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).
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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 to 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 belongs 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 that 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

I. Reporting Crimes and Other Emergencies

All crimes that 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 Public Safety officers are available for assistance in reporting crimes to law enforcement agencies. Confidential counseling for victims is available. A number of campus telephones located 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 Office of 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 reporting criminal actions. Student Affairs is stocked and 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.

Those wishing to anonymously report suspected criminal activity can do so by calling the Campus Conduct Hotline at 866-943-5787. The 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. These reports may be used for the purpose of making timely warning reports and the annual statistical disclosure.

The University gathers and publishes crime data, in the annual security report, from multiple sources including Campus Security Authorities (CSA's). There are four categories of CSA's which include:

1. Public Safety officers
2. Persons and offices that are designated as those to whom crimes should be reported to by policy
3. Officials with significant responsibilities for students and campus activities
4. Non-security staff responsible for monitoring University property

The University, at least annually, identifies those persons that fit into these four categories and compiles a list of names and contact information for each person. Additionally, these CSA's are required to review a CSA training powerpoint which covers the foundations of the Clery Act, their Clery Act requirements to include why they are designated as a CSA, their reporting responsibilities as a CSA and additional resources available to them in their role. Once training is completed in the Safe Colleges web portal each must acknowledge such completion.

CSA's may report incidents online at my.onu.edu/public_safety/crime_report under the incident report form.

The Department of Public Safety maintains a log of all crimes reported within the University area. The crime log is available for public view at Public Safety's administrative office. The crime log for the most recent 60 days is available at any time during business hours (Monday through Friday from 8:30 a.m. to 4:00 p.m., except University holidays).

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 Ohio Northern University’s web page, ONU app, mass email and/or Nixle. You can sign up for Nixle to receive email or text alerts by going to the my.onu.edu/public-safety web site.

Ohio Northern University will, without delay, initiate the University notification system through web, campus email, ONU app 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 University 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 initiate calls for the proper emergency responders and University officials.

Public Safety and/or the VP of Academic Affairs 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, email, campus and local radio stations will be updated with current information when necessary.

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 either Public Safety or University Communications and Marketing Department.

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 people 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 may conduct 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 composed of Public 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 composed of male and female officers. The Department of Public Safety reports to the Vice President of Student Affairs as does the Student Affairs staff. The Department of Public Safety is not a police department and 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 to Public Safety and Law enforcement agencies. 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 regularly 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 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 ensuring 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, Physical Plant 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. Additional educational programming the University offers is available to raise awareness, reduce risk, and prevent incidents of sex discrimination, including sexual misconduct, sexual harassment, 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 reliable information can be assembled. These crimes include murder, rape, robbery, aggravated assault, burglary, auto theft and sex offenses other than rape, that are reported to the Department of Public Safety or local police agencies. It is the intent 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 be aware of. Information on reported incidents may be provided to the campus community, though it is known at the time that the reported incident or allegation may not 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 that may have occurred on non campus property or in buildings owned by recognized Ohio Northern University student organizations or facilities under the control of Ohio Northern University. Local police do not specifically monitor and document criminal activity in these locations.
9. **Security Awareness and Crime Prevention Programs**

The Department of Public Safety has programs in place in order to make students and employees aware of not only Public Safety Officers 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.

The University has programs for both employees and students to address campus security procedures and practices. These programs are conducted either through ONU’s departments or in conjunction with other organizations, such as Crime Victim Services. Programs also encourage students and employees to be responsible for their own security and the security of others. Below is a list of such programs for the calendar year 2021:

- **Bystander Intervention**: junior year student athletes attended this training regarding bystander intervention. This program was on campus and was facilitated by ONU law students with Crime Victim Services.
- **Sexual Harassment in the Workplace**: On campus workshop for all graduating ONU students, facilitated by Crime Victim Services
- **Catharsis training** for all employees and students: interactive, online program geared towards sexual harassment policies and procedures as well as bystander intervention.

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 the 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 University Student Handbook for the complete description of policies.

In keeping with the above for purposes of this policy, the following areas are defined as private areas:

Student rooms in upper class student residence halls, apartments and fraternity houses where at least one roommate is 21 years of age, with the door to the hallway closed. Unless one of the roommates is 21 years of age, alcohol cannot be present in a room.
There are many programs offered to students, faculty and staff through Student Affairs regarding alcohol, chemical and other drugs of abuse, dangers and concerns. Please refer to the University 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 with 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 provides a link to the Ohio State Sex Offender Registry. All sex offenders are required to register with the state of Ohio and to provide notice to 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](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](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 immediately 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 the student 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 Department and Hardin County Sheriff’s Office, not
later than 24 hours after it determines that the student is missing. The Vice President of Student Affairs shall have the responsibility to make the provisions of this policy and the procedures set forth below available to students. Students' contact information will be registered confidentially. Students' information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

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 persons 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 Department 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 on call. 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 the beginning of the semesters mandatory housing, floor or wing meetings.
- included in the annual Campus Security Report.
- sent to students by University email.
### 13. Crime Statistics

<table>
<thead>
<tr>
<th>Crime Classification</th>
<th>On-campus Including: Residential Facilities</th>
<th>On-campus Student Housing Facilities</th>
<th>Non-campus</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-negligent manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent manslaughter</td>
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<td>0</td>
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</tr>
<tr>
<td>Rape</td>
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<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Fondling</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Burglary</td>
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<td>2</td>
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<td>4</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
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<td>1</td>
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</tbody>
</table>

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</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence</td>
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<tr>
<td>Dating Violence</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Stalking</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
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<td>0</td>
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<td>0</td>
</tr>
</tbody>
</table>

*As part of the reauthorization of the Violence Against Women Act (VAWA), the definition of sexual offenses 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.*
The following are arrests and disciplinary referral statistics for three offense categories:

<table>
<thead>
<tr>
<th>Offense</th>
<th>On Campus: Including Residential Facilities</th>
<th>Residential Facilities Only</th>
<th>Non-Campus</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weapons Possessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Disciplinary Referrals</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Drug Abuse Violations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrests</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Disciplinary Referrals</td>
<td>27</td>
<td>10</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>Liquor law Violations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrests</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Disciplinary Referrals</td>
<td>112</td>
<td>87</td>
<td>149</td>
<td>93</td>
</tr>
</tbody>
</table>

There were no Unfounded Crimes for the years 2018, 2019, or 2020.

