measures, the Title IX Coordinator or Deputy Title IX Coordinator will consider factors including but not limited to:

- the specific need expressed by the complainant,
- the age of the students involved,
- the severity or pervasiveness of the allegations,
- any continuing effects on the complainant,
- whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location, and



- whether other judicial measures have been taken to protect the complainant, such as a civil protection order.

The University will maintain as confidential any accommodations or protective measures provided to one or both of the parties, to the extent that maintaining that confidentiality would not impair the ability of the University to provide the accommodations or protective measures. The Title IX team will determine what information will be disclosed. Only information necessary to provide the accommodation or protective measure in a timely manner will be disclosed. The University will carefully consider who may have access to this information to decrease the risk to confidentiality.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a protective measure. The University will take immediate and responsive action to enforce measures previously ordered or implemented by the University.

The University may impose any protective measure that can be tailored to achieve the goals of this policy, even if not specifically listed here. The range of protective measures may include:

- No Contact/Restraining Order: A Complainant or Respondent may request, or the University may impose, restrictions on contact between Complainant and Respondent. These restrictions generally preclude in-person, telephone, electronic or third party contact or communications. An individual may also wish to consider seeking a protective or restraining order from the local courts. This is a civil proceeding independent of the University. If a protective or restraining order is issued, the University will, to the best of the institution's ability, assist the protected individual in enforcing the order on University property.
- Academic, Employment, or Residence Modifications: A Complainant or Respondent may request an academic or employment accommodation or a change in residence after a report of sex discrimination. An individual who requests assistance in changing his or her academic, employment or living situation after an incident of sex discrimination will receive appropriate and reasonably available accommodations. Where possible, accommodations or modifications will be designed to minimize any burden on the Complainant. Available accommodations or modifications may include:
  - Academic accommodations, including a change in class schedule, taking an incomplete or dropping a course without penalty, attending a class via electronic or other alternative means, providing an academic tutor, or extending deadlines for assignments;
  - Change of residential living assignment;
  - Change in work assignment or schedule;
  - Providing an escort to ensure safe movement around campus.

- Emotional Support: The University will provide access to counseling services through the Counseling Center or will assist in providing a referral to off campus agencies.
- Interim Suspension or Leave: When the reported sex discrimination poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the Title IX Coordinator or Deputy Title IX Coordinators may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

## V. Resolution of Complaint

### *Informal Resolution*

Some alleged violations of the Sex Discrimination Policy may be resolved using an informal resolution process (mediation) overseen by one or more members of the Title IX team or its designee if (i) the University determines, in its discretion, that such a process would be appropriate; and (ii) all parties agree to participate.

Allegations of sex discrimination that are violent in nature, including sexual assault, domestic violence and dating violence, may not be resolved using an informal resolution procedure.

The parties to any such informal process will not be required to deal directly with one another.

If either the Complainant or the Respondent is dissatisfied with the outcome of the informal resolution process, then either party may institute the formal resolution process described below within five (5) university business days of receiving written notice of the outcome of the informal resolution process.

Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution procedure (described below) would commence. In addition, any party can pursue formal resolution if he or she is dissatisfied with a proposed informal resolution. Finally, as described above, the University may elect to pursue a formal resolution procedure even if the Complainant does not wish a formal resolution.

The Complainant and the Respondent have the right to be assisted by an Advisor of Choice or University Advisor as defined above. The Complainant and/or the Respondent is responsible for presenting his or her own information and, therefore, Advisors of Choice and University Advisors are not permitted to speak or to participate directly in the process.

If the Complainant and/or Respondent has a disability that necessitates assistance in the informal resolution process, he or she may seek guidance and request accommodation through the Title IX Coordinator.

