

## Ursuline College - 2023 Annual Security Report

### INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, also known as the Clery Act, was passed in 1990. The Act requires that institutions of higher education:

- Publish an annual report that contains three years of campus crime statistics for certain types of crimes (Clery Act crimes) and certain campus security policy statements. This report contains Clery Act crime statistics for calendar years 2020, 2021, and 2022. It also includes educational programming from October 2, 2022 through October 1, 2023.
- Disclose statistics for reported Clery Act crimes that occur (1) on campus, (2) in or on non-campus buildings or property owned or controlled by Ursuline College, and (3) on public property within or immediately adjacent to and accessible from the College campus. The statistics are gathered from campus security, local law enforcement, the Ursuline Sisters of Cleveland, and college employees who have significant responsibility for student and campus activities.
- Provide timely warning notices of certain types of crimes that have occurred on or near campus and pose an ongoing threat to students and staff.
- Disclose in a public crime log any crime that occurred on campus or within the patrol jurisdiction of campus security and is reported to campus security.

Additionally, the Higher Education Opportunity Act of 2008 created new reporting responsibilities regarding fire safety and missing person's policies as well as the reporting of certain types of crimes labeled as hate crimes. The Campus Sexual Violence Elimination Act (SaVE Act) passed in 2013 as part of the Violence Against Women Reauthorization Act (VAWA) also added new requirements, to include:

- Domestic violence, dating violence and stalking to the list of crimes that institutions must include in their Annual Security Report.
- New categories of reportable hate crimes based on bias against gender identity or national origin.
- Policy statements in the Annual Security Report detailing the institution's internal procedures in cases of domestic violence, dating violence and stalking, as well as a description of education and prevention programs aimed at these topics.

This report can be found at <https://www.ursuline.edu/inside-ursuline/consumer-information/campus-security-policies-crime-statistics-and-crime-log>. The 2023 Annual Fire Safety Report is also available on the Ursuline College website separate from this report. Each year, a pdf copy and a hyperlink to the online Annual Security and Fire Safety Reports are sent to all currently enrolled students, faculty, and staff via an email notification. Copies of the reports also may be obtained from the Security Department and the Office of Compliance. Prospective students and employees will be notified of the availability of these reports.

### URSULINE COLLEGE SECURITY DEPARTMENT

The Security Department at Ursuline College is committed to maintaining a safe and secure environment for the entire Ursuline College community. However, safety and security are everyone's

responsibility. By engaging in safety practices, using common sense, and taking advantage of the services offered by the Security Department, you can reduce risks and help to ensure a safe campus environment for everyone.

Ursuline College's Security Department uses a combination of Ursuline College personnel and staff contracted through Willow Security. Security personnel patrol the campus 24 hours a day. The Security Department has the authority to ask persons for identification and to determine whether individuals have lawful business at the College. Ursuline College security personnel do not possess police powers and cannot carry out arrests. However, the Security Department maintains a highly professional and close working relationship with the Pepper Pike Police, who respond promptly to calls from the College. Criminal incidents are referred to the Pepper Pike Police Department who have jurisdiction on the campus. All crime victims and witnesses are strongly encouraged to immediately report crimes to the Pepper Pike Police Department and the Ursuline College Security Department.

The Ursuline College Security Department can be contacted at:

1. Security's campus extension 4204, or
2. Security's outside campus telephone number (440) 449-4204,
3. Security's cellular telephone number (440) 221-9025, or
4. Campus blue security telephone.
5. The Safety Security Supervisor can be reached at 440-684-6119

The Security Department also provides a range of other safety services:

- **24-Hour Campus Escorts:** The Ursuline College Security Department also operates a 24-hour campus escort service. If, at any point, you feel uncomfortable walking from one location on campus to another, please call x4204 and someone from the Security Department will escort you.
- **24-Hour Vehicle Assistance:** If you have vehicle problems on campus and need assistance, please phone the Security Department at x4204. We offer 24-hour jump starts for dead batteries as well as air inflations of flat tires.

## **REPORTING CRIMINAL ACTIONS AND OTHER EMERGENCIES**

If you believe you have observed or experienced a crime, including those listed in the chart below, please report it. The actions of those who commit crimes may pose a risk to the safety and welfare of both the individual targeted, as well as members of the Ursuline College community. Ursuline College is committed to maintaining an atmosphere in which diversity is appreciated and each member of the College community is respected.

*If an emergency occurs on campus, of either a medical or security nature (dealing with destruction of College property, building, intruders, etc.), students should call 911 if using a campus phone and then call the Campus Security Office (extension 4204). There is no need to dial a 9 before the 911. If using a cell phone, students should call the Pepper Pike Police Department's emergency line at 216-831-1424 and then Ursuline's Campus Security Office at 440-449-4204. All*

*emergencies will be reported to Security and the Director of Compliance and will be investigated, if appropriate.*

For your safety and convenience, eight outdoor telephones are located throughout the campus. These blue outdoor phones will connect directly to Campus Security (x4204).

Students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Ursuline College Security Department in a timely manner. Students, faculty, staff, and guests may also report incidents to those who are considered campus security authorities, which include the Security Department and those who have significant responsibility for student and campus activities. These are listed in the following table.

If you believe you have observed or experienced an incident, report it by contacting one of the following offices, for guidance and support. This information can also be found on the College web site and on the back of the Student Handbook/Planner.

|   |                             |
|---|-----------------------------|
| Counseling Services.....                                      | 440-646-8379                |
| Vice President for Student Affairs (Dean of Students) .....   | 440-646-8320                |
| Associate Dean of Students for Student Affairs.....           | 440-646-8336                |
| Vice President for Academic Affairs.....                      | 440-646-8107                |
| Graduate Admissions.....                                      | 440-646-8119                |
| Residence Life.....   | 440-646-8334                |
| Human Resources.....  | 440-646-8316                |
| Office of Diversity.....                                      | 440-684-6085                |
| UCAP.....   | 440-684-6129                |
| Security.....   | 4204 or 440-221-9025 (cell) |
| Director of Compliance/Title IX & Disability Coordinator..... | 7027 or 440-484-7027        |

Under Ohio law, persons who have knowledge of a felony (a victim of or witness to the crime) are required to report the crime to the police (Ohio Revised Code § 2921.22). Failure to report a crime may itself be a crime. **The College strongly encourages victims of crime and all witnesses to report criminal activity to the police.**

If you are a victim of a crime and do not want to pursue action with the Ursuline College system or the criminal justice system, you may still want to consider making a confidential report. Reports to the Pepper Pike Police Department are considered public records and are not confidential. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to non-professional counselors and advocates who work or volunteer in the Office of Counseling Services, the Office of Diversity, and/or the Women’s Center. These individuals are not considered campus security authorities and can generally talk to a victim or witness without revealing any personally identifying information about an incident to the College. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, Ursuline College can keep an accurate record of the number of incidents involving students, faculty, staff or guests, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College.

The College psychologist and other licensed professional counselors in the Office of Counseling Services, when acting in their professional capacity, are not considered campus security authorities, and are not required to report crimes for inclusion into the annual disclosure of crime statistics. Crimes reported to licensed counselors are confidential by law. Some off-campus reports may also be legally confidential (for example, clergy). Crimes reported to the above are not included in the annual crime statistics report. As a matter of policy, Ursuline College encourages our College psychologist and our licensed professional counselors to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis for inclusion in the annual crime statistics, if, and when they deem it appropriate.

Ursuline College cannot guarantee or promise confidentiality to persons reporting crimes to individuals or offices that supply crime statistics for this annual report, except as otherwise noted above.

Ursuline College does not have off-campus residences of fraternity and sorority organizations and, thus, no policies related to criminal activity for these types of residences.

**TIMELY WARNINGS**

Ursuline College will make timely warning reports to the campus community regarding certain crimes and emergencies that represent a continuing threat to the campus community. Such reports will be issued via electronic mail, on the College’s web site, and through the College’s text messaging emergency alert system, called URS Alert. This information may also be posted in public areas.

**CAMPUS ACCESS POLICY**

During normal business and class hours, the College (excluding residence halls) will be open to students, parents, employees, contractors, guests, and invitees. Outside of the below listed hours, access to all College facilities (excluding residence halls) is by key, if issued, or by admittance via the Security Department or Residence Life staff.

**Security Department Building Schedule**

The following schedule provides the approximate times for clearing faculty, staff, and students from buildings prior to locking the exterior doors. The schedule indicates the order of closing for each time.

**Weekday Schedule - Monday to Friday**

| <b>Building</b>                            | <b>Times</b>   |
|--|--|
| <b>Mullen</b>                              | 7:00 AM to 11:30 PM  |
| <b>Dauby</b>                               | 6:30 AM to 11:30 PM  |
| <b>Stano Athletic Center</b>               | 7:00 AM to 11:30 PM<br>7:00 AM to 10:00 PM (fitness center only) |
| <b>Pilla<br/>(including Dining Center)</b> | 7:00 AM to Midnight  |
| <b>Besse Library</b>                       | 8:00 AM to 11:00 PM (5:00 PM on Friday)                          |
| <b>Parker Hannifin Center</b>              | 7:00 AM to 11:30 PM  |

Please note that the Besse Library begins their closing procedure 20 minutes prior to the time indicated. Library computer systems are shut down 10 minutes prior to closing. Checkout of library material is not available after computer system shut down.

### Weekend Schedule

*(Schedule is adjusted on weekends as needed for scheduled classes and activities)*

#### Saturday Schedule

| Building                           | Times   |
|------------------------------------|---|
| Mullen                             | 7:00 AM to 11:00 PM   |
| Dauby                              | 7:00 AM to 11:00 PM   |
| Stano Athletic Center              | 7:00 AM to 11:00 PM<br>9:00 AM to 6:00 PM (fitness center only) |
| Pilla<br>(including Dining Center) | 7:00 AM to Midnight   |
| Besse Library                      | 10:00 AM to 7:00 PM   |
| Parker Hannifin Center             | 7:00 AM to 11:00 PM   |

#### Sunday Schedule

| Building                                  | Times  |
|---|--|
| Mullen (exterior doors and computer labs) | 1:00 PM to 11:00 PM  |
| Dauby                                     | 1:00 PM to 11:00 PM  |
| Stano Athletic Center                     | 10:00 AM to 11:00 PM<br>9:00 AM to 6:00 PM (fitness center only) |
| Besse Library                             | 1:00 PM to 11:00 PM  |
| Parker Hannifin Center                    | 1:00 PM to 11:00 PM  |

The Ursuline College web site contains the most updated and relevant hours of operation for specific building schedules.

### Residence Halls

#### 1. Visitor & Overnight Guest Policy

- Resident students may invite a guest into the halls between the hours of 10am – 11:59pm Sunday – Thursday, and between 10am – 2am Friday and Saturday.
- Overnight visitation is permitted, with the consent of the roommate/suitemate(s).
- Residents may host an overnight guest of the same sex on any night of the week. Overnight guests of the opposite sex may only spend the night on **Friday and Saturday nights**.
- Resident students with a roommate or suitemate(s) must have the express permission of their roommate/suitemate(s) when hosting an overnight guest.
- A “guest” or “visitor” is defined herein as any individual that is not a current Ursuline resident student. Commuter students are considered “guests” or “visitors”.
- Residents must sign-in their visitor: <https://forms.office.com/r/j8DqdY1qt1>

## **2. General Guidelines**

- All visitors/guests of an Ursuline College resident must be escorted by the resident throughout the residence hall from the time of entry to the time of exit; this includes being escorted to bathrooms, lounges, and all other areas of the residence hall. Guests may not be left alone in a residence hall room or suite.
- All residents must reach a common agreement with their roommates/suitemates prior to hosting a visitor or overnight guest.
- Reasonable privacy takes precedence over the privilege of entertaining a visitor/guest.
- Any guest that is not feeling well, experiencing symptoms related to COVID, or that has recently been exposed to someone that has tested positive for COVID should not enter the residence halls.
- Guests could be asked to wear a mask while in the residence halls.

## **3. Guest Sign-In**

Ursuline College requires residents to sign-in **all** visitors and overnight guests. Guest/visitor sign-in is critical in case of an emergency.

- Only the resident hosting and responsible for the guest may sign-in the guest.
- All guests must be signed-in prior to entering the residence halls.
- Guests may not have in their possession a resident's room/suite key or Ursuline ID.
- A guest may not be unattended in the residence halls, including in common areas, bathrooms, and bedrooms.

## **Maintenance of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Security Department regularly patrols the campus and reports malfunctioning lights and other unsafe conditions to the Maintenance and Facilities Department for correction. The Security Department does continuous lighting surveys and sends a report to the Maintenance and Facilities Department to address new lighting concerns in addition to lights that are malfunctioning. It is helpful when other members of the Ursuline College community report equipment problems to the Security Department or the Maintenance and Facilities Department.

## **TRAINING, PREVENTION, AND EDUCATION**

Ursuline College provides educational resources, programming, and counseling services throughout the year related to campus safety/security and crime prevention, including the prevention of bullying, hazing, gambling, alcohol and drug abuse, sexual assault, stalking, and domestic and dating violence. Educational awareness and training programs include trainings offered by Student Affairs, Residence Life, Security, and the Director of Compliance/Title IX & Disability Coordinator. Through various College departments, Ursuline also provides training, prevention and education to its students and employees by utilizing non-campus programming and resources such as staff from the Cleveland Rape Crisis Center, Recovery Resources, and other private providers. The offices of Residence Life and Student Activities coordinate several safety programs each semester for the entire campus. Presentations are made within the residence halls and to all of campus (students/faculty/staff). Educational videos on personal safety are available for check-out from the Besse Library for individual or group use.

During Fall, 2023, the Director of Compliance/Title IX and Disability Coordinator provided Title IX training to new faculty, staff, and students. This training included information about bystander intervention techniques, consent, and trauma-informed communications. Additionally, the Title IX Office hosted an informational table during Orientation and at the College's Welcome Week.

In April 2023, the library team compiled a thorough list of sexual assault awareness resources which was circulated to the College community by the College's Director of Compliance/Title IX and Disability Coordinator. The Director of Compliance also shared her contact information as well as information about the College's Title IX grievance process.