**Hate Crimes**

2020: One on campus Intimidation of disability.
   - One on campus in student housing, vandalism of sexual orientation
   - One on campus race-based hate crime of vandalism of property occurred on campus in student housing.
2019: One on campus in student housing hate crime of Intimidation of sexual orientation.
2018: One on-campus Race-based hate crime of vandalism of property occurred on campus, not in student housing.

For more comprehensive statistics for Ohio Northern University, visit the following website: [http://ope.ed.gov/security](http://ope.ed.gov/security)

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

I. *Notice of Nondiscrimination*
This Sex Discrimination Policy ("Policy") addresses all forms of sexual discrimination prohibited under Title IX. 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) 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 activity that it operates, or in any admission or employment decisions, consistent with its obligations under Title IX and its regulations not to discriminate in such a manner.

The University is committed to promptly and equitably responding to all reports of sexual discrimination with the goal of eliminating the misconduct, 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 by another member of the ONU community. This Policy also applies to allegations of sex discrimination made against any ONU employee by another member of the ONU community. This 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. It applies whenever sex discrimination interferes with or denies a member of the ONU community equal access to ONU’s educational programs and activities.

The Policy is published online on the University website and a link to the Policy is emailed annually to all University email addresses. A link to the Policy is also provided in the Staff Handbook, which is electronically distributed to ONU staff. The Policy 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 and from the Office of Human Resources.

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

2 This Policy governs allegations of sex discrimination as defined above, and supersedes any related College-specific policy or procedure, including the Pettit College of Law’s Code of Professional Responsibility.

II. Policy Terms

A. Sexual Harassment

Sexual harassment is a form of sex discrimination and means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of ONU conditioning the provision of an aid, benefit, or service of ONU on an individual’s participation in unwelcome sexual conduct—i.e., quid pro quo sexual
harassment;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ONU’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

The “conditioning” or “bargain” proposed in *quid pro quo* harassment may be expressed or implied from the circumstances. The inquiry into whether sexual conduct is unwelcome does not equate to whether an individual consented to the sexual conduct. When a complainant acquiesces to unwelcome conduct to avoid potential negative consequences, such “consent” does not necessarily mean that the sexual conduct was not “unwelcome” or that *quid pro quo* harassment did not occur. Whether conduct is considered to be “unwelcome” is a subjective inquiry (i.e., whether the complainant viewed the conduct as unwelcome).

Sexual harassment encompasses both unwelcome conduct of a sexual nature, as well as other forms of unwelcome conduct on the basis of sex.

Elements of severity, pervasiveness, and objective offensiveness are evaluated in light of the known circumstances and depend upon the facts of each situation and are determined from the perspective of a reasonable person standing in the shoes of the complainant. Whether conduct is so severe, pervasive, and objectively offensive depends upon the surrounding circumstances.

Sexual assault is defined under the Clery Act as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation ("UCR").

UCR defines a *forcible sex offense* as a sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent and includes the following:

- **Forcible rape** – the carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their temporary or permanent mental or physical incapacity.
- **Forcible sodomy** – oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.
- **Sexual assault with an object** – to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.
- **Forcible fondling** – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly
or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.

UCR defines a non forcible sex offense as unlawful, non forcible sexual intercourse and includes the following:

- **Incest** – non forcible sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** – non forcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence** is defined under the Violence Against Women Act (“VAWA”) 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 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 below.

**Domestic violence** is defined under VAWA 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 the state’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 the state’s domestic or family violence laws.¹

**Stalking** is defined under VAWA as:

- Engaging in a course of conduct,
- Directed at a specific person,
- That would cause a reasonable person to
  - fear for his or her safety or the safety or others, or
  - to suffer substantial emotional distress.

Stalking may include repetitive and menacing pursuit, following, harassment and/or interference with the peace and/or safety of another.

¹ See Ohio Revised Code 2919.25 and Ohio Revised Code 3113.31 for the state law definition of Domestic Violence.
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, but are not limited to:

- 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, images, 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.

Sexual assault, dating violence, domestic violence, or stalking are inherently serious sex-based offenses. However, stalking may not always be “on the basis of sex”—e.g., when a student stalks an athlete due to celebrity worship rather than sex. When stalking is “on the basis of sex”—e.g., when the stalker desires to date the victim—stalking constitutes sexual harassment. Stalking that does not constitute sexual harassment may still be prohibited under ONU’s student code of conduct.

Sexual harassment may be committed by anyone in the United States, regardless of gender, age, intent, position, relationship, or authority, in an educational program or activity of ONU. An educational program or activity includes locations, events, or circumstances over which ONU exercises substantial control over both the respondent and the context in which the sexual harassment occurs, as well as any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.2

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.

It is important to the University that individuals feel free to come forward and seek assistance before issues of sexual harassment become severe, pervasive, and objectively offensive. Reports of sexual harassment that do not rise to the level of severe, pervasive, and objectively offensive may still be investigated and addressed by the University under other policies, so as to prevent further incidents from occurring. Also, in appropriate circumstances a formal complaint may be signed by the Title IX Coordinator, e.g. where the complainant does not wish to participate in the grievance process.

2 This Policy does not have extraterritorial application and does not extend to sexual harassment in study abroad programs or in private, off-campus settings. Other ONU policies may apply in such circumstances.
A. **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 no consent when there is force or violence or 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.

A. **Incapacitation**

Incapacity occurs when a person is temporarily or permanently impaired by mental and/or physical deficiency, disability, illness, sleep, unconsciousness, or by the use of drugs or alcohol to the extent the person 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).

Sexual activity with someone the respondent knew to be or should have known to be incapacitated constitutes a violation of this Policy. The question of whether the respondent should have known the complainant was incapacitated is based on what a reasonable person in the place of the respondent, sober and exercising good judgment, would have known about the condition of the complainant.

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.