### ***Formal Resolution***

For allegations of sex discrimination that cannot be resolved informally, a formal hearing will be conducted pursuant to the procedures contained in Appendix B, Article II of the Student Handbook, with the following amendments, clarifications, and/or additions:

- The Disciplinary Board shall consist of three members, appointed by the Vice President for Student Affairs and Dean of Students. The Disciplinary Board members shall be faculty members appointed from a list of elected faculty members (Article II.1.A and B).
- The members of each Disciplinary Board shall select one member to serve as Chair and Presiding Officer. (Article II.1.A and B).
- Challenges to appointments to the Disciplinary Board on grounds of conflict of interest may be made by either the Complainant or the Respondent. (Article II.1.C)
- All Disciplinary Board members must receive annual training on handling cases of sex discrimination, including cases involving sexual violence. (Article II.2.C)
- If the Complainant has concerns regarding the hearing setting, she or he may request a change of the setting with the Title IX team at least two (2) regular business days in advance of the hearing. (Article II.3.C)
- In proceedings involving Sexual Assault, Dating Violence, Domestic Violence or Stalking, the Complainant and Respondent have the right to be assisted by an Advisor of Choice. In proceedings involving Sexual Harassment or Sexual Exploitation, the Complainant and Respondent have the right to be assisted by a University Advisor. As defined above, Advisors of Choice and University Advisors are not permitted to speak or to participate directly in the proceeding. (Article II.3.F)
- All documentation available for review by the Disciplinary Board in advance of the hearing shall also be made equally and timely available to the Complainant and Respondent. (Article II.3.H)
- Rather than directly questioning witnesses, the Complainant and/or Respondent may submit questions to the Disciplinary Board Chair to be answered by each other and/or by other witnesses. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Issues of whether potential questions are irrelevant, duplicative, or otherwise

inappropriate shall be resolved at the discretion of the Disciplinary Board Chair. (Article II.4.B.5)

- Questions about Complainant's sexual history with anyone other than the Respondent are prohibited. Any questioning regarding Complainant's sexual history with Respondent shall be done in a manner that does not inflict unnecessary additional trauma on Complainant. (Article II.5.B)
- The Disciplinary Board will determine responsibility for violation of this Policy on the basis of a preponderance of the evidence, that is, if it is more likely than not that the Respondent violated this Policy. (Article II.3.B)
- The written decision of the Disciplinary Board will be sent simultaneously to both parties, typically within five (5) university business days following the completion of the hearing. If there is a delay in issuing the decision, both the Complainant and the Respondent will receive written notification of the delay and the reasons for the delay. Complainant will be informed of any specific sanctions imposed on Respondent in a manner consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA). (Article II.4.C.4)
- Any sanction imposed by the Disciplinary Board will not be suspended during a subsequent appeal process. (Article II.4.C.5)

If the Complainant and/or Respondent has a disability that necessitates assistance in the formal resolution process, he or she may seek guidance and request accommodation through the Title IX Coordinator.

### ***Appeal***

Either the Complainant or the Respondent may appeal any decision/sanction of the Disciplinary Board to the University Board of Appeals. The procedures for an appeal are contained in Appendix B, Article III of the Student Handbook, with the following amendments, clarifications and/or additions:

- The University Board of Appeals consists of six members. The President of the University shall appoint two members of the Board of Trustees and two university administrators; and the university faculty shall elect two members of the faculty. The members of the Board of Appeals shall select from among its number a Secretary who shall keep a record of the appeal finding discussion. (Article III.3.A)
- In proceedings involving Sexual Assault, Dating Violence, Domestic Violence or Stalking, the Complainant and Respondent have the right to be assisted by an Advisor of Choice. In proceedings involving Sexual Harassment or Sexual Exploitation, the Complainant and Respondent have the right to be assisted by a University Advisor. As defined above, Advisors of Choice and University Advisors are not permitted to speak or to participate directly in the proceeding. (Article III.4.D)

The written decision of the University Board of Appeals will be sent simultaneously to both parties, typically within five (5) university business days following the completion of the hearing. If there is a delay in issuing the decision, both the Complainant and the Respondent will receive written notification of the delay and the reasons for the delay. Complainant will be informed of any specific sanctions imposed on Respondent in a manner consistent with the requirements of FERPA. (Article III.4.D)

If the Complainant and/or Respondent has a disability that necessitates assistance in the appeals process, he or she may seek guidance and request accommodation through the Title IX Coordinator.

### ***Sanctions and Corrective Measures***

If a student is found to be responsible for a violation of this Policy, the Disciplinary Board and/or Board of Appeals will impose sanctions, based on the Sanctions Guidelines described in the Student Handbook, up to and including dismissal. (Article VI).

In addition to any sanctions issued by the Disciplinary Board and/or Board of Appeals, the University will take additional steps, if necessary, to stop the sex discrimination, prevent its recurrence, and address any negative impact on Complainant or other members of the University community.

