

# Ursuline College - 2019 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 2016, 2017, and 2018.
- 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 2019 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 are 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 is 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 Willo 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.

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 (no money is needed at a pay phone to dial 911), and then call the Campus Security Office (extension 4204). If dialing from a *campus* phone, you must dial 9-911. 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.....	440-646-8323
Career Services.....	440-646.8324
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 Studies.....	440-646-8146

Residence Life.....	440-646-8334
Human Resources.....	440-646-8316
Office of Diversity.....	440-684-6085
UCAP.....	440-684-6129
Security.....	4204 or cell: 440-221-9025
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 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. Similarly, the Campus Minister, when acting in her professional capacity, is not considered a campus security authority and is 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 period.

#### 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 7:00 AM to 10:00 PM (fitness center only )
<b>Pilla (including Dining Center)</b>	7:00 AM to 10:30 PM
<b>Fritzsche</b>	5:30 AM to 11:00 PM
<b>Wasmer</b>	7:00 AM to 10:30 PM
<b>Besse Library</b>	8:00 AM to 11:00 PM (7:00 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

<b>Building</b>	<b>Times</b>
<b>Mullen</b>	7:00 AM to 11:00 PM
<b>Dauby</b>	7:00 AM to 11:00 PM
<b>Stano Athletic Center</b>	7:00 AM to 11:00 PM 9:00 AM to 6:00 PM (fitness center only )
<b>Pilla (including Dining Center)</b>	7:00 AM to 11:00 PM
<b>Fritzsche</b>	9:00 AM to 11:00 PM
<b>Wasmer</b>	According to show schedule
<b>Besse Library</b>	10:00 AM to 7:00 PM
<b>Parker Hannifin Center</b>	7:00 AM to 11:00 PM

#### Sunday Schedule

<b>Building</b>	<b>Times</b>
<b>Mullen (exterior doors and computer labs)</b>	1:00 PM to 11:00 PM
<b>Dauby</b>	1:00 PM to 11:00 PM

<b>Stano Athletic Center</b>	10:00 AM to 11:00 PM 9:00 AM to 6:00 PM (fitness center only )
<b>Pilla (including Dining Center)</b>	10:00 AM to 11:00 PM
<b>Fritzsche</b>	9:00 AM to 11:00 PM
<b>Wasmer</b>	According to show schedule
<b>Besse Library</b>	1:00 PM to 11:00 PM
<b>Parker Hannifin Center</b>	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**

The residence halls are restricted to residents and their approved guests, and other approved members of the Ursuline College community. Each resident has an access control card to allow entry into the buildings. Residents are cautioned against allowing entry to strangers or any unauthorized persons into the residence halls and are urged to require individuals seeking entry to use their access control cards. Residence Halls are secured 24 hours a day. Over extended breaks, access cards will be disabled and permission must be obtained from Residence Life for access.

### **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, gambling, alcohol and drug abuse, sexual assault, stalking, and domestic and dating violence. Educational awareness and training programs are presented during student and employee orientations, including training by 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 and Recovery Resources. 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. The Office of the General Counsel/Legal Department and Director of Compliance/Title IX and Disability Coordinator also provide routine and on-going education and training to faculty, staff, students, and the College's Title IX Investigators on matters related to the prevention of sexual assault, stalking, and domestic and dating violence.

Ursuline College also requires that all incoming 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 (EverFi) and addresses the following:

- Definitions of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and consent under Ohio law;

- 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; and
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks, among other topics.

Each year thereafter, 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. This additional training and programming is provided by or coordinated with the Director of Compliance. In 2017, the College received a grant from the Ohio Department of Higher Education (ODHE) to conduct a Title IX awareness campaign titled, “Know Your Rights: It’s About IX”, throughout the 2017-2018 school year. The campaign uses various types of media (e.g., Face Book, 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 2018-2019 school year. This year, the campaign included an in-house, LGBTQ respect campaign and training by the Diversity Center of Cleveland. The Title IX Coordinator also provided faculty and staff with updates on gender neutral pronouns. Additionally, the Title IX Coordinator provides yearly updates and reminders about on and off-campus resources to students, faculty, and staff.