The Title IX Coordinator provides Title IX related programming throughout the year for faculty, staff, and students. This programming includes information about sexual harassment prevention and response, sexual assault, dating violence, domestic violence, stalking, consent, bystander intervention, and trauma-informed referrals. The Title IX Coordinator provides information to faculty, staff, and students, on the College's Title IX Sexual Harassment Policy, its Harassment and Discrimination Policy, campus resources, and reporting requirements. Throughout the year, she updates faculty, staff, and students about new developments (e.g., gender neutral language, gender inclusive restrooms, cyber-stalking, etc.) The Title IX Coordinator also provides training to the College's civil rights investigators, hearing deciders, advisors, deputy Title IX coordinators, and mediators. Some of the training is provided in-house. Other training is provided by the law firm of Bricker & Eckler, the Ohio Department of Higher Education, and other outside providers.

During the Fall semester of 2022, the Compliance Director provided Title IX updates to the College's Breen School of Nursing and Health Professions and School of Arts and Sciences and Professional Studies. In April and May 2023, the Compliance Director offered Title IX Sexual Harassment updates to the College's students and staff. Similar training was provided to the College's faculty through both the College's Schools. This included trauma-informed training provided by Forensic Experiential Trauma Informed (FETI) trained Vice President of Student Affairs and bystander intervention training provided by the College's Security Supervisor. Additionally, in April 2023, the Compliance Director hosted an expert in bystander intervention to provide training for faculty, staff, and students. This trainer from a local university is certified in two evidence-based bystander intervention programs, Green Dot and Bringing in the Bystander. The Compliance Director also utilizes educational materials about trauma informed communications prepared by the Compliance Special Programs Coordinator, a licensed social worker. In April, Student Affairs also hosted a Wear Denim Day in recognition of Sexual Assault Awareness Month.

The College provides support to survivors through ongoing campus programming. Individual support is provided through campus counseling or referral to the Cleveland Rape Crisis Center. During the 2022-2023 academic year, the Women's Center hosted the Clothesline Project in partnership with the Jewish Family Services Association with a representative from the Journey Center for Safety and Healing and information from the Cleveland Rape Crisis Center. Additionally, the Women's Center sponsored a webinar from the Journey Center on Intimate Partner Violence for faculty and staff. The Women's Center also hosted a webinar on LGBTQI terminology and the College's student UC Pride organization. The College's Pride organization hosted a lunch and learn session on the history of drag and discrimination against LGBTQI people, which the Compliance Director attended. In 2023, the Compliance Director attending a training on LGBTQI and the Law from a local Bar association.

Ursuline College requires that all incoming students and employees successfully complete an on-line training course/program on the awareness and prevention of sexual harassment, sexual assault,

stalking, and domestic and dating violence. The on-line training course/program is currently provided through an outside vendor (Vector Solutions) and addresses the following:

- Definitions of consent, sexual harassment, sexual assault, domestic violence, dating violence, and stalking, under the College's policies and applicable laws.
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person.
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks, among other topics.

All students and employees are provided with refresher training and programming, throughout the year on the awareness and prevention of sexual assault, stalking, and domestic and dating violence. The campaign utilized various types of media (e.g., Facebook, Instagram, print media, etc.) to educate the community about the College's Title IX policies and offers training and professional development about harassment, dating violence, consent, reporting responsibilities, and other related topics. This campaign has continued throughout the 2020-2021, 2021-2022, and 2022-2023 academic years. The theme of Know Your Rights, It's About IX is intended to make members of the College community aware of their rights to be free from sexual harassment. Branded swag is distributed at the College's Orientation, Quad Bash, and other activities along with informational flyers titled "Know Your Rights/Know Your Resources" and "Title IX in a Nutshell".

Each year, faculty, staff, and students are provided in-person prevention, response, and bystander intervention training. For students, this training was delivered through interactive Town Halls which included bystander scenarios and discussion of trauma-informed listening. During 2020 and 2021, in response to the pandemic, many of these programs were offered via Zoom. For 2022-23, the Title IX Coordinator offered large group Zoom trainings, as well as in-person sessions.

Individuals designated to serve as investigators and appeal panelists under Ursuline College's Harassment and Discrimination and Title IX Sexual Harassment Policies also receive additional training and education, on an annual basis regarding these policies, and are trained on how to conduct proper investigations and appeals in a prompt, thorough, and impartial manner. Training is conducted by the College's Director of Compliance, and by other properly licensed and trained professionals such as Bricker Graydon, Husch Blackwell, Littler Mendelson P.C, the National Association of College and University Attorneys (NACUA), ATIXA, and the Ohio Department of Higher Education (ODHE).

The Title IX Coordinator has attended Title IX Coordinator training, hearing decider training, advisor training, investigator training, and training on the changes to the U.S. Department of Education's Title IX regulations. The Title IX Coordinator also participates in regular programming, trainings, and briefings by ODHE, NCHERM/ATIXA, the law firm of Bricker Graydon and NACUA, and collaborates with Title IX coordinators statewide and locally, to share ideas about policies, programming, and training.

In addition to the above training opportunities, the College's Title IX Coordinator receives advanced training on sexual misconduct, harassment, discrimination, and other related topics throughout the year. This advanced training is provided by individuals and organizations properly skilled and



licensed to offer advanced level training on proper investigative techniques and the administration of civil rights-based policies.

Each year, the College's civil rights investigators, deciders, and advisors received training in their respective roles through outside providers and through the Title IX Coordinator.

During the 2020-2021, 2021-2022, and 2022-2023 academic years, Ursuline College offered many educational awareness and prevention trainings, including virtual in-house and external training with outside providers. A representative sampling includes:

- The College community was offered virtual trauma-informed training, through an outside provider. Additionally, information from the Cleveland Rape Crisis Center about trauma informed communications was provided by the Title IX Coordinator at tabling events and via emails.
- Each year the Title IX Coordinator offers training in sexual assault prevention and response, bystander intervention, and trauma-informed referrals to faculty, staff, and students.
- This year, the College was offered in-depth Bystander Intervention Training through a trainer from a local university, including an in-depth train-the-trainer session. Additionally, the College's Title IX Sexual Harassment updates included information and scenarios concerning trauma-informed communications and bystander intervention.
- The Title IX Office participated in tabling events at student orientations, the College's Resource Fair, Welcome Week, and Women's Equality Day. At Orientation, students received a flyer prepared by the Title IX Office entitled "Know Your Rights – Know Your Resources". This flyer informed students of on-campus and off-campus resources. It also describes the differences between the Title IX Coordinator (a nonconfidential resource) and the confidential and limited confidential resources on-campus. An updated version of this flyer is shared with all faculty, staff, and students yearly.
  - During Orientation in the Fall of 2022, the Title IX Coordinator hosted a table and distributed a one-page summary of the College's Title IX Policy, entitled Title IX in a Nutshell. The Coordinator also distributed Title IX themed swag, as part of the Know Your Rights/Know Your Resources awareness campaign. This swag is intended to ensure the widest possible distribution of the Title IX Coordinator's contact information. These materials were also shared with the Director of Human Resources for distribution at new employee orientation and with the Dean of the School of Arts & Sciences and Professional Studies, for adjunct orientation.
- In April 2022, "Run, Hide, Fight" safety training was conducted on-campus by the College's Security Supervisor and the School Resource Officer from the local police department.
- This year, the College created a new anti-hazing policy in compliance with Ohio law prohibiting hazing. The College also contracted with its current online provider, Vector Solutions, to offer mandatory hazing training, in compliance with the State of Ohio's new anti-hazing law ("Collins Law").
- Each year, during National Sexual Assault Awareness Month in April, the Women's Center messages about resources and bystander training opportunities from the Cleveland Rape Crisis Center. This was also promoted via flyers around campus and on social media to the Ursuline College community. Current student leaders and incoming new freshmen were reminded of

the College's Title IX Sexual Harassment Policy and resources. Formal training for Orientation Leaders was provided in collaboration with Residence Life, and takeaway handouts were provided for all.

- Each year, Orientation Leaders were provided the opportunity to do Mental Health First Aid Training, as supported by the Women's Center and facilitated by the National Council for Mental Wellbeing. The training covered common signs and symptoms of mental health challenges and substance abuse challenges, how to interact with a person in crisis, how to connect a person with help, and expanded content on trauma, substance use, and self-care.
- In May of 2022, the College started a new student organization, the Mental Health Club, headed by one of the College's licensed professional counselors. Additionally, the College is completing paperwork to offer Morgan's Message, a student organization which strives to eliminate the stigma surrounding mental health within the student-athlete community and equalize the treatment of physical and mental health in athletics.
- Student Affairs also has two Instagram accounts that promote drugs/alcohol, suicide awareness, hazing, sexual assault, voting and voter registration, Constitution Day. Student Affairs programming in this area includes flyers about the League of Women Voters at Welcome Week, National Voter Registration Day Atrium tabling with flyers, Atrium table to promote Constitution Day events, and showing of the documentary "Amend" in recognition of Constitution Day.
- Student Affairs promotes awareness and prevention of drug and alcohol abuse, suicide, hazing, and sexual assault through two Instagram accounts.
- Student Affairs also promotes voting, voter registration, and Constitution Day. Programming includes providing literature from the League of Women Voters during Welcome Week, tabling in the Atrium for National Voter Registration Day and Constitution Day, and presentation of the documentary "Amend" in recognition of Constitution Day.
- During the summers of 2022 and 2023, the Assistant Dean for Diversity and other College Departments hosted campus-wide Juneteenth celebrations with representative food, music, and dancing.
- The Student Affairs Vice President participated in the following professional development:
  - Hazing Bootcamp, Bricker & Eckler (12/1/2021)
  - What's Next: Maintaining DEI Momentum (12/3/2021)
  - Breaking the Barriers, Webinar (12/9/21- 12/10/21)
  - Using Past Clery Findings (7/6/2022)
  - Multicultural Awareness and Diversity (7/8/2022)
  - Creating Connection on Campus to Improve Mental Health, Project Connect (7/21/2022)
  - Summary of Proposed Changes to the Title IX Regulations and College Policies, presented by College Title IX Coordinator (7/27/2022)
  - 988 Suicide Lifeline Resources and Workforce Opportunities Briefing, Departments of Health and Human Services and the Department of Education (8/8/2022)
  - AICUO Higher Education Compliance Day, topics included Name, Image, and Likeness, hazing, mental health, and Title IX (9/7/2022)
- Student Affairs staff members attended the following professional development programs:
  - Recovery Resources Campus Coalition (10/13/2021)

- Pivots in Prevention, Ohio Dept. of Higher Education (ODHE) (10/19/2021)
- Title VI in Higher Education, Bricker & Eckler webinar (10/14/2021)
- Title IX Litigation Update, Bricker & Eckler (10/17/2021)
- Beyond Compliance, Bricker & Eckler webinar (10/20/2021)
- Students of Color and Mental Health, Virtual (11/9/2021)
- LGBTQI+ Part 1, Women's Center Virtual (11/11/2021)
- Supporting Students Mental Health Needs, Hanover Research (11/16/2021)
- Un-silencing the Black Catholic Past, Zoom (11/16/2021)
- On-line Training for Teaching Diversity (1/2022-2/2022)
- Mental Health and Well-Being on College
- Health Justice Conference (1/17/2022)
- Exploring Anti-Racism in Health Professions
- Hazing Bootcamp, Bricker & Eckler (1/21/2022)
- The Unrelenting Campus Mental Health Crisis (1/26/2022)
- Ohio Anti-Hazing Discussion Group (2/18/2022 & 4/22/2022)
- Diversity Book Discussion Group – “Birth of a Movement: Black Lives Matter and the Catholic Church” (2/22/2022)
- Healthcare Disparities in Communities of Color Series (02/23/2022)
- Diversity Book Discussion Group – Olga Segura – “The Walk Toward Liberation: The Catholic Church and Anti-Racism”
- Celebrating Maya Angelou Quarter & the AWQ Program
- Healthcare Disparities in Cleveland (2/23/2022)
- Suicide Within Communities of Color (2/25/2022)
- Ncore – Queer Teaching for Racial Justice (3/2/2022)
- Go Live for Equity – Jane Elliott (3/4/2022)
- Creating a Culture of Care, Respect, and Sharing, ODHE (3/17/2022)
- Advancing Equity & Anti-Racism Strategies (3/17/2022 - 3/19/2022)
- Third Annual YWCA Racial Equity, etc. (4/4/2022 - 4/29/2022)
- Stand Against Racism Challenge (4/4/2022 - 5/2/2022)
- Juneteenth Book Dialogue (4/13/2022 - 4/27/2022)
- Nevertheless: Documentary on Sexual Harassment (4/14/2022)
- YWCA Covid-19 is No Equalizer (4/21/2022)
- Student Perspectives on Diversity, Equity and Inclusion, Hanover Research (5/5/2022)
- Mental Health First Aid USA Training, Recovery Resources (6/8/2022)
- NAMI Summit (6/14/ 2022 - 6/16/2022)
- Title IX Litigation Update, Bricker & Eckler (6/15/2022)
- NCAA Inclusion Forum (6/15/ 2022 – 6/16/2022)
- First Annual Juneteenth Celebration (6/18/2022)
- Student Confidentiality in Higher Education, Bricker & Eckler (6/22/2022)
- Conversations on Pride Month, Bricker & Eckler (6/28/2022)
- Title IX (& Beyond) Investigator Training, Bricker & Eckler (6/30/2022)
- Multicultural Awareness and Diversity, PESI (7/8/2022)
- When it is Darkest: Why People Die by Suicide and What We Can Do to Prevent It, webinar (7/14/22)
- Promotes all federally mandated programming in the Arrows Weekly Newsletter (e.g., Constitution Day)

- Ursuline College's Reach Out app provides access to support and resources such as crisis hotline, guidance for helping a friend in need, coping skills, and services offered on campus and in the community
  - This year's student organizations include:
    - Black Student Union
    - UC Pride
    - SNUC (Nursing students' organization)
    - UEarth
    - Inscape
    - Fashion Focus
    - Mental Health Awareness Club
- A student Title IX assistant worked with Student Activities to create a Flipgrid orientation presentation about the Title IX Office.
  - During Resident Assistant (RA) Orientation for 2020, 2021, and 2022, the Associate Dean of Students provided Title IX training to the resident assistants. Additionally, the Women's Center provided information on stalking, sexual assault prevention, and Cleveland Rape Crisis Center resources.
  - During the summer of 2021, the Title IX Coordinator participated in training about intersectional approaches to Title IX, including recognizing the dual bias against women of color, as both women and people of color.
  - Each year, Student Affairs has shared information about the increase in domestic violence due to the increase in working from home, in the student newsletter.
  - The College also collaborates across departments yearly to present resource fairs, inviting local community organizations, such as CRCC, Jewish Family Services, Recovery Resources, and others, to increase awareness of resources outside of the College.
  - For 2020, the Title IX Coordinator provided training about the new Title IX regulations and the College's Title IX Policies, to the RAs.
  - Throughout the year, the Title IX Coordinator provides education about the College's policies, in short informational emails, often connected to monthly awareness events. For example, the Coordinator has provided information about dating and domestic violence and stalking, in that manner, always circling back to how the College's policies help students, faculty, and staff.
  - On August 23, 2020, a private provider presented an Orientation session on Healthy Relationships and personal safety and spoke to the RA team about recognizing signs of abuse and domestic violence, including roleplays on how to talk to a resident, who may be in an unhealthy situation. Community resources were shared. The Associate Dean for Student Affairs shared Title IX resources and campus safety tips.
  - The Offices of Residence Life and Student Affairs have partnered with Recovery Resources to present Mental Health First Aid and Catalyst Bystander Intervention trainings.
  - Student Affairs also presents yearly trainings on alcohol and drug abuse and suicide prevention, including suicide prevention information from Recovery Resources; information provided by the Diversity Office in its September Diversity Newsletter and Arrows Weekly;

and distribution of the College's drug and alcohol policies to all students in the back-to-school letters from the Dean of Students. Student Affairs also raises awareness of drug and alcohol abuse, via bulletin boards in the residence halls.