## **VI. Education and Programs**

Education and training on the Sex Discrimination Policy is provided annually to the University community.

All incoming students are required to complete the mandatory training, which covers sex discrimination, alcohol and drug policies. This information is also covered with all incoming students during their orientation via a presentation by the Office of Student Conduct and the Title IX Office. Ongoing prevention and awareness programming on issues involved in sex discrimination, including sexual violence, is offered to all students and employees throughout the year.

Training for University employees on Sexual Harassment/Misconduct is a requirement of each and every employee on-campus and must be renewed on an ongoing basis.

Disciplinary Board members, Board of Appeals members, and members of the Title IX team receive annual training focused on handling cases of sex discrimination, including cases involving sexual violence. First responders, such as ONU Department of Public Safety and Office of Student Conduct staff receive regular, ongoing training focused on working with victims/survivors of sex discrimination.

## **VII. Victim/Survivor Support Information**

### ***Resources***

Ohio Northern University is committed to providing support for students who have been victims/survivors of sex discrimination. Below is a brief description of resources available. For more information or to request an accommodation which may not be listed, victims/survivors should contact the Title IX Coordinator or Deputy Title IX Coordinators.

1. Assistance finding confidential counseling and support either through the ONU Counseling Center or through referrals to an outside agency.

ONU Counseling Center

419-772-2190

Michael Schafer – Director ([m-schafer@onu.edu](mailto:m-schafer@onu.edu))

Rebecca Diller—Assistant Director ([r-diller@onu.edu](mailto:r-diller@onu.edu))

2. Assistance finding confidential medical services.

3. Academic accommodations, which may include a change in class schedule, taking an incomplete or dropping a course without penalty, attending a class via electronic or other alternative means, or extending deadlines for assignments.

4. Housing accommodations, which may include changes in residential status, changes in room assignment, or temporary accommodations in a residential safe room.

5. Employment accommodations, such as change in work assignment or schedule.

6. Escort services from ONU Public Safety, no contact orders or interim separation of the alleged perpetrator.

7. Making personal information (such as directory information) unavailable through the Registrar office.

Additionally, a victim/survivor may seek advocacy or counseling support from one of the outside agencies listed below:

#### Crime Victim Services

Lima, OH

Nicole Fairburn

Campus Sexual Assault Victim Advocate

Phone: (419) 222-8666

Direct Line 567-940-8272

[nfairburn@crimevictimservices.org](mailto:nfairburn@crimevictimservices.org)

#### Open Arms Domestic Violence and Rape Crisis Services

Findlay, OH

24 Hour Crisis Hotline: (419) 422-4766

A victim/survivor may seek legal assistance from the outside agency listed below:

Legal Aid of Western Ohio, Inc.

545 West Market Street, Suite 301

Lima, OH 45801-4565

(877) 894-4599

A victim/survivor may seek visa or immigration assistance from one of the outside agencies listed below:

Legal Aid of Western Ohio, Inc.

545 West Market Street, Suite 301

Lima, OH 45801-4565

(877) 894-4599

St. Wendelin Parish – En Camino (Fostoria Office)

323 North Wood Street

Fostoria, OH 44830

(419) 619-3625

A victim/survivor may receive financial aid assistance from the University Financial Aid office, located at Weber Hall – 2<sup>nd</sup> Floor, (419) 772-2272.

### ***Preservation of Evidence***

If you are a victim of sexual assault, domestic violence, or dating violence, for your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important for preserving evidence, which may assist in proving the sexual assault, domestic violence, or dating violence.

## **15. Legal Definitions**

### ***Rape***

Rape is generally defined by states as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.

Under Ohio law, rape is “sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.” Ohio Rev. Code § 2907.02(A)(2). An individual can also be

charged with rape for engaging in sexual conduct with another who is not their spouse, or is their spouse but lives separately, when:

- (a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
- (b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.
- (c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

**Sexual Battery** O.R.C. § 2907.03

Ohio criminal law defines Sexual Battery as:

Engaging in sexual conduct with another, not the spouse of the offender, when any of the following apply:

- (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.
- (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.
- (3) The offender knows that the other person submits because the other person is unaware that the act is being committed.
- (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.
- (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.
- (6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.
- (7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.
- (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in



authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.

- (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.
- (10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.
- (11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.
- (12) The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric.
- (13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

***Unlawful Sexual Conduct With a Minor*** O.R.C. § 2907.04

Pursuant to Ohio law, “no person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.”