III. **Reports and Formal Complaints**

All individuals, including students and members of the ONU community, are obligated to promptly report any incidents of sex discrimination or sexual harassment as set forth in this Policy. A formal complaint, as defined in Section III.G below, is not required to make a report of sex discrimination or sexual harassment and initiate a response by ONU, including the offering and providing of supportive measures, as defined in Section III.E below.
The ONU officials who have authority to institute corrective measures on behalf of ONU and who receive notice or actual knowledge of sexual harassment in one of ONU’s education programs or activities and are required to act upon notice or knowledge are listed as follows: Title IX Coordinator, Deputy Title IX Coordinators, Human Resources Director, Vice President of Student Affairs, Athletic Director and the Director of Student Conduct. An ONU official who has authority to institute corrective measures on behalf of ONU and who receives notice or actual knowledge of sexual harassment in one of ONU’s education programs or activities, is required to promptly report any incidents or allegations of sex discrimination and sexual harassment that they become aware of, directly or indirectly. Reporting allows complainants—or, alleged victims of conduct that could constitute sexual harassment—to receive supportive measures and helps to maintain a safe campus environment.

A. Reporting Sex Discrimination and Sexual Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report, including reporting to any member of the Title IX team listed in Section III.B below. A report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

ONU officials who have authority to institute corrective measures on behalf of ONU and who receive notice or actual knowledge of sexual harassment in one of ONU’s education programs or activities are required to promptly report incidents or allegations of sex discrimination and sexual harassment to the University’s Title IX Coordinator or Deputy Title IX Coordinators listed in Section III.B below.

If you are a student, you may also report 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, Public Safety at (419) 772-2222, or to the anonymous Campus Conduct Hotline at (866) 943-5787.

If you are an ONU employee and not an ONU official who has authority to institute corrective measures on behalf of ONU and who receives notice or actual knowledge of sexual harassment in one of ONU’s education programs or activities, you may also report to Tonya Paul, Director of Human Resources, at (419) 772-3106, or to the anonymous Campus Conduct Hotline at (866) 943-5787.

A. Title IX Coordinator and Team

The Title IX Coordinator is the designated University official with primary responsibility for receiving reports and formal complaints of sex discrimination and sexual harassment, signing formal complaints, and generally coordinating the University’s compliance with Title IX. The Title IX Coordinator oversees the University’s response to reports and formal complaints of sex discrimination and sexual harassment, including supportive measures. 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 or bias, then Deputy Title IX Coordinators are also available to address Title IX issues and are authorized to perform tasks and responsibilities that would normally be performed by the Title IX Coordinator. The following individuals have been designated to handle Title IX issues and questions:
Title IX Coordinator:
Liannie G. Parahoo
Assistant Director of Legal Clinics and Staff Attorney
ONU Legal Clinic
121 W. High St., Ste 700
Lima, Ohio 45801
(419) 227-0061
l-parahoo@onu.edu

Deputy Title IX Coordinator:
Brian Hofman
Associate Professor of Sport Management,
Dicke 123
525 S. Main St.
Ada, Ohio 45810
(419) 772-1878
b-hofman@onu.edu

Deputy Title IX Coordinator:
Linda Young
Professor of Biological Sciences
Meyer Hall of Science Office 172
Ada, Ohio 45810
(419) 7722438
l-young@onu.edu

The Title IX team can also be reached at titleix@onu.edu.

A. Confidential Resources
A complainant who wishes to confidentially discuss an incident or allegation of sex discrimination or sexual harassment 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
Anthony Rivera – Director (a-rivera@onu.edu),
Rebecca Diller – Assistant Director (r-diller@onu.edu),
Josh Lehsten – Mental Health Counselor (j-lehsten@onu.edu), or
Marcy Bell – Mental Health Outreach Coordinator (m-bell.5@onu.edu).

ONU Health Center
Email: health-center@onu.edu
(419) 772-2086
Kimberly Manning – Director (k-manning.2@onu.edu)

ONU Chaplain
(419) 772-2200
The above employees will maintain confidentiality, except in cases of immediate threat or danger, or abuse of a minor. ONU has established a Policy for the Protection of Minors which provides guidelines for those in the University community who may work or interact with individuals under 18 years of age, with the goal of promoting the safety and well-being of minors. ONU will comply with all state mandated reporting laws relating to minors.

A complainant who elects to speak with the confidential resources identified above must understand that confidentiality will generally preclude the Title IX Team’s and Office of Human Resource’s actual knowledge of the incident and, therefore, the ability to implement supportive measures, conduct an investigation, and/or pursue disciplinary action against the respondent. Should a complainant later decide to report or file a formal complaint with the University pursuant to Sections III.A and III.G, ONU would respond in accordance with this Policy, including Sections III.E and IV at that time.

A.  Reporting Complaints to Law Enforcement or the Office of Civil Rights

Instances of sex discrimination or sexual harassment may violate both this Policy and the law. As a result, the University encourages complainants to pursue their complaints through both this Policy and through the criminal justice system. Complainants have the option to notify or 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 contact one of those law enforcement agencies at any time.

The Village of Ada Police Department, located at 155 West Buckeye Avenue, Ada, Ohio 45810, has staffed hours of 8:00 am to 4:00 pm, 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.

The Hardin County Sheriff’s Office, located at 1025 S. Main Street, Kenton, Ohio 43326, has staffed hours of 8:00 am to 4:00 pm, 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 Hardin County Sheriff’s Office may also be reached at (419) 673-1268. This number can be used 24 hours a day.

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 Avenue, Suite 325, Cleveland, Ohio 44115 or by calling (216) 522-4970.

A.  Offering and Providing Supportive Measures
Where the Title IX Coordinator or Deputy Title IX Coordinators receives a report of an incident or allegation of sex discrimination and sexual harassment from any individual, including an ONU official who has authority to institute corrective measures on behalf of ONU or complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and inform the complainant of the availability of such supportive measures with or without filing of a formal complaint. The Title IX Coordinator will also explain to the complainant the process for filing a formal complaint, as outlined in Section III.G below.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to ONU’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or ONU’s educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, the following:

- Assistance finding confidential counseling and support either through the ONU Counseling Center or through referrals to an outside agency.
- Assistance finding confidential medical services.
- 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.
- Housing accommodations, which may include changes in residential status, changes in room assignment, or temporary accommodations in a residential safe room.
- Employment accommodations, such as change in work assignment or schedule.
- Escort services from ONU Public Safety.
- Making personal information (such as directory information) unavailable through the Registrar’s office. Mutual restrictions on contact between parties—e.g., a no-contact order.
- Leave of absence
- Increased security monitoring of certain areas of campus.
- Other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures and will consider the complainant’s wishes with respect to supportive measures.

ONU will maintain the confidentiality of any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of ONU to provide the supportive measures. To the extent an individual chooses to report an incident or allegation of sex discrimination or sexual harassment anonymously or without disclosing the identity of the complainant and/or the respondent, ONU will be unable to provide supportive measures to the complainant and/or consider whether to initiate the grievance process against a respondent in response.