- In late September 2020, the Title IX Coordinator launched Everfi's (now Vector Solutions) online Sexual Assault Prevention program, and its online alcohol and drug abuse prevention modules. This programming continues into 2023.
- On September 28 and 30, 2020, in recognition of former Supreme Court Justice Ruth Bader Ginsburg, the Women's Center hosted a showing of the film "RBG" (which addressed the issues of discrimination based on sex).
- Each year, the Women's Center used fliers and bulletin boards to create awareness of domestic violence and provide resources.
- The Women's Center created a flier with information and resources about Intimate Partner Violence.
- Additionally, the Nursing Department offers training on substance abuse to Nursing students.
- Athletics does the following yearly:
  - Provides information on drug and alcohol use in the operations and student athlete manual (sent to students at the beginning of the academic school year).
  - The athletics compliance coordinator reviews the NCAA drug testing policy in her meeting with the student athletes at the beginning of the school year
  - The compliance coordinator also reviews NCAA rules regarding sports wagering in meetings with the student athletes and staff in the beginning of the year in addition to send out reminders throughout the year.
  - The athletic training staff sends out information to all student athletes in the beginning of the year regarding:
    - Counseling Center information, mandatory reporters, NCAA banned substances which includes various drug and alcohol information and the negative impacts on the body
    - The athletic training staff post the NCAA banned substance list on the bulletin board outside the training room
    - Athletes given information and access to Drug Free Sport website
    - Ensures that athletics is following NCAA rules on sexual assault prevention requirements by training, posting the name and contact information for the College's Title IX Coordinator in the locker rooms and restrooms, and making appropriate inquiries about new recruits concerning Title IX misconduct at other institutions, etc.
    - On August 2, 2023, the Vice President of Student Affairs conducted FERPA training for the Athletics Department.

All crime prevention and campus safety training, services, and programs offered by the College are provided to students, faculty, and staff at no charge.

## **ALCOHOL POLICY**

Ursuline College exists in a state (Ohio), which regulates the consumption of alcoholic beverages. Under state law, an individual must be 21 years of age to purchase or consume liquor, wine, wine coolers, beer or other alcoholic beverages. Ohio's state law also prohibits the carrying of an open container of any alcoholic beverage on the street or in a motor vehicle. Criminal penalties range from fines to imprisonment depending on the nature and seriousness of the offense. Ursuline College policy is in accord with state law and with local ordinances regarding the purchase and consumption of alcoholic beverages, except that the College also prohibits the possession and consumption of alcoholic beverages in the residence halls, with limited exceptions. The policy recognizes that alcohol abuse leads to a variety of physical and/or emotional problems. These effects may be significant or even fatal. As a college whose student body includes approximately 90% who identify as women, Ursuline College is also concerned that women understand that using alcohol while pregnant may cause damage to a fetus. The College also exists within the context of Christian concern for the physical, mental, and spiritual welfare of all human beings, and promotes a value system that respects both the rights of the individual and the needs and rights of the community. The College seeks to provide an educational setting where all members of the College community learn the freedom of individual choice and the responsibility that such choice entails. Ursuline College's policy on the use of alcohol addresses the physical and emotional health of individuals and for the social and educational environment of the community. The College expects responsible behavior from those who choose to drink alcohol and are of legal age, and the College requires an environment free from coercion for those who choose not to drink.

Ursuline College's policy on the use of alcohol is as follows:

1. No person underage shall consume, purchase or be served any alcoholic beverage.
2. No alcoholic beverage is permitted in the student residence hall rooms.
3. Alcoholic beverages are prohibited in residence hall public areas and in the buildings of the College, except with approval.
4. Registered parties and events on campus with alcohol will be permitted only in accord with procedures established in accord with this policy.
5. College sponsored events held off campus will be on a cash bar basis unless specifically approved by the President.
6. The College will provide alcohol awareness education programming and the counseling opportunities for those who seek and/or would benefit from such counseling.

## **DRUG POLICY**

Ursuline College upholds the applicable drug laws that relate to controlled substances and prohibits the use, possession, sale, and distribution of illegal drugs by students, guests, faculty, and staff. Possession, use, distribution or sale of any controlled substance or illegal drug on the Ursuline College campus, at an off-campus educational site, or at college-sponsored activities.

### **Alcohol and Drug Policy regarding FERPA**

The Family Educational Rights and Privacy Act (FERPA) permits institutions to directly contact parents or legal guardians of students under the age of 21 who are found responsible for violating institution policies on the use or possession of alcohol or controlled substances. After lengthy discussion and review, we concluded that College staff from the Vice President of Student Affairs Office will notify parents or guardians of a student when that student is found responsible for the use, sale, or possession of controlled substances (illegal drugs) within the community. We will also notify parents or guardians of a student when that student is found to have violated the Student Code of

Conduct policies on the use and possession of alcohol when they are under the age of 21 and **one or more of the following occurs:**

1. When a student has been found to have violated the alcohol policy a second time.
2. When there is significant property damage.
3. When medical attention to any person, including the student, is required as a result of the student's alcohol-related behavior.
4. When the student demonstrates reckless disregard for his or her own personal safety or the safety of others; or
5. There is evidence that the student's alcohol-related behavior negatively impacted the learning environment.

### **ALCOHOL & DRUG EDUCATION**

Ursuline College distributes a back-to-school email to all students, that includes a link to "Facts about Drug and Alcohol Abuse." On September 20, 2020, the College's drug and alcohol policies were sent out to all students in the Back-to-School letter from the Dean of Students. Covid CareLine information (created by the Ohio Department of Mental Health and Addiction Services) was sent to students, faculty, and staff in issues of the Summer Student Newsletters and Ursuline News, during the months of May, June, July. The information in this link is taken from the Alcohol Policy, Drug Policy, and Alcohol and Drug Policy regarding FERPA as described above. As in the sections above, it details the College alcohol policy, drug policy, parental notification, and includes services available on campus for assistance and a list of referrals services available from agencies outside of campus. This information is also available on the College web site. The Vice President of Student Affairs also sent the Student Handbook and highlighted resources for Drugs and Alcohol, Title IX, and college resources.

On April 27, 2022 (during National Alcohol Awareness Month), one of the College's counselors held an alcohol abuse education informational table that included impairment simulation goggles designed to educate people regarding the risks of impaired driving. Resources were provided directly from SAMHSA Communities Talk to Prevent Underage Drinking. This event was promoted via flyers around campus and on social media to the Ursuline College community.

Current student leaders and incoming new freshmen were reminded of the college's drug, alcohol, and anti-hazing policy. They were directed to the Student Handbook for more detailed information regarding the various scopes.

Students are now required to complete online course modules in alcohol and other substance abuse offered by Vector Solutions (formerly Everfi) online platform, along with Vector Solution's Sexual Assault Prevention training module.

The offices of Residence Life, Athletics, and Orientation coordinate 2-3 programs each semester for the campus. Presentations are made within the residence halls, to student athletes and to all of campus (students/faculty/staff). Programming to build awareness around the areas of alcohol, tobacco and drug education for both students and the entire College community is offered at no cost. Such programs may be led by students or members of the professional staff, including, but not limited to, those working within the Offices of Campus Ministry, the Office of Counseling Services, and the Office of Career Services, Residence Life and/or Student Activities. Additionally, the mandatory,

online Vector Solutions Sexual Assault Prevention training module includes discussion about the connection between alcohol and sexual assault. Further, the Title IX Coordinator incorporates alcohol and consent awareness into her trainings. Any member of the community may request programming to address a specific issue.

**SEXUAL OFFENDER INFORMATION**

In accordance with the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes Act against Children and Sexually Violent Offender Registration Act, and the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Ursuline College is providing a link to the Cuyahoga County Sex Offender Registry. These laws require institutions of higher education to issue a statement advising the campus community about the location of law enforcement information, provided by the State of Ohio, concerning registered sex offenders. Sex offenders registered in the State of Ohio must provide notice of their sex offender status to each institution of higher education in that State, at which the person is employed, carries a vocation, or is a student. Ursuline College’s notification will be through the City of Pepper Pike Police Department. The Cuyahoga County Sherriff is responsible for maintaining this registry. Follow this link to access the Cuyahoga County sex offender website: <http://sheriff.cuyahogacounty.us/en-US/Sexual-Offender-Unit.aspx>. You can also find information on individuals, who have self-identified with the county sheriff as having registered as a sexual offender at the following website: <http://www.familywatchdog.us/Showlist.asp>.

**MISSING PERSONS RESPONSE PROTOCOL (HEA Title IV, Section 485 (j))**

It shall be the policy of Ursuline College to thoroughly investigate reports or complaints of all persons missing from the Ursuline College community. To this end, it is our mission, upon receipt of a report or complaint, to obtain the basic facts as to who, what, when, where, and how regarding the circumstances of the missing person, a brief description of the victim, suspect, and any vehicles that were involved. The complaint would then be assigned to Campus Security and the Director of Compliance for immediate follow-up. Either Campus Security or the Director of Compliance will contact the Pepper Pike Police so that they can conduct a search of police records regarding the complainant, victim, and suspect(s). Ursuline College Security will (depending upon the circumstances) prepare a Safety and Security Notice regarding the incident to alert the community. Security staff will ensure that the notice is posted on campus. The Safety and Security Notice will be posted in residential communities, at the entrances of the main campus buildings, and in those places where students, faculty, and staff most frequent on the campus (i.e., cafeterias, bookstores, and student/staff lounges).

Missing persons should be reported to the following Ursuline College personnel:

|   |                            |
|---|----------------------------|
| Vice President for Student Affairs, Dean of       |                            |
| Students.....                                     | 440-646-8320               |
| Associate Dean of Students.....                   | 440-646-8336               |
| Director of Residence Life .....                  | 440-646-8334               |
| Resident Assistant (On-duty 5 pm - 8:30 am) ..... | 440-221-2814 (cell phone)  |
| Security .....                                    | 4204 or cell: 440-221-9025 |
| Director of Compliance .....                      | 7027 or 440-484-7027       |

During an investigation of a missing person, the College takes direction from our local law enforcement. Law enforcement is responsible for verifying the accuracy of the report or complaint



information, which includes the description of the victim and the circumstances at the time of disappearance.

The College gives students the option to provide confidential contact information for a person to be notified in the event the student is officially reported missing. For any student under the age of 18 years of age and not emancipated, the custodial parent or guardian must be notified within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

If Campus Security officials and/or local law enforcement determine that a student for whom a missing person's report has been filed has been missing for more than 24 hours, then within the next 24 hours the College will:

- Notify the individual identified by the student to be contacted in this circumstance;
- Notify a parent or guardian if the student is under 18 years of age and not emancipated; and
- Notify all other appropriate law enforcement officials in situations where the student is over 18 years of age and has not identified a person to be contacted.

“Suzanne’s Law” was signed into law by President George W. Bush in the spring of 2003 as part of the national “Amber Alert” bill and requires local police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing. The federal law is named after Suzanne Lyall, a State University of New York at Albany student who went missing in 1998. Previously, law enforcement officers were only required to report missing persons under the age of 18. This law requires police to begin investigation immediately when college-age persons are reported missing. Upon closure of the investigation, all parties previously contacted will be advised of the status of the case. If an individual needs to report a person missing from the Ursuline College campus, please contact Ursuline College Security at (440) 449-4204 or 4204 from a campus phone.

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The Ursuline College Emergency Operations Plan was established to facilitate an effective response to emergency situations, or events, that impact the campus community. The plan addresses preparedness, response, and recovery for emergency situations that have an impact on the campus community. The plan is reviewed and exercised at least once a year through tabletop exercises, functional, or a full exercise. A table-top exercise was conducted on November 30, 2022. Subsequently, the College’s annual notification of completion of a review of the safety and emergency procedures was sent to all faculty, staff, and students, along with a copy of the Emergency Planning Quick Reference Guide. As part of the exercise, fire drills were also performed in all non-residence buildings (Mullen, Besse, Dauby, Stano, Parker, and Pilla). Exercises may also be coordinated with City of Pepper Pike emergency response exercises since the City will assume command if called to the campus during an emergency. At least one test per year will be used to fulfill the requirements of the HEOA. Documentation on the emergency test will be kept for seven years. General information about the emergency response and evacuation procedures for Ursuline College are publicized each year as part of the Clery Act compliance efforts and that information is available on the Ursuline College web site.