From October 2, 2018 through October 1, 2019, Ursuline College offered many educational awareness and prevention trainings on-campus and sent staff to attend trainings given by outside vendors. A representative sampling includes:

- The Offices of Residence Life, Student Affairs, and Compliance have partnered with the Cleveland Rape Crisis Center (CRCC) to present programs on Sexual Assault Prevention, College Sexual Misconduct and Harassment and Discrimination Policies, and Healthy Relationships. On August 14, 2019, the CRCC provided training and education for the Student Affairs leadership team, including the resident assistants, AIMS Peer Mentors, Welcome Week Committee, and Orientation Tea
- The Offices of Residence Life and Student Affairs have partnered with Recovery Resources to present Mental Health First Aid and Catalyst Bystander Intervention trainings. On August 17, 2019, the Women’s Center hosted Recovery Resources during Orientation for all new fulltime freshman and transfer students. Additionally, the Women’s Center hosted a Suicide Prevention information and resource table on Tuesday, September 24.
- Student Affairs has also presented trainings on alcohol and drug abuse and suicide prevention. From August 9-17, 2019, the resident assistants received “Behind Closed Doors” training, which included information on signs of suicide, resources, and role-playing.
- On August 28, 2019, the CRCC and Recovery Resources participated in the College’s Resource Fair for all students. On September 24, 2019, Recovery Resources hosted a tabling event, to share materials, answer questions, and promote resources available to those in need and those trying to help friends or family.
- The Title IX Coordinator collaborates with Student Affairs, Campus Ministry, Student Activities, the Women’s Center, Women’s Watch, and Marketing, to provide Title IX related programming throughout the year. This programming includes information about Title IX, dating and domestic violence, stalking, consent, the cycle of abuse, and safety/self-defense, bystander intervention, and trauma-informed referrals via in-house training, outside resources, tabling events, and bulletin boards. The Title IX Coordinator provides training to new faculty, staff, and students, on the College’s Sexual Misconduct Policy, its Harassment and Discrimination Policy, campus resources, and reporting

requirements. Throughout the year, she updates faculty, staff, and students about new developments (i.e., gender neutral language, gender inclusive restrooms, etc.) The Title IX Coordinator has provided training to the College's civil rights investigators, on investigation techniques, alternative dispute resolution, and trauma informed interviews and referrals.

- As required by the NCAA, the Title IX Coordinator has trained the entire Athletics Department on the College's Sexual Misconduct and Harassment and Discrimination Policies using an interactive Know Your Rights Town Hall, which includes bystander scenarios and discussion of trauma-informed listening. During the months of August and September, the Athletics Department staff reviews alcohol and drug information and discusses mandatory reporting and campus contacts with student-athletes during team talks. The Title IX Coordinator creates flyers for posting in locker rooms and "Locker Room" lessons to educate staff and students about the College's Title IX policies and definitions of consent, dating and domestic violence, and stalking, as well as respect for differences in gender identity and expression. Additionally, the Coordinator has collaborated with the Assistant Dean for Diversity on an anti-bias messaging campaign.
- The College also collaborates across departments 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. The Director of Compliance/Title IX Coordinator hosts information tables at Orientation, Welcome Week, Student Activities events, Women Watch, and Women's Equality Day fairs and observances, to provide educational information on Title IX and related College policies. Additionally, the Title IX Coordinator distributes a flyer entitled, "Know Your Rights – Know Your Resources", with contact information for on campus and off campus resources.

Individuals designated to serve as investigators and appeal panelists under Ursuline College's harassment/discrimination and sexual misconduct 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 and certification is conducted by the College's Office of the General Counsel/Legal Department, the Director of Compliance, and by other properly licensed and trained professionals such as Bricker & Eckler, Littler Mendelson P.C, the National Association of College and University Attorneys (NACUA), ATIXA, and the Ohio Department of Higher Education (ODHE).

During the 2018-2019 school year, the Title IX Coordinator and another civil rights investigator attended Forensic Experiential Trauma Interview (FETI) training and a Prevention Planning Regional Conference sponsored by ODHE. She and six other College administrators attended "One Student" training hosted by ODHE. She also attended Intimate Partner Violence Training (ODHE); NACUA training on the Rights of Pregnant and Parenting Students; NACUA briefings on OCR's withdrawal of the 2014 Dear Colleague Letter on Sexual Violence; Association for Collaborative Partnerships training on "Title IX, Title VII, #Me, Too and More"; a Title IX Higher Education Litigation Update and webinar on the ABCs of Higher Education Compliance by Bricker and Eckler; an Everfi webinar on Aligning Campus Title IX Processes To Address Reports of Intimate Partner Violence. The Title IX Coordinator also attended a NACUA training on "Threat of Self-Harm", along with Student Affairs, Residence Life, and Counseling staff. All College Civil Rights Investigators participated in NACUA sponsored Title IX investigator training for 2018.