A. Emergency Removal & Administrative Leave

In addition to implementing supportive measures set forth in Section D above, in emergency situations that arise out of allegations of conduct that could constitute sexual harassment, ONU may elect to remove the respondent from ONU’s education programs or activities. Removal may be made only after ONU conducts an individualized safety and risk analysis and concludes
that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. Removal may take place before an investigation into sexual harassment allegations concludes or where no grievance process is pending.

Where ONU elects to remove a respondent from its education programs or activities, it will provide the respondent with notice and an opportunity to challenge the decision immediately following removal.

Where a respondent is a non-student employee, ONU may elect to place the respondent on administrative leave during the pendency of a grievance process under Section IV.

B. Formal Complaints of Sex Discrimination and Sexual Harassment

While ONU will promptly and meaningfully respond to reports of sex discrimination and sexual harassment as outlined in Section III.E above, only a formal complaint will prompt an investigation and grievance process outlined in Section IV below. A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that ONU investigate the allegation of sexual harassment. A document filed by a complainant is a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicated that the complainant is the person filing the formal complaint. In the case of a minor or legally incompetent person, parents or legal guardians may also act on behalf of a complainant, respondent, or other party, including with respect to filing a formal complaint.

Third parties are not permitted to file formal complaints and formal complaints cannot be filed anonymously. However, where the complainant’s identity is unknown—e.g., where a third party has made a report—the grievance process may proceed if the Title IX Coordinator determines it is necessary to sign a formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. Where the Title IX Coordinator signs a formal complaint knowing that the complainant did not wish to do so, ONU will respect the complainant’s wishes regarding whether to participate or not in the grievance process.

Filing of a formal complaint with the Title IX Coordinator may be accomplished in person, by mail, or by electronic mail, by using the contact information of the Title IX team Coordinator listed in Section III.B above.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the educational program or activity of the recipient with which the formal complaint is filed.

C. Confidentiality of Reports and Formal Complaints

ONU will keep confidential the identity of any individual who has made a report or formal complaint of sex discrimination or sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination or sexual harassment, any respondent, and any witness, except under the following circumstances:

- As may be permitted by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99;
- As required by law; or
To carry out the purposes of the Title IX regulations, 34 CFR part 106, including the
cconduct of any investigation, hearing, or judicial proceeding arising thereunder.

While consent from a complainant is not required, The Title IX Coordinator, Title IX Deputy
Coordinators, or designee will seek consent from the complainant before the Title IX
Coordinator signs a formal complaint and pursues the grievance process. To the extent possible
and consistent with the above exceptions, disclosure of any information relating to a formal
complaint will be limited to the individuals conducting the University’s investigation or
resolving the complaint.

If the complainant requests confidentiality or asks that the complaint not be pursued or that the
University stop the investigation process, 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 and take strong action against anyone
who engages in retaliation, as well as the complainant’s right not to participate in the grievance
process.

The University must weigh requests for confidentiality and/or requests that no action be taken
against the University’s obligation to provide a safe, non-discriminatory environment for all
members of the University community, including the complainant. The University may not be
deliberately indifferent to known sexual harassment. The University will likely be unable to
honor a request for confidentiality or a request that no action be taken in cases indicating pattern,
predation, weapons, violence, or if a minor is involved.

If the University determines that it can honor a complainant’s request for confidentiality and/or
request that no action can be taken, the University will attempt to pursue other steps to limit the
effects of the alleged sex discrimination or sexual harassment and prevent its recurrence.

A. Amnesty for Reporting Sex Discrimination or Participating in an Investigation

The University recognizes that an individual who has been drinking alcohol, using drugs, or
engaging in other misconduct at the time a potential act of sex discrimination occurs may be
hesitant to make a report, file a formal complaint, or to participate in an investigation because of
potential consequences for him/her. It is in the best interests of the ONU community that
reporting parties choose to report incidents and allegations of sexual discrimination and sexual
harassment, that all parties participate in an investigation, and that witnesses come forward to
share what they know.

Students: A student who reports sex discrimination or sexual harassment, 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. Any student who participates in an investigation and grievance process, either as a
complainant, respondent, 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.
Faculty/Administrative/Support Staff: Sometimes employees are also hesitant to report or offer assistance to others for fear that they might be disciplined for their conduct, including alcohol and/or drug use. ONU may, at its discretion, offer employee reporting parties’ amnesty from such policies related to the incident. Amnesty may also be granted to witnesses on a case-by-case basis.

A. **Bystander Intervention**

The University encourages all community members to take reasonable actions to prevent, stop, and/or report an act of sex discrimination or sexual harassment under this Policy. Taking action may include direct intervention, calling University Security or law enforcement, or seeking assistance from an appropriate University employee. The University provides annual programming on how to safely take action.

IV. **Grievance Process**

**Equity in the Grievance Process**

The grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent by following the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The Title IX Coordinator (or the Deputy Title IX Coordinator if designated), investigator(s), any decision-maker(s), including any appellate decision maker(s), and any person designated to facilitate an information informal resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

A. **Written Notice of Allegations**

Upon receipt of a formal complaint, ONU will provide written notice to known parties that includes the following:

- Notice of this grievance process;
- Notice of the allegations of sex discrimination or sexual harassment with sufficient details known at the time, including,
  - the identities of the parties involved in the incident, if known,
  - the conduct allegedly constituting sexual harassment, and
  - the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney consistent with Section IV.G.2 below;
- Notice that the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint consistent with Section IV.G.5 below;
- Notice of that all persons are prohibited from knowingly making false statements or
knowingly submitting false information during the grievance process; and

- Notice that making a good faith formal complaint that is not later substantiated does not constitute providing false or misleading information.

Written notice will be provided with sufficient time to prepare a response before any initial interview.

If, in the course of the investigation, ONU decides to investigate allegations about the complainant or respondent that were not included in the written notice provided above, ONU will provide written notice of the additional allegations to known parties.

A. Dismissal of Formal Complaint

While ONU will investigate the allegations in formal complaints of sex discrimination or sexual harassment, it will dismiss a formal complaint where the conduct alleged:

- Would not constitute sex discrimination or sexual harassment, even if proved;
- Did not occur in ONU's education program or activity—i.e., locations or events, or under circumstances over which ONU exercises substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by ONU; or
- Did not occur against a person in the United States.