All members of the Ursuline College community are notified on an annual basis that they are required to report to the Ursuline College Security Department and the Director of Compliance any situation or incident on campus that involves a significant emergency or dangerous situation that may involve

an immediate or ongoing threat to the health and safety of students and/or employees on campus. Ursuline College will work to respond to, mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation on campus. In addition, Ursuline College works with the City of Pepper Pike Police Department to determine if the situation does in fact pose a threat to the College community and to develop the proper response.

Unless notification would compromise efforts to contain a threat or an emergency, or unless instructed by local law enforcement, Ursuline College will employ all available means of communication to notify the campus community of an immediate threat or dangerous situation. Notification will be issued without delay once an emergency has been confirmed and local law enforcement have been contacted and consulted. A determination of what information will be released regarding a specific situation will be made on a case-by-case basis depending on the emergency. The information will be distributed by electronic mail, on the College's web site and via the College's text messaging emergency alert system, called URS Alert. This information may also be posted in public areas of the campus.

After reviewing the threat to the campus community, the Ursuline College Incident Commander, City of Pepper Pike Safety Services, or Ursuline College Security may issue an order to evacuate the campus. Ursuline College works closely and in coordination with the City of Pepper Pike Emergency Services. Confirmation of a significant emergency will be made as a part of the emergency operations plan and in conjunction with City of Pepper Pike Safety Services and Ursuline College Security. In the event of a regional emergency, an Ursuline College representative may be dispatched to the Cuyahoga County Emergency Operations Center so that proper communication channels are established. Communications will be coordinated by Ursuline College's Incident Command (see "timely warnings" for methods of communication). Members of the Ursuline College Incident Command include, the President, Vice President for Student Affairs, Vice President for Enrollment Management, Vice President for Academic Affairs, Vice President for Institutional Advancement, and the Vice President of Finance.

Evacuation procedures will vary depending on the scope of the emergency (i.e., partial, or full evacuation). If an incident occurs outdoors or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. You may need to Shelter-in-Place, which is to make a shelter of the building in which you are located.

Ursuline College provides emergency information for the campus community in the Emergency Planning Quick Reference Guide. The purpose of this guide is to provide information in a brief and concise format to assist in responding to a variety of emergencies. Each type of emergency described within this reference guide discusses the appropriate response to a specific emergency. The following emergencies are contained in the guide.

- Blood Borne Pathogens & Other Bodily Fluids
- Bomb Threat & Suspicious Objects
- Chemical Spill & Other Hazardous Materials Incident
- Criminal Incidents – Hostile Intruder/Active Shooter
- Evacuation & Campus Closings
- Fire & Explosions
- Flooding & Other Water Problems

- Medical Emergencies & Pandemics
- Power Outage and Other Utility Failure
- Severe Weather – Tornado & Earthquake
- Sexual Assault
- Workplace Violence

Student, faculty, and staff are instructed to report all emergencies to Security by calling:

1. Security's campus extension 4204, or
2. Security's outside campus telephone number 440-449-4204, or
3. Security's cellular telephone number 440-221-9025.

## **TITLE IX SEXUAL HARASSMENT POLICY INCLUDING SEXUAL HARASSMENT, SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING (“SEXUAL HARASSMENT”)**

### **TITLE IX STATEMENT ON NON-DISCRIMINATION**

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex (including sexual harassment and sexual violence) in educational programs and activities that receive federal financial assistance. Title IX also prohibits retaliation against individuals who file a complaint of sex-based harassment/discrimination or assist in the filing, investigation, or resolution of such complaints. To ensure compliance with Title IX and other federal and state civil rights laws, Ursuline College has developed policies and procedures that prohibit all forms of sex-based discrimination and/or retaliation. Accordingly, Ursuline College does not tolerate unlawful discrimination and makes every effort to maintain a work and academic environment free from all forms of sexual misconduct, including sexual harassment, sexual assault, domestic and dating violence, and stalking. The College will promptly respond to individuals who are alleged to have experienced sexual harassment by offering supportive measures, follow a fair grievance process as outlined in this policy to resolve formal complaints of sexual harassment, and provide remedies to those who are determined to have experienced sexual harassment through that process. Thus, all forms of prohibited conduct under this policy are considered serious offenses, and violations will result in discipline, up to and including possible suspension, expulsion, dismissal, termination, or removal and exclusion from the College.

### **DEFINITIONS**

*Actual knowledge:* Notice of sexual harassment conveyed to the Title IX Coordinator or other official of the College, who has authority to take corrective action on behalf of the College. In addition to the Title IX Coordinator, officials with authority to take corrective action include: the Vice President of Student Affairs, Director of Human Resources, Dean of the School of Arts and Sciences and Professional Studies, Dean of the Breen School of Nursing and Health Professions, Director of Legal Studies, Director of Athletics, and the Director of Residence Life (CAs). Although all employees are considered mandatory reporters and are required to report sexual harassment, those employees not listed in this paragraph, do not qualify as individuals, who have authority to take corrective action. Therefore, notice to those employees does not qualify as actual notice to the College.

*Coercion:* Coercion is the use of unreasonable pressure to compel an individual to initiate or continue sexual activity against an individual’s will. It includes a wide range of behaviors which override the voluntary nature of participation.

*Complainant:* Individual, who alleges conduct that would, if true, constitute sexual harassment.

*Education Program or Activity:* Any operations of Ursuline College, including locations, events, or circumstances over which Ursuline College exercised substantial control over both the respondent and the context in which the sex discrimination or sexual harassment occurs, and includes any building owned or controlled by a student organization that is officially recognized by Ursuline College.

*Formal Complaint:* A document filed by the complainant or signed by the Title IX Coordinator, alleging sexual harassment by a respondent, and requesting that the College investigate the allegations of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College's education program or activity. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this Policy and must comply with the requirements of this Policy. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information list for the Title IX Coordinator in this Policy and by any additional method designated by the College. The complaint must contain the complainant's physical or digital signature or otherwise indicate that the complainant is the person filing the formal complaint.

*Incapacitation:* Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. An individual who is incapacitated lacks the ability to make informed, rational judgments and therefore cannot consent to sexual activity. Personal with certain intellectual or developmental disabilities may not have the capacity to give consent. Where alcohol or other drugs are involved, incapacitation is a state beyond intoxication. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, capacity to appreciate the nature of the act, and their level of consciousness. In other words, a person cannot give valid consent due to incapacitation if the person cannot appreciate the who, what, where, when, why, or how of a sexual interaction. A respondent may not be held responsible for invalid consent through incapacitation where the respondent did not know and should not have known of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober reasonable person in the respondent's position.

*Minors:* Minors are defined as anyone under the age of 18, who participates in the College's programs or activities, or who participate in any program on the College's campus, or who are otherwise covered under the foregoing Scope of Policy. Ursuline College prohibits sexual relations between employees and students under the age of 18. The Policy applies to minors, in the same manner as others noted in the Scope of Policy, except where otherwise indicated in the Policy. For example, when an offense or crime as described in this Policy applies to minors, that definition shall apply. The Policy also applies to minors participating in the College Credit Plus program and those minors enrolled in camps or other activities run on Ursuline's campus by outside organizations. Where there is a conflict between this Policy and federal or state law, those laws shall apply. Additionally, employees may have mandatory reporting obligations, under Ohio law. Under many laws, minors may not have the capacity to consent.

*Respondent:* A respondent is an individual who has been reported to have committed conduct that could, if true, constitute sexual harassment.

## SCOPE OF POLICY

This policy applies to all members of the Ursuline College community, including, but not limited to, Ursuline students, faculty, staff, alumnae/alumni, third-party vendors, contractors, guests, and all other visitors, including minors, to the Ursuline College campus or any other property owned or controlled by the College, within the United States. This policy also applies to all acts of Prohibited Conduct (as defined below) committed by or against any member of the Ursuline College community (as defined above) if:

- The Prohibited Conduct occurs on property owned or controlled by Ursuline College, within the United States; or
- The Prohibited Conduct is directly related to or occurs in the context of College employment or an education program or activity of the College, including, but not limited to: College sponsored research, internship/externship programs, independent study, on-line courses, volunteer activities, work-related travel, training, attendance at seminars or conferences, participation in athletics, student organizations, or any other extra-curricular activity, within the United States; or
- The Prohibited Conduct is directly related to or occurs while using property or resources owned, controlled, or provided by Ursuline College, including, but not limited to: College owned vehicles, laptops, mobile devices, computer systems and networks, email accounts, telephone and voice mail systems, within the United States; or
- The Prohibited Conduct has continuing adverse effects on a member of the Ursuline College community (as defined above) as it relates to an education program or activity of the College, within the United States.

Additionally, an attempt to commit an act prohibited by this policy, as well as assisting or willfully encouraging any such act, is also considered a violation of this policy.

Notwithstanding the foregoing, this Policy's grievance procedures apply only to sex discrimination occurring against a person in the United States. Please note that the College's Harassment and Discrimination and/or other College Codes of Conduct may apply to discrimination based on race, color, national origin, religion, age, ancestry, sex, pregnancy, gender identity or expression, sexual orientation, disability, genetic information, military or veteran status, or any other basis prohibited by federal, state, or local laws, occurring against a person, participating in a College program or activity, outside of the United States.

<https://www.ursuline.edu/files/assets/harassmentanddiscriminationpolicyrev.9-12-22.pdf>.

In the event of any conflict or inconsistency between the provisions and requirements of this Title IX Sexual Harassment Policy and any other Ursuline College policy regulating the conduct of any member of the Ursuline College community or setting forth procedures governing the suspension, expulsion, dismissal, termination, or removal and exclusion from Ursuline College property of any member of the Ursuline College community, the provisions and requirements of the most current version of this Policy shall prevail and govern. Where prohibited conduct violates both this Title IX Sexual Harassment Policy and any other Ursuline College policy regulating the conduct of any member of the Ursuline College community, the College's response will be governed by the provisions and procedures outlined in the most current version of this Policy. Sexual misconduct not

otherwise covered under this policy may be addressed under the College's Harassment and Discrimination Policy if it applies. Under no circumstances may the Harassment and Discrimination Policy be used to retaliate against an individual, who has filed a complaint under the College's Title IX Sexual Harassment Policy. Please note that religiously sponsored organizations, such as Ursuline College, are exempt from certain aspects of Title IX of the Education Amendments Act, Title VII of the Civil Rights Act, the Americans with Disabilities Act, and other federal, state, and local laws. Nothing in this policy should be read or interpreted as a waiver of the College's exemptions under these or other federal, state, or local laws.

## **DEFINITIONS OF PROHIBITED CONDUCT**

The following acts of Title IX Sexual Harassment are prohibited under this policy:

*Sexual harassment*: Conduct, based on sex, that satisfies one or more of the following criteria:

1. An employee of the College conditions an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
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 the College's education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking, as further defined in this section.

**Sexual Assault**: Sexual and non-forcible sex offenses, as defined in the FBI's Uniform Crime Reporting database, including:

**Non-Consensual Penetration**: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim [complainant].

**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 the victim's age or because of the victim's temporary or permanent mental or physical incapacity.

**Incest**: Sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by law. In Ohio, this prohibits sexual intercourse by individuals closer in kin than second cousins.

**Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent. In Ohio, a person under the age of 13 cannot consent. A person under the age of 16 cannot consent to sex with persons older than 18, in Ohio.

**Dating Violence**: An act of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship, the type of relationship, and the frequency of the interactions between the individuals involved in the relationship.

**Domestic Violence:** An act of violence committed on the basis of sex by:

- A current or former spouse or intimate partner of the complainant.
- A person with whom the complainant shares a child in common.
- A person, who is cohabiting with, or has cohabited with, the complainant as a spouse or intimate partner.
- A person similarly situated to a spouse of the victim under the domestic/family violence laws of the jurisdiction.
- Any other person against an adult or youth victim, who is protected from person's acts under domestic/family violence laws of the jurisdiction.

***Stalking:*** Engaging in a course of conduct directed at a specific person that would cause a reasonable person with similar characteristics under similar circumstances to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress, significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

To qualify under Title IX, the conduct must be sex-based stalking. Stalking that does not constitute sexual harassment because it is not, on the basis of sex, may still fall under other College codes of conduct.

A course of conduct, for purposes of stalking, 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.

## **RETALIATION IS PROHIBITED**

Ursuline College does not tolerate retaliatory conduct and strictly prohibits retaliation. Any retaliatory conduct against such persons will be addressed by the College in the most serious manner, and individuals who engage in such actions will be subject to disciplinary action that may include suspension, expulsion, dismissal, termination, or removal and exclusion from the College.

Retaliation is defined as intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by this Policy, Title IX or its implementing regulations. Retaliation also includes intimidation, threats, coercion, or discrimination aimed at a person because that person complained of sex discrimination or sexual harassment, testified, provided information, assisted, participated in, or refused to participate in, in any manner, in a sex discrimination or sexual harassment investigation, proceeding, or hearing under Ursuline College policies or the law. Notwithstanding this prohibition, there may be circumstances in which conduct, that does not fall under this policy, may fall under other College policies, such as the College's Harassment and Discrimination Policy or other College codes of conduct. In those instances, after determining the conduct in question does not fall under this Policy, but rather under another College policy, the College may investigate such conduct under the other policy, so long as the purpose is not to engage in retaliation. Anyone who is aware of possible retaliation or has other concerns regarding the response to a sexual misconduct complaint should report such concerns to the

Title IX Coordinator, who will take appropriate actions to address such conduct in a prompt and equitable manner.

The College must keep confidential the identity of any individual who has made a report or complaint of sex discrimination or harassment, any respondent, and any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), or as otherwise required by law or to carry out the purposes of Title IX, its implementing regulations, or this Policy, including the conduct of any investigation, hearing, or judicial proceeding arising under this Policy. Complaints alleging retaliation may be filed with the Title IX Coordinator and will be addressed under the College's Harassment and Discrimination Policy.

Charging an individual with a violation of this policy for making a materially false statement in bad faith, during a grievance proceeding, does not constitute retaliation. However, a determination regarding responsibility is not sufficient, by itself, to conclude that any party made a materially false statement in bad faith.

## **CONSENT**

Consent represents the cornerstone of respectful and healthy intimate relationships. Thus, all sexual conduct or contact occurring on campus and/or occurring with a member of the Ursuline College community must be consensual.