The Director of Compliance/Title IX and Disability Coordinator attended AICUO's Crisis Preparation & Response for Campus Leaders Workshop, along with the Directors of Marketing and Residence Life, the Vice President for Finance and Administration, and the head of Security.

The Title IX Coordinator also attended yearly Title IX Coordinator training, Hearing Officer training, and training on the proposed 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 and Eckler and NACUA, and collaborates with Title IX coordinators across the state of Ohio, 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 the College's Office of the General Counsel/Legal Department and other individuals and organizations properly skilled and licensed to offer advanced level training on proper investigative techniques and the administration of civil rights-based policies. The Title IX Coordinator regularly participates in programming and training provided by ODHE, Bricker and Eckler, NCHERM/ATIXA, and NACUA.

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 in order to purchase or consume liquor, wine, wine coolers, liqueur, beer or other alcoholic beverages. Ohio 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 primary mission is the education of 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 persons 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 with Regard to 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." The information in this link is taken from the Alcohol Policy, Drug Policy, and Alcohol and Drug Policy with Regard to FERPA as described above. As in the sections above, it details the College alcohol policy, drug policy, parental notification, and also 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.

The College participates annually in the National Alcohol Awareness Week and Great American Smoke-out programs. Alcohol and Drug education programming is part of Residence Life training and new student orientation. For example, on August 30, 2019, Residence Life hosted a program on drugs and alcohol, entitled Paint and Sip. Students were supplied with educational information, while they had mocktails and painted.

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 and Career Services, Residence Life and/or Student Activities. Additionally, the mandatory, online Everfi Sexual Assault Prevention training module includes discussion about the connection between alcohol and sexual assault. Further, the Director of Compliance/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 (dependent 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 persons 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 September 26, 2018. 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. This test will be communicated to the College community via e-mail as a part of the HEOA requirements and this communication will include how the test will be documented as well as disclosing emergency procedures. 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 emergency situation 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 particular 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, Vice President of Finance, and the General Counsel.

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.

## **POLICY ON SEXUAL MISCONDUCT (INCLUDING SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING)**

### **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 assault, domestic and dating violence, and stalking. The College responds to reports/complaints of sexual misconduct with measures designed to immediately stop and eliminate the prohibited conduct, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in College-related programs or activities. 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.

### **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 to the Ursuline College campus or any other property owned or controlled by the College. 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 or on property immediately adjacent and contiguous to property owned by Ursuline College; 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, study abroad, work study, 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; 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; 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 or College employment.

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.

Ursuline College also administers and enforces policies and procedures that prohibit other forms of harassment, discrimination, and retaliation. *See* the Harassment and Discrimination Policy, which is applicable to all members of the Ursuline College community. In the event of any conflict or inconsistency between the provisions and requirements of this Interim Policy on Sexual Misconduct 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 Interim Policy on Sexual Misconduct 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.

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 Sexual Misconduct are prohibited under this policy:

**Sexual Assault** – A sexual assault occurs when any of the following crimes are committed: rape, sexual battery, unlawful sexual conduct with a minor, sexual imposition, or gross sexual imposition. As used herein, the term “sexual conduct” means vaginal intercourse between a male and female; anal intercourse, fellatio and

cunnilingus between persons regardless of sex; and the insertion of any body part, instrument, apparatus or other object into the vaginal or anal opening of another, regardless of how slight the penetration may be and if done without privilege or consent to do so. The term “sexual contact” means any touching of an erogenous zone of another – including without limitation the thigh, genitals, buttock, pubic region, or breast of a female – for the purpose of sexually arousing or gratifying either person.

1. **Rape:** Engaging in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force or engaging in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:
  - a. the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant or controlled substance to the other person surreptitiously or by force, threat of force or deception for the purpose of preventing resistance;
  - b. the other person is less than thirteen years of age, whether or not the offender knows the age of the other person; or
  - c. the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.
  