Such mandatory dismissal, however, does not preclude action under another provision of ONU’s code of conduct.

ONU may dismiss a formal complaint or any allegation therein, if at any time during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by ONU; or
- Specific circumstances prevent ONU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

For example, where the identity of a complainant is not disclosed, ONU may not be able to gather evidence necessary to establish the elements of sexual harassment, such as whether the alleged conduct was unwelcome or without consent. In such instances, ONU, in its discretion, may dismiss the complainant.

ONU will promptly notify the parties in writing of any dismissal and the reasons therefore.

A. Time Frame and Temporary Delays

Upon receipt of a sex discrimination or sexual harassment complaint, ONU will exercise good faith to investigate and conclude the grievance process in a reasonably prompt time frame.

Temporary delay of the grievance process or a limited extension of time frames may be permitted for good cause. Good cause may include, but is not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. ONU will provide written notice to the complainant and the respondent of any temporary delay or limited extension and the reasons for
such action.

A. **Evidentiary Standard & Evidence**

Determinations regarding responsibility for all formal complaints of sex discrimination and sexual harassment, whether against a student or employee, will be made using the preponderance of the evidence standard.

Parties are provided an equal opportunity to participate fully and robustly in the investigation process by gathering and presenting evidence, including fact and expert witnesses and other evidence, reviewing the evidence gathered, responding to the investigative report that summarizes relevant evidence, and asking questions of other parties and witnesses before a decision-maker has reached a determination regarding responsibility.

However, while not a party to the proceedings, ONU bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility provided that ONU cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless ONU obtains that party’s voluntary, written consent to do so. This Policy also does not require, allow, rely upon or otherwise use questions or evidence that constitute or seek disclosure of information protected under legally recognized privilege, unless the person holding the privilege waives it.

Investigator(s) must objectively and impartially gather and present any relevant evidence to the decision-maker(s) in an investigative report, who, in turn, must objectively and impartially evaluate relevant evidence and reach a determination regarding responsibility.

All relevant evidence discovered during this grievance process, including exculpatory and exculpatory evidence, will be evaluated on an objective basis. All credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

F. **Consolidation of Formal Complaints**

ONU may consolidate formal complaints as to allegations of sex discrimination or sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sex discrimination or sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one complainant or more than one respondent, references in this Policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

G. **Investigation of a Formal Complaint**

1. **Investigators**

Following the receipt of a formal complaint of sex discrimination or sexual harassment, ONU’s Title IX Coordinator will designate two trained investigators to conduct the investigation. When the complaint is made by a student against an employee or is made by an employee against a student, one of the designated investigators will be a member of the Office of Human Resources. When the complaint is made by an employee against another employee, both investigators will
be members of the Office of Human Resources, unless there is a conflict of interest or bias, in which circumstance the Title IX Coordinator may designate another investigator. In complex situations, the Title IX Coordinator, in consultation with the two investigators, may engage additional trained investigators to gather additional information to be considered by the primary investigators in the resolution of the formal complaint.

Investigators are responsible for objectively and impartially gathering evidence and presenting any relevant evidence to the decision-maker(s) in an investigative report as set forth in Section IV.G.6 below.

The investigation shall be conducted promptly and will be conducted in a manner that is thorough and impartial.

Nothing in this Policy prohibits or restricts the ability of either party to discuss the allegations under investigation.

2. Choice of Advisor

In any related meeting or grievance proceeding, the parties have an equal opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney. An advisor may be a member of the ONU community, an attorney, or another individual not affiliated with ONU. During any related meeting or proceeding, however, an advisor’s role is limited. Except as permitted during hearings as set forth in Section IV.H below, an advisor is not permitted to engage in the grievance process on the party’s behalf or participate directly in any related meeting or proceeding. An advisor may quietly consult with his or her advisee during a related meeting or proceeding in a manner that does not disrupt or interfere with the meeting or proceeding. If an advisor fails to act in accordance with these procedures, he or she may be asked to leave the meeting or proceeding.

3. Gathering of Evidence

For allegations of sex discrimination or sexual harassment, a full investigation will be conducted. During the investigation, both the complainant and the respondent may present written and oral statements, names of witnesses, and other evidence to the investigators. The complainant, respondent, and witnesses may be interviewed as part of the investigation. Neither complainant, respondent, witnesses, and/or anyone acting on their behalf may record interviews or any other proceeding during the investigatory process. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. Follow-up interviews will be conducted by the investigators as needed.

All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of ONU’s policy and can subject a student or employee to disciplinary action. Making a good faith report to ONU that is not later substantiated does not constitute providing false or misleading information.

All parties are expected to participate and cooperate in the investigation, including submitting to any requested interview by the investigators. If any party refuses to participate or cooperate in the investigation, that person will be subject to discipline, up to and including termination or removal. The investigation will still go forward if a respondent refuses to participate or cooperate.
4. **Notice of Interviews and Hearings**

ONU will provide written notice of the date, time, location, participants, and purposes of all investigative interviews, hearings, or other meetings, to a party whose participation is invited or expected. Such notice will be provided with sufficient time for the party to prepare to participate.

5. **Inspection and Review of Evidence**

All parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report set forth in Section IV.G.6 below, ONU will send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, with any redactions required by the Family Educational Rights and Privacy Act (“FERPA”). The parties will have at least 14 days after receipt of the investigative report to submit a written response, which the investigators will consider prior to completion of the investigative report.

ONU shall make all such evidence subject to the parties’ inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

6. **Investigative Report**

ONU will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party’s advisor, if any, the investigative report in an electronic format or a hard copy, with any redactions required by FERPA, for their review and written response.

The Title IX Coordinator or designee will review the draft initial investigative report and may request additional investigation or revisions to the draft initial investigative report to ensure the investigation and initial investigative report are adequate, reliable and impartial.

The final investigative report will include all the written responses provided by the parties involved, with any redactions required by FERPA.

H. **Live Hearings**

1. **Cross Examination**

Both parties have an equal opportunity to cross examine the other party and any witnesses—i.e., to ask relevant questions and follow-up questions, including those challenging credibility—through the party’s advisor. Cross examination must be conducted directly, orally, and in real time by the party’s advisor. A party may never personally cross examine another party or witnesses.
If a party does not have an advisor present at the live hearing, ONU will provide an advisor of ONU’s choice, who may or may not be an attorney, without fee or charge, to conduct cross examination on behalf of the party.