Consent requires words or overt acts by a competent person indicating a freely given agreement to the sexual conduct at issue. Consent must be freely given without compulsion or duress by a person legally capable of consenting, and not based on fraud or deception. Consent may not be inferred from silence or passivity alone and a current or previous relationship is not sufficient to constitute consent. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent to the same or another sexual act. Consent must be ongoing throughout a sexual encounter and can be revoked or withdrawn at any time prior to or during a specific sexual act by either person.

Consent is not valid when given by someone who is incapacitated or is not of legal age to consent under the circumstances. Consent is also not valid when obtained by coercion or force. In order to find a lack of consent under one of these circumstances, there must be a finding that the complainant was unable to consent and a finding that the respondent knew or had reason to know the complainant was unable to consent. Intoxication of the respondent is not an excuse for failure to obtain consent or failure to know of the complainant's inability to consent.

## **TITLE IX COORDINATOR**

Ursuline College has designated and authorized the following College official to coordinate and oversee its Title IX compliance efforts, to handle reports of sex discrimination, sexual harassment, and retaliation, and to decide whether formal complaints, alleging actions prohibited by Title IX or this policy, should be accepted for investigation, resolved informally, or dismissed. The Coordinator shall also have authority to file formal complaints when appropriate; to assign formal complaints, alleging action prohibited by Title IX or this policy, to an investigator; to offer supportive measures; and to implement remedial measures upon the recommendation of the hearing decision-maker. Prohibited actions include all forms of sexual harassment, including sexual assault, domestic and dating violence, stalking, and retaliation.



Deborah L. Kamat  
Director of Compliance/Title IX and Disability Coordinator  
Chief Civil Rights Investigator  
Office Location: Mullen 155 Telephone: (440) 484-7027  
Email: [deborah.kamat@ursuline.edu](mailto:deborah.kamat@ursuline.edu)

### **CIVIL RIGHTS INVESTIGATORS**

The College may designate qualified and trained staff and faculty members to investigate formal complaints, which the Title IX Coordinator has accepted for investigation. The investigator on a case may not be the same person as the hearing officer on the case and may not decide appeals. Individuals who are assigned to investigate formal complaints are referred to internally as the College's Civil Rights Investigators. The following individuals have been trained and designated to serve as Civil Rights Investigators for Ursuline College, for formal complaints accepted by the Title IX Coordinator and delegated for investigation.

Deanne Hurley  
Vice President for Student Affairs  
Office Location: Pilla 205  
Telephone: (440) 646-8319  
Email: [dhurley@ursuline.edu](mailto:dhurley@ursuline.edu)

Kelli Knaus  
Director of Human Resources  
Office Location: Mullen 235  
Telephone: (440) 646-8316  
Email: [kknaus@ursuline.edu](mailto:kknaus@ursuline.edu)

Anne Murphy Brown  
Associate Professor & Director of Legal Studies  
Office Location: Mullen 336  
Telephone: (440) 449-5403  
Email: [amurphybrown@ursuline.edu](mailto:amurphybrown@ursuline.edu)

Gina DeMart-Kraus  
Director of Housing and Residence Life  
Office Location: GH 132  
Telephone: 440-646-8334  
Email: [GDeMart@ursuline.edu](mailto:GDeMart@ursuline.edu)

Pamela Hasan  
Supervisor of Office Services and Facilities Rental  
Office Location: Mullen 230  
Telephone: 440-684-6029  
Email: [phasan@ursuline.edu](mailto:phasan@ursuline.edu)

***Please Note:*** The Title IX Coordinator and the Civil Rights Investigators are not confidential reporting resources. While they will address your complaint with sensitivity and keep your

information as private as possible, confidentiality cannot be guaranteed. Please see below for information on confidential reporting options.

### **IMMEDIATE AND ONGOING ASSISTANCE**

Individuals who experience sexual harassment are strongly encouraged to seek immediate medical attention to treat injuries, test for and treat sexually transmitted infections, test for pregnancy, and access emergency contraception (if requested). Hospitals can also perform rape evidence collection procedures and test for “date rape” drugs. In addition, the Cleveland Rape Crisis Center offers free, comprehensive services to anyone seeking to heal from sexual violence. CRCC Hospital Advocates are available 24 hours per day, 7 days per week to support sexual violence victims and their families and friends during a visit to the emergency room for a medical examination and evidence collection process. If emergency room medical personnel do not offer to contact a CRCC Hospital Advocate on the victim’s behalf, the victim may request one by calling the CRCC hotline at 216.619.6192 or 440-423-2020.

Short term counseling will be made available to victims of sexual harassment occurring on or off campus in accordance with the policies of the Office of Counseling Services. The counselor will also assist the victim in finding a long-term counseling relationship if needed; however, the cost of such counseling will be borne by the victim. CRCC also provides victims of sexual violence with individual therapy sessions and a Justice System Advocate to support you through the College’s complaint process and/or through the criminal justice process, all free of charge.

The following area resources can provide victims with medical attention and other support services:

#### **Medical Facilities:**

##### **Circle Health Services (part of The Centers) 9.8 miles**

12201 Euclid Ave Cleveland, Ohio 44106

216-721-4010

[www.thecentersohio.org/for/health](http://www.thecentersohio.org/for/health)

##### **Cleveland Clinic – Hillcrest Hospital 2.85 miles**

6780 Mayfield Rd, Mayfield Heights, Ohio 44124

24/7 Emergency Room

440-312-4500

[www.hillcresthospital.org](http://www.hillcresthospital.org)

##### **Cleveland Clinic – Lyndhurst Urgent Care 3.1 miles (formerly known as Family Urgent Care)**

5195 Mayfield Road, Suite 101, Lyndhurst, Ohio 44124

440-449-1014

[www.clevelandclinic.org](http://www.clevelandclinic.org)

##### **Metro Health – Beachwood Health Center, Express Care 4.4 miles**

3609 Park East Drive North, 3<sup>rd</sup> Floor, Beachwood, Ohio 44122

Monday – Friday 7:30am to 7:30pm

Saturday – 8am to 4pm

Sunday – 10am to 2pm

216-696-3876

[www.metrohealth.org](http://www.metrohealth.org)

**University Hospitals Ahuja Medical Center** *8 miles*

3999 Richmond Rd, Beachwood, Ohio 44122

24/7 Emergency room

216-272-3014

[www.uhhospitals.org](http://www.uhhospitals.org)

**Mental Health Support Services:**

**Cleveland Rape Crisis Center (CRCC)**, Shaker Office

13209 Shaker Square, Cleveland, Ohio 44120

*Crisis and Support Hotline:* call/ text 216-619-6192 or 440-423-2020

[www.clevelandrapecrisis.org](http://www.clevelandrapecrisis.org)

**LifeStance Health** *3.8 miles*

25101 Chagrin Blvd, Suite 100, Beachwood, Ohio 44122

216-468-5000

[www.lifestance.com](http://www.lifestance.com)

**New Directions** *2.7 miles*

30800 Chagrin Blvd, Cleveland, Ohio 44124

216-591-0324

[www.newdirections.co](http://www.newdirections.co)

**RAINN: Rape, Abuse & Incest National Network**

*National Sexual Assault Hotline:* 800-656-4673

[www.rainn.org](http://www.rainn.org)

Webchat available

**Recovery Resources** *19 miles*

4629 Pearl Road, Cleveland, Ohio 44109

216-431-4131

[www.recres.org](http://www.recres.org)

**Signature Health** (accepts Medicaid and Medicare) *3.2 miles*

24200 Chagrin Blvd, Beachwood, Ohio 44122

216-831-6466

[www.signaturehealthinc.org/locations/beachwood/](http://www.signaturehealthinc.org/locations/beachwood/)

**Substance Abuse and Mental Health Services Administration (SAMHSA)**

[www.samhsa.gov](http://www.samhsa.gov)

**PRESERVATION OF EVIDENCE**

If possible, an individual who has been sexually assaulted should not shower, bathe, urinate, douche, brush teeth, drink or change clothes or bedding before going to the hospital or seeking medical

attention. If the individual decides to change clothes, he or she should not wash the clothes worn during the assault and should bring them to the hospital or medical facility. Because medical evidence dissipates quickly, individuals who wish to preserve such evidence are encouraged to seek medical attention within 48 hours (and no more than 86 hours) of the incident. In addition, all physical evidence, including electronic communications (e.g., emails and text messages), recordings, and photographs should be preserved in its original form. These steps are important to help preserve evidence for possible use in legal actions or requests for a civil no-contact order and/or an order of protection.

## **REPORTING OPTIONS & DUTIES**

Any person may report sex discrimination, including sexual harassment (whether or not the reporter is the alleged victim), 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. Such a report may be made at any time, by using the Title IX Coordinator's contact information.

The reporting and disciplinary procedures outlined in this policy are separate and apart from the criminal justice system, and a victim of sexual misconduct may choose to file a complaint with either the College or law enforcement, with neither, or with both simultaneously. The outcome of a sexual misconduct complaint filed with the College is not dependent on the outcome of a criminal investigation conducted by law enforcement.

### **Reporting Incidents of Title IX Sexual Harassment to Ursuline College**

Ursuline College strongly encourages all victims and witnesses to promptly report incidents of sexual harassment (including sexual assault, domestic violence, dating violence, and stalking), to the Title IX Coordinator. The College takes all complaints of sexual harassment seriously and will work to reach a prompt, impartial, and equitable resolution of the matter.

At Ursuline, all College employees are considered responsible employees and are required to report all incidences of sexual misconduct to the Title IX Coordinator, unless such employees are specifically designated as confidential employees, as further explained below. In addition, employees that become aware of felony crimes must report such crimes to law enforcement. Ursuline College Security Department can assist with reports to law enforcement, and they can assist with immediate actions to keep individuals safe in emergency situations. In emergencies, individuals can also call 9-1-1.

1. Upon learning of a complaint of sexual harassment, the College will offer supportive measures; will take immediate and appropriate steps to discuss appropriate options (e.g., supportive measures, informal resolution (e.g., mediation), or a formal complaint investigation and hearing), with the complainant.
2. All employees are responsible employees and must report to the Title IX Coordinator all relevant details of any alleged act of sexual harassment that the employee is aware of— including the names of the alleged victim (complainant) and alleged perpetrator(s)(respondent(s)), the names of any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with those officials responsible for handling the College's response to the report.

3. The College must treat complainants and respondents equitably by offering supportive measures as defined in this Policy and by following the grievance process as set forth in this policy, before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

Before a complainant reveals any information to a responsible employee, the employee should ensure that the complainant understands the employee's reporting obligations and, if the complainant wants to ensure that confidentiality is maintained, the complainant should be directed to one of the confidential resources identified below. If the complainant still seeks confidentiality but chooses to disclose to the responsible employee what happened despite the warning, the employee should remind the complainant that the College will consider the request but cannot guarantee confidentiality. In reporting the details of the incident to the Title IX Coordinator, the responsible employee should also inform the Coordinator of the complainant's request for confidentiality. Responsible employees should not pressure a complainant into making a full report if the complainant is not ready to do so, nor should they encourage the complainant to remain silent about the incident; rather, the employee should honor and support the complainant's wishes. Please note that the College's responsibility to minors on campus may preclude treating the minor's complaint as confidential. State and federal reporting requirements may apply.

If a complainant discloses an incident of sexual misconduct to a responsible employee but wishes to maintain confidentiality or requests that no investigation is conducted or no disciplinary action is taken, the College must weigh that request against the College's legal obligation to provide a safe, non-discriminatory environment for all students and employees, including the victim. If the College honors the request for confidentiality, a complainant must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent(s) may be limited. Sometimes, the College will not be able to honor a complainant's request because of the need to provide a safe, non-discriminatory environment for all students and employees.

When a report is filed with the Title IX Coordinator, the Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, as well as the option to file a formal complaint. The Title IX Coordinator must also inform the complainant of the availability of supportive measures with or without the filing of a formal complaint and explain to the complainant the process for filing a formal complaint.

When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator may consider a range of factors, including, but not limited to the following:

- the increased risk that the respondent will commit additional acts of sexual harassment, sexual assault, dating violence, domestic violence, or stalking, such as:
  - whether there have been other sexual harassment, sexual assault, dating violence, domestic violence, or stalking complaints against the same respondent;
  - whether the respondent has a criminal record demonstrating a history of sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

- whether the respondent has a history of engaging in sexual harassment, sexual assault, dating violence, domestic violence, or stalking from a prior school or employer.
- whether the respondent threatened further sexual harassment, sexual assault, dating violence, domestic violence, or stalking against the victim or others; whether the sexual harassment, sexual assault, dating violence, domestic violence, or stalking was committed by multiple perpetrators or against multiple victims.
- whether the sexual harassment, sexual assault, dating violence, domestic violence or stalking was perpetrated with a weapon.
- whether the sexual harassment, sexual assault, dating violence, domestic violence, or stalking occurred on campus or other property owned or controlled by the College.
- whether the complainant is a minor.
- whether the respondent(s) is a member of the Ursuline College community.
- whether the College possesses other means to obtain relevant evidence of the sexual harassment, sexual assault, dating violence, domestic violence, or stalking (e.g., security cameras or personnel, audio recordings, physical evidence).

The presence of one or more of these factors could lead the Title IX Coordinator to file a formal complaint to investigate and, if appropriate, pursue disciplinary action against the respondent, despite the complainant's request.

If the Title IX Coordinator determines that the College cannot honor a complainant's request for confidentiality, the College will inform the complainant prior to starting an investigation and will maintain the privacy of the investigation to the extent possible in the context of implementing this Policy. The College will work with the complainant regarding the availability of supportive measures. If the College decides not to open an investigation or pursue disciplinary action, the Title IX Coordinator will inform the complainant of that decision. Retaliation against the complainant will not be tolerated.

The College recognizes that complainants impacted by sexual harassment may wish to take advantage of the health and support services available on campus without disclosing the incident or making a formal report to the College. To that end, certain College employees have been designated as **limited and fully confidential resources** to whom complainants can speak without their personally identifying information being shared with the Title IX Coordinator or Campus Security. **Non-professional counselors and advocates who work or volunteer in the Office for Campus Ministry, Office for Diversity, and the Women's Center** are not considered responsible employees and can generally talk to a complainant without revealing any personally identifying information about an incident to the College. These individuals include: the Campus Minister; the Assistant Dean for Diversity, **Yolanda King**; and the Director of the Women's Center, **Amy Lechko**. These individuals are still required to report felonies to law enforcement, however.