***Gross Sexual Imposition*** O.R.C. §2907.05

Ohio Revised Code provides that:

No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

- (1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.
- (2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
- (3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.
- (4) The other person, or one of the other persons, is less than thirteen years of age, whether or not

the offender knows the age of that person.

- (5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

Further, Ohio law states that one who “knowingly touch[es] the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person” will commit the crime of gross sexual imposition.

***Sexual Imposition*** O.R.C § 2907.06

Sexual imposition is an offense prohibited by Ohio law. The statute provides that:

No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.
- (4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
- (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes

Other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

## **Consent**

Consent is not specifically defined in Ohio's criminal code. However, the University's Sex Discrimination Policy defines consent as an informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal "no" constitutes lack of consent, even if it sounds insincere or indecisive. By definition, there is not consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. Either person may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct. Intoxication is not an excuse for failure to obtain consent. A person incapacitated by alcohol or drug consumption, or who is unconscious or asleep or otherwise physically or mentally impaired, is incapable of giving consent. A person who is below the legal age of consent is incapable of giving consent.

## **16. Ohio Definitions**

Ohio criminal law defines Domestic Violence, Dating Violence, and Menacing by Stalking as follows:

### ***Domestic Violence*** O.R.C. § 2919.25

The Ohio Revised Code defines domestic violence as:

- (A) Knowingly causing or attempting to cause physical harm to a family member or to another household member,
- (B) Recklessly causing serious physical harm to a family member or other household member, or
- (C) By threat of force, knowingly causing a family member or other member of the household to "believe that the offender will cause imminent physical harm to the family or household member."

### ***Dating Violence***

Dating violence is not specifically defined in Ohio's criminal code. However, the University's Sex Discrimination Policy defines dating violence as violence that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor, and where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of three factors: 1) the length of the relationship; 2) the type of relationship; and 3) the frequency of interaction between the persons involved in the relationship.

***Menacing by Stalking*** O.R.C. § 2903.211

In Ohio, Menacing by Stalking is defined as “by engaging in a pattern of conduct, knowingly caus[ing] another person to believe that the offender will cause physical harm to the other person, or a family or household member of the other person, or cause mental distress to the other person, or a family or household member of the other person.” Further, pursuant to Ohio law, “no person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation.”

Reporting of statistics under the Clery Act uses federal offenses definitions that allow comparability across campuses, regardless of the state in which the campus is located. These definitions are as follows:

**17 - Appendix**

**All Clery Act Crime Definitions**

***Murder and Non-Negligent Manslaughter***

The willful (non-negligent) killing of one human being by another.

***Manslaughter by Negligence***

The killing of another person through gross negligence.

***Robbery***

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

***Aggravated Assault***

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by the means likely to produce death or great bodily harm.

***Burglary***

The unlawful entry of a structure with the intent to commit a felony or theft. For reporting purposes

this definition includes unlawful entry with the intent to commit larceny or felony; breaking and entering with the intent to commit a larceny; housebreaking; safecracking; and all attempts to commit the aforementioned.

### ***Motor Vehicle Theft***

The theft or attempted theft of a motor vehicle.

### ***Arson***

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

### ***Hate Crimes***

A Criminal Offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

### ***Weapons Violation***

Violation of laws or ordinances dealing with weapons offenses, regulatory in nature, such as: manufacturing, sale, or possession of deadly weapons; conceals or openly; furnishing deadly weapons to minors; and all attempts to commit any of the aforementioned.

### ***Drug Abuse Violation***

Violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of Narcotic drugs.

### ***Liquor Law Violation***

Violation of laws or ordinances prohibiting: the manufacture, sale, transporting, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still. Furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

### ***Sex Offenses***

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. *Fondling* — The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable

of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- B. *Incest* — Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### ***Statutory Rape***

Sexual intercourse with a person who is under the statutory age of consent.

### ***Dating Violence***

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- A. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- B. For the purposes of this definition:
  - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - ii. Dating violence does not include acts covered under the definition of domestic violence.
- C. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### ***Domestic Violence***

A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse or intimate partner of the victim;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- E. By any other person against an adult or youth victim who is protected

### ***Stalking***

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for the person's safety or the safety of others; or
- B. Suffer substantial emotional distress.

- C. For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.