Only relevant cross examination and other questions may be asked of a party or witness. As such, before a party or witness answers a cross examination or other question, the decision maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

Cross-examination that may reveal faulty memory, mistaken beliefs, or inaccurate facts about allegations does not mean that the party answering questions is necessarily lying or making intentionally false statements. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the decision maker, after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party.

2. Virtual and Remote Hearings

Live hearings may be conducted with all parties physically present in the same geographic location or, at ONU’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other.

At the request of either party, ONU will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

3. Record of Hearing

All live hearings, whether they occur in person or virtually, will be recorded via audio or audiovisual recording or transcribed. Such recording or transcript will be made available to the parties for inspection and review.

I. Informal Resolution

1. Use of Informal Resolution

Where a formal complaint is filed, and at any time prior to reaching a determination regarding responsibility, ONU may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. An informal resolution process may not be utilized unless:

- The parties are provided written notice that discloses the following:
  - the allegations,
  - the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to
a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and  
  o any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

  ● The parties provide voluntary, written consent to the informal resolution process.

An informal resolution process may not be utilized to resolve allegations that an employee sexually harassed a student.

2. **Informal Resolution Process**

Where an informal resolution process may be utilized in accordance with Section IV.I.1 above, such process will be overseen by one or more members of the Title IX team or its designee. The parties to any such informal process will not be required to deal directly with one another.

At any time prior to agreeing to a resolution under this process, any party may withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. In addition, any party can resume the grievance process where the party is dissatisfied with a proposed informal resolution. Finally, as described above, the University may elect to pursue a formal resolution process even if the complainant does not wish a formal resolution.

The complainant and respondent have the right to an advisor as set forth in Section IV.G.2 above.

If either party 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.

3. **Determination Regarding Responsibility**

1. **Decision Makers**

The final investigative report will include all the written responses provided by the parties involved, with any redactions required by FERPA, and will then be provided to one or more trained Decision Maker(s) designated by the Title IX Coordinator for decision as described below. The Decision Maker may not be the same person as the Title IX Coordinator or the investigator(s).

If the respondent is a faculty member, the Decision Maker will be a member of the Administration, as the Administration has the right to discipline faculty members for just cause pursuant to Section 2.10 Discipline of Faculty Members of the Faculty Handbook. A violation of this Policy constitutes just cause for discipline.

Decision Makers are responsible for reviewing the investigative report, conducting the live hearings set forth in Section IV.H above, making a determination regarding responsibility, and determining remedies and sanctions. In reaching a determination, the decision maker(s) will apply the preponderance of the evidence standard as set forth in Section IV.E above. The Decision Maker will determine, based on the complete record and applying a preponderance of the evidence standard, whether or not the evidence is sufficient to support a conclusion that the conduct occurred and that there was a violation of this Policy. If the Decision Maker determines
that there was a violation, the Decision Maker will also determine the appropriate remedies and sanctions that should be imposed.

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

2. Written Determination Regarding Responsibility

The Decision Maker must issue a written determination regarding responsibility simultaneously to the parties that must include the following:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of ONU’s code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to ONU’s education program or activity will be provided to the complainant; and
- ONU’s procedures and permissible bases for the complainant and respondent to appeal.

The Title IX Coordinator is responsible for effective implementation of any remedies herein.

The determination regarding responsibility becomes final either on the date that ONU provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

K. Appeals

Either the complainant or the respondent may appeal any determination and/or sanction of the decision maker or any dismissal of a formal complaint or any allegations therein to the Appeal Panel only on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Appeal Panel consists of three members, composed of University administrator(s), faculty member(s), and/or staff, appointed by the President of the University provided that no member of the Appeal Panel is an investigator, the Title IX Coordinator, or the Decision Maker that reached a determination regarding responsibility or dismissal. The members of the Appeal Panel shall select from among its number a Chair who shall keep a record of the proceedings. The Appeal Panel shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The procedures for an appeal are as follows:
1. **Filing the Appeal**

The appeal must be made in writing to the Title IX Department.

The appeal must be made within five (5) university business days from when the parties receive the written decision of the Decision Maker, including the day on which the party receives the written decision. If an appeal is not filed within this time frame, the right to appeal is waived and the determination and/or sanction of the Decision Maker or any dismissal of a formal complaint or any allegations therein becomes final.

ONU will promptly notify the other party in writing when an appeal is filed.

2. **Review and Approval of the Appeal**

All appeals are forwarded to the Appeal Panel for review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand and the decision will be final if the appeal is not made within five (5) university business days from when the parties receive the written decision of the Decision Maker, including the day on which the party receives the written decision, or if the appeal is not substantively eligible.

If an appeal is denied by the Chair of the Appeal Panel, the parties will be notified in writing within five (5) university business days and the Title IX Department will retain a record of the denial. Denial of the appeal means the disposition of the formal complaint by the decision maker is upheld.

If an appeal is permitted by the Appeal Panel, the parties will be notified in writing within five (5) university business days, and both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

3. **Appeal Procedure**

The parties shall prepare written statements in support of, or challenging the outcome, including all relevant information and arguments, and deliver them to the chair.

The written statements must be delivered within five (5) university business days of receipt of the notice that permission to appeal was granted, including the date of receipt.

After review of the record and the statements of the parties, the Appeal Panel shall decide the matter by upholding the determination of the Decision Maker, reversing the determination of the Decision Maker, upholding and/or modifying the sanction(s), or remanding the matter for further investigation/analysis.

The Appeal Panel shall render its decision by a simple majority vote of the members. The decision of the Appeal Panel to uphold the determination, reverse the determination, or uphold and/or modify sanction(s) is final, except as provided in section IV.M. If the matter is remanded, the process will repeat, generally beginning at the appropriate stage of the investigation or adjudication as indicated by the Appeal Panel’s remand.

The written decision of the Appeal Panel describing the result of the appeal and the rationale for the result will be sent simultaneously to both parties, typically within sevenfive (5)(7) university business days following the Appeal Panel’s determination. If there is a delay in issuing the decision, both the complainant and 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 directly relating to the complainant in a manner consistent with the requirements of FERPA.