If you are a victim of sexual harassment and do not want to pursue action through the Ursuline College system, you may still want to consider making a **limited report** to one of the above listed individuals or offices. A victim can seek assistance and support from these individuals/offices without triggering a College investigation that could reveal the complainant's identity or that the complainant has disclosed the incident. While maintaining a complainant's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator and the Ursuline College Security Department. This limited report – which includes no information that would directly or indirectly identify the complainant – helps keep the Title IX Coordinator and Security Department informed of the general extent and nature of sexual violence and other crimes on and off campus so that the College can keep an accurate record of the number of incidents involving students, faculty, staff or guests; track patterns of crime; evaluate the scope of each incident; formulate appropriate campus-wide responses; and alert the campus community to potential danger, if necessary. Limited reports filed in this manner are counted and disclosed in the annual crime statistics for the College without revealing any confidential information regarding the victim.

**Pastoral and licensed professional counselors, when acting in their professional capacity**, are not considered responsible employees and are not required to report any information regarding complaints of sexual misconduct to either the Title IX Coordinator or to law enforcement. Thus, these counselors are not required to report crimes for investigation or inclusion in the annual disclosure of crime statistics. Crimes reported to these counselors are **strictly confidential**, except in very limited cases where the information suggests an imminent threat to the health and safety of the patient or others, or in cases of child abuse. These counselors include: the College Psychologist, **Anita Culbertson**; licensed professional counselor, **Matt Bartuccio**; and all other licensed professional counselors in the Office of Counseling Services, who provide mental health counseling to members of the College Community. As a matter of policy, pastoral and licensed professional counselors are encouraged, when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary and confidential basis for inclusion in the annual crime statistics report, and of the option to seek supportive measures and resolution through the Title IX process.

A complainant who speaks to a professional or non-professional counselor or advocate must understand that if the complainant wants to maintain confidentiality, the College may not be able to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these counselors and advocates will still assist the complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A complainant who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the complainant with assistance in filing a complaint if the complainant wishes to do so.

**Please Note:** While these professional and non-professional counselors and advocates may maintain a complainant's confidentiality vis-à-vis the College, they may have reporting or other obligations under state or federal law, such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; mandatory reporting of felonies; and requirements to testify if subpoenaed in a criminal case.

## **Reporting Incidents of Sexual Harassment to Law Enforcement**

Some types of sexual harassment, including sexual assault, dating and domestic violence, and stalking are criminal acts and Ursuline College strongly encourages all victims and witnesses to report suspected criminal acts to the Pepper Pike Police Department or any other appropriate law enforcement agency if the incident occurred off campus. Upon request, Ursuline College officials are available to assist an individual in contacting and/or notifying the appropriate law enforcement agency. Please note that under Ohio law, with certain exceptions, persons who have knowledge of a felony are required to report such information to law enforcement authorities. See Ohio Revised Code § 2921.22. Failure to report a felony may itself be a crime. The contact information for the Pepper Pike Police Department is listed below:

Pepper Pike Police Department  
28000 Shaker Blvd.  
Pepper Pike, Ohio 44124  
Non-emergency calls: 216-831-8500

*If an emergency occurs on campus, of either a medical or security nature (dealing with destruction of College property, building, intruders, etc.), students should call 911 if using a campus phone and then call the Campus Security Office (extension 4204). There is no need to dial a 9 before the 911. If using a cell phone, students should call the Pepper Pike Police Department's emergency line at 216-831-1424 and then Ursuline's Campus Security Office at 440-449-4204.*

Although cooperation with law enforcement may require Ursuline College to temporarily suspend its internal investigation into complaints/reports of sexual misconduct, the College will promptly resume the investigation as soon as it is notified by law enforcement that the agency has completed its evidence gathering. The College will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if necessary, will take immediate and interim measures to address the alleged conduct.

### **AMNESTY FOR REPORTING**

Ursuline College encourages reporting of sexual misconduct and seeks to remove any barriers to an individual making a report. The College recognizes that individuals who have been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. Thus, individuals who report sexual misconduct or participate in a sexual misconduct investigation, will not be subject to disciplinary action by the College for 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. Ursuline College may, however, initiate an educational discussion on the use of alcohol or other drugs or require participation in an alcohol/drug prevention training course/program. Amnesty will not be extended for any violations of Ursuline College policy other than for alcohol/drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

### **ANONYMOUS COMPLAINTS**

Anonymous complaints will be accepted; however, the College's ability to obtain necessary and additional information may be compromised and the ability to investigate or resolve anonymous complaints may be limited.



## **BAD FAITH COMPLAINTS**

This policy shall not be used to bring frivolous or malicious complaints against members of the Ursuline College community. If the College's investigation reveals that a complaint is made in bad faith or is knowingly false, such complaint shall be dismissed and the person who filed the bad faith complaint may be subject to disciplinary action. A complaint, however, will not be considered false, frivolous or in bad faith solely because it cannot be corroborated.

## **ACADEMIC/WORK ACCOMMODATIONS AND SUPPORTIVE MEASURES**

Upon learning of sexual harassment, the College may implement non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant and 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 the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's education environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

In certain instances, the College may need to report an incident to law enforcement authorities (e.g., when a suspected felony has occurred). Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the student, employee or other members of the Ursuline College community or other situations in which there is clear and imminent danger, and when a weapon may be involved. However, in all cases, crisis intervention and safety concerns will take precedence.

## **PROCEDURES FOR INVESTIGATION AND RESOLUTION OF COMPLAINTS (GRIEVANCE PROCEDURES)**

These grievance procedures apply only to sexual harassment occurring against a person in the United States. Please note that the College's Harassment and Discrimination and/or other College codes of conduct may apply to sexual harassment occurring against a person outside other the United States. Upon notification of a complaint alleging a violation of this Title IX Sexual Harassment Policy, an investigation into the matter will be conducted in a prompt, thorough, and impartial manner by the Title IX Coordinator and/or one or more of the College's Civil Rights Investigators, who shall have adequate knowledge and training on how to conduct proper investigations under Title IX. The designated investigator(s) shall be responsible for gathering relevant evidence but shall not serve as the decision-maker. The objective of the investigation process is to gather relevant evidence, including information from both parties and relevant witnesses, to facilitate a hearing to determine whether a policy violation occurred. If the decider determines that the conduct constitutes a policy violation, the decider will determine what sanctions should be imposed and what actions will be taken to end the harassing or discriminatory conduct and prevent its recurrence. If the complainant or the respondent has a concern about the conduct of any investigator or believes that an investigator has a conflict of interest that may impair the investigator's ability to be fair and impartial, the complainant/respondent should immediately put her/his concerns in writing and submit them to the

Title IX Coordinator for review. The Title IX Coordinator will promptly review the matter and determine whether it is appropriate to recuse the investigator.

### **COOPERATION WITH INVESTIGATION AND DISCIPLINARY PROCEDURES**

Ursuline College encourages all members of the College community to cooperate fully in the investigation and disciplinary procedures. The College also understands that there may be circumstances in which a party wishes to limit her/his participation in an investigation. The complainant retains this right. However, the designated investigator(s) may be required to move forward with an investigation, absent the party's participation in the process. In such situations, the College will not draw any adverse inference from a party's silence. However, silence of a party will result in an absence of their side of the story being represented in the information presented for adjudication. If a complainant or respondent refuses to undergo cross-examination, during the hearing, that person's statements will not be considered. The College will not restrict the ability of any party to discuss the allegations under investigation or to gather and present relevant evidence. A party's communication with a witness or potential witness is considered part of a party's right to meaningfully participate in furthering the party's interests in the case. However, where a party's conduct toward a witness violates a no-contact order or rises to the level of retaliation, it is prohibited.

### **INITIAL ASSESSMENT OF COMPLAINT/REPORT**

The investigative process is initiated when the Title IX Coordinator receives a formal complaint of a sexual harassment. The Title IX Coordinator will conduct an initial assessment of the complaint/report to determine the next steps. Following the initial assessment, one or more of the following actions will be taken:

- The Title IX Coordinator must dismiss a complaint if the conduct alleged would not constitute sexual harassment, even if proven, or the conduct did not occur within recipient's education program or activity or in the United States.
- Such a dismissal does not preclude action under another provision of the College's code of conduct or the College's Harassment and Discrimination Policy if they apply.
- The College may dismiss the formal complaint, or any allegations contained in the complaint, if at any time during the investigation or hearing:
  - 1) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations in that complaint.
  - 2) the respondent is no longer enrolled or employed by the College; or
  - 3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in that complaint.
- Upon dismissal, the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) for the dismissal to both parties, simultaneously.

*Consolidation of formal complaints:* The Title IX Coordinator may consolidate formal complaints as to allegations of 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 sexual harassment arise out of the same facts or circumstances.

Please note that sexual misconduct occurring outside of the United States may, under appropriate circumstances, be investigated under the College's Harassment or Discrimination Policy or other relevant policies, so long as the intent is not to retaliate against a person for filing a complaint or otherwise participating in the complaint process. See, Retaliation section.

- If it is determined that the complaint/report, if substantiated, would constitute a violation of this policy, the appropriate supportive measures will be determined and the Title IX Coordinator will explain the options for informal resolution (e.g., mediation) and a formal investigation. The complainant will be advised that a hearing will be held, at which parties and witnesses will be cross-examined by advisors for each party. Neither the complainant nor respondent will be allowed to directly cross examine each other.

Any individual designated by the College as a Title IX Coordinator, investigator, decision-maker, or any person designated by the College to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Title IX Coordinator's initiation of a formal complaint or an individual's decision that allegations warrant an investigation or hearing shall not be considered evidence of bias. An individual's current job title, professional qualifications, past experience, identity, or sex will not alone indicate bias. Use of trauma-informed practices will not be considered evidence of bias when such practices do not rely on sex stereotypes, apply generalizations to allegations in specific cases, cause loss of impartiality, or prejudge the facts at issue. The College will apply an objective, common sense approach to evaluating whether a particular person serving in a Title IX process is biased and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists.

### **NOTICE OF ALLEGATIONS**

Upon receipt of a formal complaint, the College must provide the following written notice to the parties who are known:

- A. Notice of the College's grievance process that complies with this section, including any informal resolution process.
- B. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include, if known:
  - a. The identities of the parties involved in the incident
  - b. The conduct allegedly constituting sexual harassment
  - c. The date and location of the alleged incident
- C. A notice 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.
- D. Inform the parties of their right to have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- E. Inform the parties of any provision in the College's Policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- F. If, during the investigation, the College decides to investigate additional allegations, the College will provide written notice of the additional allegation to all known parties.

## **INFORMAL RESOLUTION**

1. The College may not require a party to waive the right to an investigation and a live hearing with cross-examination.
2. The College may not require the parties to engage in an informal resolution process and may not offer informal resolution, unless a formal complaint is filed and both parties agree, in writing, to an informal resolution.
3. At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, a negotiated resolution, or restorative justice, that does not involve a full investigation and adjudication, provided that the College:
  - a. Issues a written notice disclosing:
    - i. the allegations
    - ii. 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 allegation);
    - iii. a statement 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
    - iv. an explanation that any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
  - b. Obtains the parties' voluntary, written consent to the informal resolution process;
  - c. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Informal resolutions shall be resolved within 30 days of assignment, unless there is good cause shown to continue the process. Good cause shall include showing that reasonable progress is being made and that continued informal resolution efforts will likely result in resolution or that there was a good reason for failure to resolve the complaint within 30 days (e.g., the unavailability of the parties, school closings, etc.)

## **FORMAL INVESTIGATION**

The following procedures shall apply during a formal investigation:

1. The investigator will offer each party the opportunity to be interviewed, to provide a written statement, to provide evidence for consideration, to submit suggested witnesses, and to submit information from fact witnesses and expert witnesses.
2. Both the complainant and the respondent to the complaint will have an equal opportunity to provide evidence and to identify any witnesses that support their position.
3. The investigators must presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
4. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties.
5. Interviews shall be sought from the complainant, the respondent, any witnesses identified by the parties as relevant and necessary to the matter, and any witnesses determined by the investigator(s)

to be relevant to the matter. If any witnesses identified by the parties as relevant and necessary to the matter are not interviewed, then the investigator(s) will state, in the written response to the parties, the reason(s) for not conducting the additional interviews.

6. Parties and witnesses may be interviewed more than once in order to gather all relevant information and evidence.

7. All relevant documents and evidence shall be gathered and reviewed by the investigator(s) and, upon request, made available for review by the parties, except to the extent that such documents and/or evidence contain privileged, confidential, or FERPA-protected information, which shall be determined solely by the College. For example, the College 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 the College obtains that party's voluntary, written consent to do so for a grievance process under this Policy. If a party is a minor, then the College must obtain the voluntary, written consent of a parent or guardian.

8. Due to the nature of most sexual harassment allegations, the parties will be interviewed separately and neither the complainant nor respondent will be permitted to directly question one another. However, the parties may have their advisors cross examine the other party and/or their witnesses, in a live cross examine hearing. A complainant's or respondent's advisor may also be allowed to ask questions of their own party, to help the party explain the party's side of the story.

9. All investigations will be conducted under a preponderance of the evidence standard, meaning, the decision-maker will determine whether it is more likely than not that the respondent violated this Title IX Sexual Harassment Policy.

10. Both the complainant and the respondent may have a single advisor/support person of their choice present during any meetings with the investigator(s). The advisor/support person may not actively participate during any meetings or ask or answer any questions during the meetings. They may advise the parties privately but may not confer with them while the meeting is in progress. The investigator(s) may remove any advisor/support person who distracts or disrupts the investigatory process. The support person may be the same individual who represents the party at the live hearing with cross-examination. An advisor may participate in the hearing to conduct live cross examination of the parties or witnesses and to respond to questions from the decision maker.

11. The investigator(s) may record by electronic, stenographic, or other means any meeting, to the extent permitted by law. Other than the official recording made by the investigator(s), no photographs, tape recordings, videotapes, stenographic records, or other recordings of proceedings under this policy may be made by any person.