I. Remedies and Disciplinary Sanctions

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process prior to the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

ONU is committed to taking action to eliminate all sex discrimination and sexual harassment. Where a determination of responsibility for sex discrimination or sexual harassment has been made against the respondent, remedies are designed to restore or preserve equal access to ONU’s education programs or activities, to stop the conduct, prevent its recurrence, and address its effects. Such remedies may include the same individualized services that constitute supportive measures in Section III.E above, but may also be disciplinary or punitive and need not avoid burdening the respondent. To that end, when determining the appropriate remedies or sanctions to be imposed, consideration shall be given to the principle that the sanctions should be proportionate to the offense and seek to provide a remedy to the complainant and to prevent recurrence of the offense for the protection of the campus community. Any student or employee determined to be responsible for violation of this Policy should expect the imposition of remedies and/or sanctions.

Any sanction imposed by the Decision Maker will be paused during a subsequent appeal process.

Remedies and sanctions for students may include dismissal, withheld suspension, social probation, a no contact order, restrictions, restitution, and notification to other members of the University community as appropriate, educational requirements, and other remedies and sanctions determined by ONU to be appropriate.

Remedies and sanctions for employees may include termination, suspension, removal from campus, cancellation of contract, written reprimand, oral reprimand, and other remedies and sanctions determined by ONU to be appropriate.

N. Retaliation

ONU prohibits retaliation—i.e., intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy, constitutes retaliation.

Retaliation does not include the exercise of First Amendments rights or a code of conduct violation charge for making a materially false statement in bad faith in the course of a grievance
Retaliation should be reported immediately to a member of the Title IX team and will be promptly investigated. Retaliation may be treated as an independent instance of discrimination and is considered a serious violation of ONU policy. ONU is prepared to take appropriate steps to protect individuals who believe they have been subjected to retaliation. Individuals found to have engaged in retaliation may face disciplinary action, up to and including dismissal or termination.

O. Documentation and Recordkeeping

Where the Title IX Coordinator or a Deputy Title IX Coordinator receives a report of an incident or allegation of sex discrimination and sexual harassment or a formal complaint is filed, ONU will create records of any actions, including any supportive measures, taken in response to a report or formal complaint. In each instance, ONU will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to ONU’s education program or activity. Deliberate indifference occurs only where a response to sexual harassment is clearly unreasonable in light of the known circumstances. Where supportive measures are not provided to a complainant, ONU will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The foregoing documentation, as well as the following, will be maintained by ONU for a period of seven years:

- Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript;
- Any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to ONU’s education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- All materials used to train Title IX Coordinators, investigators, decision makers, any person who facilitates an informal resolution process, and members of the Appeal. ONU will make these training materials publicly available on its website.

P. Education and Training

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

All new students are required to complete the mandatory training, which covers sex discrimination, sexual harassment, 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 and sexual harassment is offered to all students and employees throughout the year.

Training for University employees on this Policy is a requirement of each and every employee on campus and must be renewed on an ongoing basis.

Title IX Coordinators, investigators, decision makers, any person who facilitates an informal resolution process, and members of the Appeal. ONU will make these training materials publicly available on its website.

5 A determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.
resolution process, and members of the Appeal Panel will receive annual training focused on this Policy and the proper handling cases of sex discrimination and sexual harassment, including but not limited to the following:

- The definition of sexual harassment;
- The scope of the recipient’s education program or activity;
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Title IX Coordinators, investigators, decision makers, any person who facilitates an informal resolution process, and Appeal Panel members will receive training on the definition of sexual harassment, the scope of ONU’s education programs and activities, how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision makers will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, as set forth in Section IV.H.1 above.

Investigators will also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth Section IV.G.6 above.

First responders, such as ONU Security and Office of Student Conduct staff receive regular, ongoing training focused on working with complainants of sex discrimination and sexual harassment.

Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

Q. Victim/Survivor Support Information

The University is committed to providing support for students and employees who have been victims/survivors of sex discrimination. Below is a brief description of resources available.

Supportive measures as detailed in Section III.E of this policy.

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

- Crime Victim Services
  Lima, OH
  Pamela Silver
  Crime Victim Services
  Office: 419-222-8666
  Direct Line: 567-940-8271
  Email: pamelas@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
  Phone: (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
  Phone: (877) 894-4599

- St. Wendelin Parish – En Camino (Fostoria Office)
  323 North Wood Street Fostoria, OH 44830
  Phone: (419) 619-3625

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

**R. Preservation of Evidence**

If you are a victim of sexual assault, dating violence, domestic violence, for your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible by a medical professional is important for preserving evidence, which may be necessary to assist in proving sexual assault, dating violence and domestic violence.

15 - Protection of Minors On Campus Policy:

ONU is committed to the safety of all individuals in its community. The Protection of Minors on Campus Policy establishes guidelines for those in the University community who may work or interact with individuals under 18 years of age, with the goal of promoting the safety and well-being of minors. This Policy is applicable to faculty, staff, students, volunteers, and third-party contractors who may work or interact with minors in the course of their University duties. This Policy is also applicable to medical personnel working at any dispensary, clinic, infirmary, student health center, athletic facility, or similar facility operated by the University and primarily used by students. This Policy is also applicable to University Affiliated programs or activities operating on the ONU Campus. Non-University-affiliated program requirements will be outlined in a facility use agreement (contract) with each respective program. To access the full Protection of Minors on Campus Policy please visit [https://my.onu.edu/title_ix](https://my.onu.edu/title_ix)

16 - Fire Safety Policy
The Ohio Northern University Department of Public Safety, the offices of Residence Life and Student Involvement publish the following campus fire statistics and information in compliance with the Clery Act. The Department of Public Safety maintains a log of all fires reported within University-owned or controlled housing.

I. Fire Safety Policies

The University has published a number of fire safety policies for residence halls, on-campus apartments, and Greek housing. This information is available below. For the most up-to-date policies and procedures, the Student Handbook can be viewed at the following link: https://www.onu.edu/sites/default/files/student_handbook_2020-21_9-22-20.pdf

A. RESIDENCE HALL – FIRE SAFETY POLICIES

Conspiring to, attempting to, or willfully setting fire to University property, structures, or personal items is strictly forbidden by the University.

FIRE LAWS, REPORTING FIRES, FIRE DRILLS, BONFIRES

Tampering with a smoke detector, a fire hose or fire extinguisher, or ringing or tampering with a fire alarm, except in the event of a fire, is prohibited.