12. The investigation shall be completed as promptly as possible. Generally, investigations will be completed within 90 calendar days of receipt of the complaint. However, complicated cases, absence of witness, school closings, or other factors may result in longer investigations. If the investigation will exceed 90 calendar days, the investigator(s) will notify the complainant and the respondent.

13. The parties and their advisors shall receive simultaneous access to the investigative report.

14. The parties must have an opportunity to review all the evidence, including evidence upon which the College 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 each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

15. Prior to completion of the investigative report, the College must 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. The parties and advisors are not permitted to disseminate the evidence subject to inspection and review. The parties must have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The College must also 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.

16. The investigators shall create an investigative report that fairly summarizes relevant evidence. At least 10 days prior to a hearing or other time of determination regarding responsibility, the College must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The decider shall review the written responses prior to hearing.

#### **HEARING:**

The College must provide a live hearing, with cross-examination.

At the hearing, each party's advisor is allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including those questions challenging credibility.

1. A party is never permitted to cross-examine another party. Only the party's advisor can conduct cross examination.
2. An advisor can attend the hearing and conduct cross-examination, even if the party they represent does not appear. No assumption should be inferred about the appearance or nonappearance of the party.
3. Third party cross-examination of what a non-appearing party stated does not count as statements tested on cross-examination. For example, family or friends cannot appear on behalf of the non-appearing party and answer questions for them.
4. The decider may rely on a description of the words allegedly used by a respondent, if those words constitute part of the alleged sexual harassment at issue, even if the party does not submit to cross-examination.
5. Although the refusing party's statement cannot be considered, the decider may reach a determination based on the remaining evidence so long as no inference is drawn based on the party or witness's absence from the hearing or refusal to answer cross-examination (or other) questions. (Example: The complainant

refused to answer cross-examination questions, but video evidence shows the underlying incident. The video evidence may still be considered.)

6. No statements in police reports, SANE reports, medical reports, or other documents can be considered statements of parties or witnesses who do not submit to cross examination.
7. The decision as to what occurred, whether it constitutes a policy violation, and what sanctions are appropriate shall be made by the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator. The decision-maker shall be trained on how to conduct a hearing, including any technology needed to conduct the hearing remotely.
8. The decision maker shall also be trained on how to recognize that a party should not be “unfairly judged due to inability to recount each specific detail of an incident in sequence, whether such inability is due to trauma, the effects of drugs or alcohol, or simple fallibility of human memory”.
11. The hearing may be conducted with all parties physically present in the same geographic location or in separate rooms. At the request of either party or at the College’s discretion, the hearing may occur with the parties located in separate rooms with technology enabling the decider and parties to simultaneously see and hear the party or the witness answering questions, using an online platform, such as Zoom, as long as both parties can see each other.
12. The College must create an audio or audiovisual recording or transcript, of any live hearing. It must be available to the parties for inspection and review.
13. Each party is entitled to the advisor of the party’s choice. If a party does not have an advisor, the College shall appoint an advisor, of the College’s choice, to conduct cross-examination in the place of the party’s advisor of choice. Both parties must have advisors, who may be, but are not required to be attorneys. There shall be no charge to either party for an advisor appointed by the College.
14. The parties shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. The College may, however, establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long the restrictions apply equally to both parties.
15. For reasons of confidentiality, the advisor is the only individual permitted to accompany the party at hearing, unless otherwise required by law (e.g., a sign language interpreter).

16. The advisor's role in the hearing shall be limited to cross examination, unless the advisor is asked a question by the decider. For all other meetings, the advisor may accompany the complainant or respondent. However, the advisor's role is limited to that of silent support person in those other meetings.
17. The College will provide to a party, whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
18. The decider shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient, etc.), unless the person holding such privilege has waived the privilege in writing.
19. At the live hearing, the decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. The advisor's questions may test consistency, accuracy, and memory, so that the decision-maker can better assess whether a party's story should be believed. The advisor may direct the decision-maker's attention to implausibility, inconsistency, unreliability, and ulterior motives, in the other party's statements. Appropriate questions will advance the asking party's perspective with respect to the specific allegation at issue. The decider may also ask questions to help the decider determine whether or not a policy has been violated. No party-on-party questioning will be permitted. Such cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Other than this function, the advisor may not participate in the proceedings, except if the decider uses its discretion to allow participation, for the purpose of obtaining additional relevant evidence only.
20. If a party does not submit to cross examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the decider cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
21. During the hearing, the decider will evaluate each question for relevance before an answer may be given to that question. Questions that are not relevant will be disallowed. Before a complainant, respondent, or witness answers a cross-examination or other question, the decider must first determine whether the question is relevant and explain any decision to disallow a question as not relevant. The decider is not required to give a lengthy or complicated explanation of a relevancy determination during the hearing. The decider may send to the parties after the hearing any revisions to the decider's explanation that was provided during the hearing.



22. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless: (a) such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or (b) 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.
23. Repetition of the same question, evidence that is duplicative of other evidence, and information protected by a legally recognized privilege that has not be waived is irrelevant.
24. The decider will not exclude relevant evidence, but may objectively evaluate such evidence by analyzing whether that evidence warrants a high or low level of weight or credibility.
25. Both parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other evidence, to show that the respondent either did or did not commit a policy violation.
26. After the hearing, the decision-maker must issue a written determination regarding responsibility, applying the preponderance of evidence standard. There shall be an objective evaluation of all relevant evidence, including both evidence that tends to prove a policy violation and evidence that disproves a policy violation. The decision-maker will evaluate all admissible, relevant evidence for weight or credibility. 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. Corroborating evidence is not required. Credibility determinations are not based solely on observing demeanor, but are also based on other factors (e.g., specific details, inherent plausibility, internal consistency, corroborative evidence). Credibility determinations will not be based on an individual's status as a complainant, respondent, or witness.
27. The written determination must include the following:
  - a. The standard of evidence for making the decision, which shall be the preponderance of the evidence standard (i.e., whether it is more likely than not that the violation occurred).
  - b. Identification of the Complainant's allegations potentially constituting sexual harassment, as defined above.
  - c. 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.
  - d. Findings of fact supporting the determination.

- e. Conclusions regarding the application of the College's Title IX Sexual Harassment Policy and other relevant policies to the facts.
- f. The result, as to each allegation, including a statement of, and rationale for the result, a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant.
- g. The College's procedures and permissible bases for the complainant and respondent to appeal.

- 28. The College must provide the written decision to both parties simultaneously.
- 29. The determination regarding responsibility becomes final, either on the date that the College provides the parties with the written determination of the result of the appeal, if one is filed or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- 30. The respondent shall not be informed of all remedies offered to the Complainant unless they specifically relate to the respondent.
- 31. The Title IX Coordinator or the Deputy Coordinator is responsible for effective implementation of any remedies.

## **APPEALS**

- 32. Each party shall have an equal opportunity to file a written appeal to the College's dismissal of a formal complaint or any allegations in the complaint or a determination regarding responsibility, within 10 calendar days of receipt of the determination on the following bases:
  - a. Procedural irregularity that affected the outcome of the matter;
  - b. New evidence that was not reasonably available at the time of the determination regarding responsibility (the hearing decision) or dismissal was made, that could affect the outcome of the matter; and/or
  - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainant or respondent generally or the individual complainant or respondent that affected the outcome of the matter.
- 33. The appeal shall be filed with the Title IX Coordinator, who will assign the appeal to a trained senior administrator or external party for decision.
- 34. As to all appeals, the Title IX Coordinator must:
  - a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
  - b. Ensure that the decision-maker(s) for the appeal is not the same person as the decisionmaker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.
  - c. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this Policy.

- d. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- e. Issue a written decision describing the result of the appeal and the rationale for the result; and
- f. Provide a written decision simultaneously to both parties.
- g. Appeals shall be resolved within 30 calendar days from the date of filing, unless good cause is shown, with written notice to the parties. Good cause may include but shall not be limited to the unavailability of parties, a party's advisor, or a witness (if needed); delays caused by concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; school closings; or emergencies caused by the pandemic.

## **SANCTIONS**

A complaint alleging sexual misconduct does not alone constitute proof of prohibited conduct. As such, the fact that a complaint has been filed against an individual in the past shall not be taken into consideration when evaluating or making decisions regarding the academic or employment status of such individual, unless the previous or current investigation results in a finding of a policy violation.

Persons found to be in violation of this policy will be subject to immediate and appropriate disciplinary action, proportional to the seriousness of the offense. Possible sanctions include: educational sanctions, oral or written warning/reprimand, loss of privileges, mandatory training or counseling, disciplinary probation, performance improvement plan, last chance agreement, College or social probation, expulsion from school, reassignment, fine, restitution, no-contact order, restriction from specific College programs or activities, housing restriction/relocation, restriction from College employment, demotion, involuntary leave of absence, suspension or termination of employment or contractual status, revocation of tenure, and/or removal and exclusion from Ursuline College property.

## **EMERGENCY REMOVAL**

The College may remove a respondent from the College's education program or activity on an emergency basis, provided that the College performs an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision shall not modify any rights under the Section 504 of the Rehabilitation Act of 1973 or other applicable laws.

## **ADMINISTRATIVE LEAVE**

The College may place a non-student employee respondent on administrative leave during the pendency of a grievance process. This provision shall not modify any rights under Section 504 of the Rehabilitation Act of 1973 or applicable laws. Administrative leave is not subject to the challenge procedure relating to emergency removal.

## **TRAINING, PREVENTION, AND EDUCATION**

Ursuline College provides educational resources, programming and counseling services throughout the year related to the prevention of sexual assault, stalking, and domestic and dating violence. Educational awareness and training programs are presented during student and employee orientations, and Residence Life and the Office of Counseling and Career Services provide programs utilizing non-

campus resources such as the Case Western Reserve University Police, the Pepper Pike and Mayfield Heights Police Departments, a Sexual Assault Nurse Examiner (SANE) from Hillcrest Hospital, and staff from the Cleveland Rape Crisis Center and Recovery Resources. The Director of Compliance/Title IX Coordinator also provides routine and ongoing education and training related to the prevention of sexual assault, stalking, and domestic and dating violence.

Ursuline College now requires that all students and employees successfully complete an on-line training course/program on the awareness and prevention of sexual assault, stalking, and domestic and dating violence. The on-line training course/program is currently provided through an outside vendor and addresses the following:

- Definitions of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and consent.
- Safe and positive options for bystander intervention that may be utilized by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person; and
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks, among other topics.

In addition to the on-line training course/program, students and employees are offered annual refresher training and programming throughout the year on sexual assault prevention and response, bystander intervention, and trauma informed communications.

All individuals designated to serve as investigators, deciders, advisors, and appeal panelists under this policy (including the College's Director of Compliance / Title IX and Disability Coordinator) receive training and education regarding these policies as required by Title IX and Clery Act regulations. Investigators are trained on how to conduct proper investigations in a prompt, thorough, and impartial manner. Training is conducted by the Director of Compliance/Title IX Coordinator, by providers offered through the Ohio Department of Higher Education, by the College's general counsel, other local law firms, and by other trained professionals.

## **RECORDKEEPING**

The College must maintain, for a period of seven years, records of:

1. Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity.
2. Any appeal and the result of the appeal.
3. Any informal resolution and the result of the informal resolution; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The College must make these training materials publicly available on its website.
5. A College must create and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the College must 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 the College's education program or activity. If the College does not provide a complainant with supportive measures, then the College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances

### **CLERY ACT CRIME STATISTICS**

Ursuline College's Clery Act crime statistics (see *Attachment A* below) are compiled by the Security Department in cooperation with other relevant campus officials and local and state law enforcement agencies. The Security Department serves as the "clearing house" in the gathering of crime data and judicial referrals from Campus Security Authorities, as well as from local police departments and the Ursuline Sisters of Cleveland. The Pepper Pike Police Department also stays in contact with the College's Security Department on a routine basis and keeps the Security Department apprised of reported incidents of crime. All gathered data on criminal activity is then compared to minimize multiple postings, and then incorporated in the following statistical tables.

The College's Clery Act crime statistics are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system, except statistics for Domestic Violence, Dating Violence, and Stalking must be compiled in accordance with the definitions provided by the Violence Against Women Act of 1994 (VAWA). This report includes statistics for the previous three years concerning Clery Act crimes in the *geographic locations* described below that were reported to Ursuline College's Security Department or designated campus officials. Additionally, these statistics include people referred for campus disciplinary action for categories required under the Clery Act, including liquor and drug law violations and illegal weapons possession. Statistical information for certain off-campus locations or property owned or controlled by the College, as well as public property within or immediately adjacent to and accessible from campus, are collected or requested from local police departments and the Ursuline Sisters of Cleveland. For purposes of this report, crime statistics reported to any of these sources are recorded in the calendar year in which the crime was reported.

### **CLERY ACT GEOGRAPHIC LOCATIONS**

#### **On-campus:**

- (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- (2) Any building or property that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

For Clery Act purposes, the following locations are also considered **on-campus** and part of the College's Clery Act geography: Fritzsche and Pilla parking lots, the Labyrinth, along with any area/space that can be reasonably expected to be used when accessing any of the above identified on-campus locations (e.g., all outside grounds, sidewalks, hallways, corridors, stairwells, restrooms, etc.).

#### **On-campus Student Housing (Residential Facilities):**

Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This includes: Grace, Murphy, and Smith residence halls.

**Non-campus Buildings or Property Owned or Controlled by the College:**

- (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:**

All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property includes the area of Lander Road to the opposite side of the road adjacent to the College.

**DAILY CRIME LOG**

Ursuline College also maintains a *Daily Crime Log*, which can be accessed from the College's website at: <https://www.ursuline.edu/inside-ursuline/consumer-information/campus-security-policies-crime-statistics-and-crime-log>. The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to the Security Department. There are some major differences between the information reported in the daily crime log versus the Clery Act statistics reported above. These differences include:

- Daily crime log entries include all crimes reported to the Security Department for the required geographic locations, not just the four (4) categories of Clery Act crimes listed in *Attachment B*.
- For purposes of the daily crime log, the relevant geographic locations extend beyond the College's Clery Act geography. There is an additional geographic location that applies exclusively to the daily crime log. In addition to recording reported crimes that occur within the College's Clery Act geography, reports of crimes that occur within the patrol jurisdiction of campus security are also entered into the daily crime log.
- The daily crime log is designed to provide crime information on a timelier basis than the annual disclosures of Clery Act statistics. Crime information is typically entered into the log within two business days of when it was reported to campus security. This includes crimes that are reported directly to campus security, as well as crimes that are initially reported to another official of the College or to a local law enforcement agency, which subsequently reports them to campus security.
- The daily crime log includes specific information about criminal incidents, not crime statistics.