Failure to immediately report any type of fire in any University building or on any University property to a Resident Assistant, Resident Director, Public Safety Officer, Ada Fire Department, and/or to the affected office.

Failing to cooperate with regulations or authorities during a fire alarm or drill, including evacuation from a residence hall or other University building, is prohibited.

Open burning, including ceremonial fires, or bonfires, without authorization from the Office of Student Affairs, is prohibited.

FIREWORKS

The possession, sale, discharge or use of any fireworks on any University property on or off campus, including any Greek house, is prohibited.

APPLIANCES

The University prohibits the use of non-approved electrical appliances in students’ rooms. All electrical devices and extension cords must be UL approved. Any electrical appliances that are determined to be a fire hazard or violate cleanliness standards by the hall staff may be confiscated. Electric skillets, toasters and grills
are not permitted.

MINI-REFRIGERATORS IN STUDENTS' ROOMS

Mini-refrigerators must be under 4.5 cubic feet and Energy-Star required.

CANDLES, INCENSE, POTPOURRI AND FLAMMABLE MATERIALS

Because of the danger of fire, the possession or burning of candles, incense, potpourri burners, lanterns or any other type of open flame is strictly prohibited in student rooms. In keeping with the need for fire prevention, any possession or use of kerosene, gasoline, naphtha, benzene, or similar flammable material in or around the residence halls, apartments, fraternity or sorority houses, any University building or property, except in laboratory rooms or in other authorized and supervised classroom uses, is strictly forbidden. Flammable art supplies must be kept in lockers provided in the Art Building. Students found in violation of this policy will be subject to disciplinary action.

COOKING IN RESIDENCE HALL ROOMS

Cooking is not permitted in student rooms. There are designated areas and kitchenettes in the residence halls to prepare snacks. The building residents, not the maintenance staff, are responsible for cleaning up afterwards; this includes the inside of microwaves, conventional ovens and refrigerators.

HALOGEN LAMPS

Halogen lamps are not permitted in residence halls or apartment rooms.

POSTERS AND WALL HANGINGS

Students can personalize a residence hall or apartment room, but not use nails, stickers, or screws, as these will damage the walls. No parachutes, flags, fish nets, or room light coverings are permitted. Residents are financially responsible for damage to walls and doors caused by wall/door decorations. All repairs must be completed by Physical Plant employees.

SPACE HEATERS

Space heaters are not permitted in any University-owned residence.

TOBACCO AND SMOKING

The University recognizes the need to create and maintain an environmental
quality that sustains and enhances the general health and well-being of its students, faculty, staff and visitors. ONU has developed a tobacco & smoke-free policy for all of campus. For the purpose of this policy, “tobacco” is defined to include any lit cigarette, cigar, pipe, bidi, clove cigarette, e-cigarette, other smoking products or any alternative smoking devices; and the use of smokeless or spit tobacco, also known as dip, chew, snuff or snus, in any form. Evidence of tobacco use on ONU’s campus is a violation of this policy.

WINDOW TREATMENTS

The University provides flame retardant mini-blinds for all student rooms. Individual students are not permitted to remove or replace these. Students may hang their own curtains in windows with a tension rod only. Any curtain rods fastened to the wall will result in the appropriate maintenance charge bill to the occupants of the room.

B. GREEK HOUSING – FIRE SAFETY POLICIES

CANDLES AND OPEN FLAMES

Because of the danger of fire, lighted candles and open flames of any kind are generally prohibited. If initiation rituals require the use of candles, great care is to be used in handling them and fire protection equipment should be readily at hand. The use must be for very limited time duration; care should be used in properly extinguishing the flames. Candles should be stored at all times when not in use for ritual purposes.

FLAMMABLE MATERIALS

In keeping with the spirit of fire prevention, draperies and other cloth goods used to decorate rooms must be manufactured and labeled fire-retardant. Any possession or use of kerosene, gasoline, naphtha, benzene, or any other similar materials in or around the Greek houses is forbidden. Paints, solvents, and cleaning fluids which are flammable must be stored in an approved metal cabinet away from any source of heat.

TOBACCO & SMOKING POLICY

In accordance with the laws of the State of Ohio and Ohio Northern University, the use of tobacco products is not permitted anywhere on campus.

II. Fire Safety Preparedness

The Residence Life staff is dedicated to the safety and security of Ohio Northern University students. An important portion of the training for Resident Directors, Senior Resident Assistants, and Resident Assistants involves crisis response and fire safety. Each
residence hall and apartment is required to have a fire drill within each semester.

III. Fire Safety Procedures

Fire procedures are dependent upon the hall and will be reviewed with building staffs during training week. All residents must be cleared from the building; those refusing to leave will face a possible $50.00 fine. Residence Life staff members are at no time responsible to put themselves into danger for the safety of their residents—they are to evacuate the building and account for residents using a roster. Residents may reenter the building when the Public Safety/Fire Department has given permission for them to reenter. Reentering without permission constitutes a $50 fine.

In case of fire, staff members are to have residents evacuate the building. When safely cleared from the building, the staff is to call Public Safety, Resident Director on-call, and the Student Affairs Response Team (SART) member on-call. Upon receiving an “all-clear” resident may reenter the building.

IV. 2019-2021 Residence Hall Information

FIRE SAFETY SYSTEMS AND FIRE DRILLS IN STUDENT HOUSING FACILITIES 2021

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Address</th>
<th>Fire Alarm Monitoring</th>
<th>Suppression System*</th>
<th>Smoke Detectors</th>
<th>Fire Extinguishers **</th>
<th>Pull Station Alarms</th>
<th>Lighted Exit Signs</th>
<th>Cleared Means of Egress</th>
<th>Posted Means of Egress</th>
<th>Fire Drills</th>
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*All buildings without Simplex Suppression Systems are in the process of closing or are slated for renovation.

**Apartment complexes also have fire extinguishers in each individual apartment and are checked by Public Safety and Van Wert Fire Company.

2020 Fire Alarm Statistics Student Housing

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TOTAL 26
# Fire Statistics for Student Residential Facilities 2018-2020

## Fires in Residential Facilities 2018-2020

2018

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<th>Building Name</th>
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<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Persons Treated at Medical Facility</th>
<th>Number of Deaths</th>
<th>Property Damage in Dollars</th>
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**2019**

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### 2020

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17. 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 people’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).

18. 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 cause or causing 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:

19. 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 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 a 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 violence.

  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.