Pursuant to the Clery Act, the following elements are recorded on the log for each reported crime:

- The date the crime was reported to campus security.
- The date and time the crime occurred, if known.

- The nature of the crime.
- The general location of the crime.
- The disposition of the complaint, if known.

**Please note that pursuant to federal law, Ursuline College is required to include in its crime statistics all Clery Act crimes within its geography that are reported to the College, regardless of whether the reported crime is unsubstantiated or has been later retracted. In other words, Clery Act statistics reflect the number of crimes reported, not the number of crimes that were actually proven to have occurred.**

**ATTACHMENT A  
CRIME STATISTICS CHARTS FOR 2020, 2021, 2022**

| CRIMINAL OFFENSE                     | YEAR | Location:<br>ON-<br>CAMPUS<br>PROPERTY | Location:<br>ON-CAMPUS<br>STUDENT<br>HOUSING<br>FACILITIES <sup>1</sup> | Location:<br>NON-<br>CAMPUS | Location:<br>PUBLIC<br>PROPERTY |
|--------------------------------------|------|--|---|-----------------------------|---------------------------------|
| Murder/Non-Negligent<br>Manslaughter | 2020 | 0                                      | 0   | 0                           | 0                               |
| Murder/Non-Negligent<br>Manslaughter | 2022 | 0                                      | 0   | 0                           | 0                               |
| Murder/Non-Negligent<br>Manslaughter | 2022 | 0                                      | 0   | 0                           | 0                               |
| Manslaughter by Negligence           | 2020 | 0                                      | 0   | 0                           | 0                               |
| Manslaughter by Negligence           | 2021 | 0                                      | 0   | 0                           | 0                               |
| Manslaughter by Negligence           | 2022 | 0                                      | 0   | 0                           | 0                               |
| Rape                                 | 2020 | 0                                      | 0   | 0                           | 0                               |
| Rape                                 | 2021 | 0                                      | 0   | 0                           | 0                               |
| Rape                                 | 2022 | 0                                      | 0   | 2                           | 0                               |
| Fondling                             | 2020 | 0                                      | 0   | 0                           | 0                               |
| Fondling                             | 2021 | 0                                      | 0   | 0                           | 0                               |
| Fondling                             | 2022 | 0                                      | 0   | 0                           | 0                               |
| Incest                               | 2020 | 0                                      | 0   | 0                           | 0                               |
| Incest                               | 2021 | 0                                      | 0   | 0                           | 0                               |
| Incest                               | 2022 | 0                                      | 0   | 0                           | 0                               |
| Statutory rape                       | 2020 | 0                                      | 0   | 0                           | 0                               |
| Statutory rape                       | 2021 | 0                                      | 0   | 0                           | 0                               |
| Statutory rape                       | 2022 | 0                                      | 0   | 0                           | 0                               |
| Robbery                              | 2020 | 0                                      | 0   | 0                           | 0                               |
| Robbery                              | 2021 | 0                                      | 0   | 0                           | 0                               |
| Robbery                              | 2022 | 0                                      | 0   | 0                           | 0                               |
| Aggravated Assault                   | 2020 | 0                                      | 0   | 0                           | 0                               |
| Aggravated Assault                   | 2021 | 0                                      | 0   | 0                           | 0                               |
| Aggravated Assault                   | 2022 | 1                                      | 0   | 0                           | 0                               |
| Burglary                             | 2020 | 1                                      | 0   | 0                           | 0                               |
| Burglary                             | 2021 | 1                                      | 0   | 0                           | 0                               |
| Burglary                             | 2022 | 0                                      | 0   | 0                           | 0                               |
| Motor Vehicle Theft                  | 2020 | 0                                      | 0   | 0                           | 0                               |
| Motor Vehicle Theft                  | 2021 | 0                                      | 0   | 0                           | 0                               |
| Motor Vehicle Theft                  | 2022 | 1                                      | 0   | 0                           | 0                               |
| Arson                                | 2020 | 0                                      | 0   | 0                           | 0                               |
| Arson                                | 2021 | 0                                      | 0   | 0                           | 0                               |
| Arson                                | 2022 | 0                                      | 0   | 0                           | 0                               |

<sup>1</sup> The number of criminal offenses reported in the On-Campus Student Housing Facilities column is a subset of the total number of criminal offenses reported in the On-Campus Property column.



| VAWA Offenses     | YEAR | Location:<br>ON-CAMPUS<br>PROPERTY | Location:<br>ON-CAMPUS<br>STUDENT<br>HOUSING<br>FACILITIES <sup>2</sup> | Location:<br>NON-<br>CAMPUS | Location:<br>PUBLIC<br>PROPERTY |
|-------------------|------|------------------------------------|---|-----------------------------|---------------------------------|
| Domestic Violence | 2020 | 0                                  | 0   | 2                           | 0                               |
| Domestic Violence | 2021 | 0                                  | 0   | 5                           | 0                               |
| Domestic Violence | 2022 | 0                                  | 0   | 1                           | 0                               |
| Dating Violence   | 2020 | 0                                  | 0   | 0                           | 0                               |
| Dating Violence   | 2021 | 0                                  | 0   | 0                           | 0                               |
| Dating Violence   | 2022 | 0                                  | 0   | 0                           | 0                               |
| Stalking          | 2020 | 0                                  | 0   | 0                           | 0                               |
| Stalking          | 2021 | 5                                  | 1   | 1                           | 0                               |
| Stalking          | 2022 | 4                                  | 1   | 1                           | 0                               |

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<sup>2</sup> The number of criminal offenses reported in the On-Campus Student Housing Facilities column is a subset of the total number of criminal offenses reported in the On-Campus Property column.

| Arrest and Disciplinary Referrals                  | YEAR | Location:<br>ON-<br>CAMPUS<br>PROPERTY | Location:<br>ON-CAMPUS<br>STUDENT<br>HOUSING<br>FACILITIES <sup>3</sup> | Location:<br>NON-<br>CAMPUS | Location:<br>PUBLIC<br>PROPERTY |
|--|------|--|---|-----------------------------|---------------------------------|
| Arrests: Weapons, carrying, possession, etc.       | 2020 | 0                                      | 0   | 0                           | 0                               |
| Arrests: Weapons, carrying, possession, etc.       | 2021 | 0                                      | 0   | 0                           | 0                               |
| Arrests: Weapons, carrying, possession, etc.       | 2022 | 0                                      | 0   | 0                           | 0                               |
| Disciplinary referrals: carrying, possessing, etc. | 2020 | 0                                      | 0   | 0                           | 0                               |
| Disciplinary referrals: carrying, possessing, etc. | 2021 | 0                                      | 0   | 0                           | 0                               |
| Disciplinary referrals: carrying, possessing, etc. | 2022 | 0                                      | 0   | 0                           | 0                               |
| Arrests: Drug Abuse Violations                     | 2020 | 0                                      | 0   | 0                           | 0                               |
| Arrests: Drug Abuse Violations                     | 2021 | 0                                      | 0   | 0                           | 0                               |
| Arrests: Drug Abuse Violations                     | 2022 | 0                                      | 0   | 0                           | 0                               |
| Disciplinary referrals: Drug Abuse Violations      | 2020 | 0                                      | 0   | 0                           | 0                               |
| Disciplinary referrals: Drug Abuse Violations      | 2021 | 0                                      | 0   | 0                           | 0                               |
| Disciplinary referrals: Drug Abuse Violations      | 2022 | 0                                      | 0   | 0                           | 0                               |
| Arrests: Liquor Law Violations                     | 2020 | 0                                      | 0   | 0                           | 3                               |
| Arrests: Liquor Law Violations                     | 2021 | 0                                      | 0   | 0                           | 0                               |
| Arrests: Liquor Law Violations                     | 2022 | 1 <sup>4</sup>                         | 0   | 0                           | 0                               |
| Disciplinary referrals: Liquor Law Violations      | 2020 | 0                                      | 0   | 0                           | 0                               |
| Disciplinary referrals: Liquor Law Violations      | 2021 | 1                                      | 1   | 0                           | 0                               |
| Disciplinary referrals: Liquor Law Violations      | 2022 | 0                                      | 0   | 0                           | 0                               |

<sup>3</sup> The number of criminal offenses reported in the On-Campus Student Housing Facilities column is a subset of the total number of criminal offenses reported in the On-Campus Property column.

<sup>4</sup> This incident involved a non-Ursuline student who was present on Ursuline College property.

## Hate Crimes

For calendar year 2021, Ursuline College received one report of Intimidation, which a student and administrator believed was based on race. The police were contacted but no arrests were made and no charges were brought based on information provided to the College.

For calendar year 2020, Ursuline College did not receive any reports of Hate Crimes manifesting evidence of prejudice based on race, religion, sexual orientation, gender, disability, national origin, ethnicity, or gender identity, occurring on on-campus property, on-campus student housing facilities, non-campus property, or public property.

## HATE CRIMES

### ON-CAMPUS PROPERTY

|                                     | 2020           | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|----------------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 0              | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0 <sup>5</sup> | 0    | 0        | 0                  | 1      | 0         | 0               | 0          |

<sup>5</sup> On November 16, 2020, an Annual Security Report was circulated, that showed 1 incident of Destruction/Damage/Vandalism, which appeared to be a hate crime. After receiving clarification that the incident did not fit the definition of a hate crime, according to Clery Handbook guidance, the incident was removed as a hate crime from the Report. Thus, the category of Hate Crimes for Destruction/Damage/Vandalism was decreased from 1 to zero for 2019.

|                                     | 2021 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 1    | 1    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

|                                     | 2022 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

**ON-CAMPUS STUDENT HOUSING FACILITIES\***

|                                     | 2020 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

|                                     | 2021 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 1    | 1    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

|                                     | 2022 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

#### NON-CAMPUS PROPERTY

|                                     | 2020 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

|                                   | 2021 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-----------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>             | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                    | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>              | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>             | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

|                                   | 2022 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-----------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>             | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                    | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>              | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>             | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

**PUBLIC PROPERTY**

|                                     | 2020 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

|                                   | 2021 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-----------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>             | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                    | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>              | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>             | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |



|                                     | 2022 | Race | Religion | Sexual Orientation | Gender | Ethnicity | National Origin | Disability |
|-------------------------------------|------|------|----------|--------------------|--------|-----------|-----------------|------------|
| <b>Murder/Non-Negligent</b>         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Manslaughter by Negligence</b>   | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Rape</b>                         | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Fondling</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Incest</b>                       | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Statutory Rape</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Robbery</b>                      | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Aggravated Assault</b>           | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Burglary</b>                     | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Motor Vehicle Theft</b>          | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Arson</b>                        | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Larceny/Theft</b>                | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Simple Assault</b>               | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Intimidation</b>                 | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |
| <b>Destruction/Damage/Vandalism</b> | 0    | 0    | 0        | 0                  | 0      | 0         | 0               | 0          |

\*The number of criminal offenses reported in the On-Campus Student Housing Facilities column is a subset of the total number of criminal offenses reported in the On-Campus Property column.

**ATTACHMENT B**  
**CLERY REPORTABLE CRIMES/OFFENSES**

Under the Clery Act, for the purposes of counting and disclosing *Criminal Offenses, Hate Crimes, and Arrest & Disciplinary* referral statistics, Ursuline College is required to use the following definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program.

**I. CRIMINAL OFFENSES**

**A. Criminal Homicide**

1. ***Murder/Non-Negligent Manslaughter:*** the willful (non-negligent) killing of one human being by another.
2. ***Negligent Manslaughter:*** the killing of another person through gross negligence.

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

1. ***Rape:*** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.
2. ***Fondling:*** The touching of the private body parts of another person for the purposes 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.
3. ***Incest:*** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. ***Statutory Rape:*** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**C. Robbery** - the taking or attempting to take anything from value of the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**D. Aggravated Assault** - an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**E. Burglary** - the unlawful entry of a structure to commit a felony or a theft. (For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.)

**F. Motor Vehicle Theft** - the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding).

- G. **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, personal property of another, etc.

## II. HATE CRIMES

A hate crime is a criminal offense committed against a person or property that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Bias is a performed negative opinion or attitude towards a group of persons based on their *race, gender, religion, disability, ethnicity, national origin, sexual orientation or gender identity*.

**For Clery purposes, hate crimes include any of the above-listed criminal offenses (except non-negligent manslaughter) and the addition of the following four categories below:**

- 1) **Larceny-Theft**: the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- 2) **Simple Assault**: the unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe lacerations, or loss of consciousness.
- 3) **Intimidation**: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- 4) **Destruction/Damage/Vandalism of Property (except Arson)**: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

## III. VAWA OFFENSES

For purposes of counting and disclosing *VAWA* Offenses, including Domestic Violence, Dating Violence and Stalking, Ursuline College is required to use the definitions provided below by the Violence Against Women Act of 1994 (VAWA).

A. **Domestic Violence** - is defined as a felony or misdemeanor crime of violence committed by:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- 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.
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**B. 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. 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. For the purposes of this definition—

- 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.

**C. Stalking** - is defined as engaging in a *course of conduct* directed at a specific person that would cause a *reasonable person* to: (1) fear for the person's safety or the safety of others; or (2) suffer *substantial emotional distress*. Note: It is not necessary for all activities in the course of conduct to occur on Clery Act geography in order to count the incident. A Stalking incident in which only one or some of the activities took place on Clery Act geography must be included in the reported statistics.

- *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.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**IV. ARRESTS AND REFERRALS FOR CAMPUS DISCIPLINARY ACTION**

We must report statistics for violations of the law that occurred within our Clery Act geography and result in arrests or persons being referred for disciplinary action. Do not include violations of Ursuline College's internal policies that resulted in persons being referred for disciplinary action if there was no violation of the law. Note: If an individual is both arrested and referred for disciplinary action for an offense, include only the arrest in your statistics.

**A. Weapon Law Violation** - is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

- B. Drug Abuse Violation** - is defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Note: The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- C. Liquor Law Violation** – is defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.