2. **Sexual Battery:** Engaging in sexual conduct with another, not the spouse of the offender, when any of the following apply:
  - a. the offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution;
  - b. the offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired;
  - c. the offender knows that the other person submits because the other person is unaware that the act is being committed;
  - d. the offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse;
  - e. the offender is the other person's natural or adoptive parent, stepparent, guardian, custodian or person in loco parentis of the other person;
  - f. the other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person;
  - g. the offender is a teacher, administrator, coach or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school;
  - h. the other person is a minor, the offender is a teacher, administrator, coach or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution;
  - i. the other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member or is a person with temporary or occasional disciplinary control over the other person;

- j. the offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes;
  - k. the other person is confined in a detention facility, and the offender is an employee of that detention facility;
  - l. the other person is a minor, the offender is a cleric and the other person is a member of, or attends, the church or congregation served by the cleric; or
  - m. the other person is a minor, the offender is a peace officer and the offender is more than two years older than the other person.
3. **Unlawful Sexual Conduct with a Minor:** Engaging in sexual conduct with another, who is not the spouse of the offender, when the offender is eighteen years of age or older and knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.
4. **Sexual Imposition:** Engaging in sexual contact with another (who is not the spouse of the offender), causing another (who is not the spouse of the offender) to have sexual contact with the offender, or causing two or more other persons to have sexual contact when any of the following applies:
- a. the offender knows that the sexual contact is offensive to the other person or one of the other persons, or is reckless in that regard;
  - b. the offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired;
  - c. the offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact;
  - d. the other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person; or
  - e. the offender is a mental health professional and the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.
5. **Gross Sexual Imposition:** Engaging in sexual contact with another (who is not the spouse of the offender), causing another (who is not the spouse of the offender) to have sexual contact with the offender, or causing two or more other persons to have sexual contact when any of the following applies:
- a. the offender purposely compels the other person, or one of the other persons, to submit by force or threat of force;
  - b. the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force or deception for the purpose of preventing resistance;
  - c. the offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment or surgery;

- d. the other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person; or
- e. the ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

In addition, no person shall knowingly touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

**Domestic Violence** – Knowingly causing or attempting to cause physical harm to a family or household member, recklessly causing serious physical harm to a family or household member, or when a person, by threat of force, knowingly causes a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

As used herein, the term “family or household member” means: (1) any of the following who is residing with or has resided with the respondent: (a) a spouse, a person living as a spouse, or a former spouse of the respondent; (b) a parent, a foster parent, or a child of the respondent or another person related by consanguinity or affinity to the respondent; (c) a parent or a child of a spouse, person living as a spouse or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the respondent; or (2) the natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

The term “person living as a spouse” means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

**Dating Violence** – Is a pattern of controlling behavior and abuse occurring between persons currently or formerly involved in a dating relationship. A dating relationship is a social relationship of a romantic or intimate nature. The existence of a dating relationship often depends on an assessment of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Dating violence can cause injury and even death, but it doesn't have to be physical. It can include verbal and emotional abuse - constant insults, isolation from family and friends, name calling, controlling what someone wears - and it can also include sexual abuse.

**Stalking** – Occurs when a person, by engaging in a pattern of conduct, knowingly causes another person to believe that the offender will cause physical harm or mental distress to the other person. This includes posting an electronic message with the intent to urge or incite another person to commit stalking. Words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs may serve as a basis for the other person's belief that the offender will cause physical harm or mental distress to the other person.

As used herein, the term “pattern of conduct” means two or more actions or incidents closely related in time or two or more actions or incidents closely related in time directed at one or more persons employed by or belonging to the same corporation, association, or other organization.



Stalking may include, but is not limited to, the following types of conduct:

- Repeated, non-consensual communication (e.g., face-to-face, phone calls, voice messages, text messages, electronic mail, social media, written letters, unwanted gifts);
- Threatening or obscene gestures;
- Harassing another person, either in person or through a third party;
- Following another person or repeatedly showing up or waiting outside a person's home, classroom, place of employment, or car;
- Threats that create fear for one's life or safety, or fear for the safety of one's family, friends, roommates, or others;
- Surveillance activities (e.g., monitoring an individual's phone calls or reading an individual's mail/email);
- Trespassing or breaking into a person's car or residence;
- Vandalism and/or destruction of a person's personal property.

### **RETALIATION IS PROHIBITED**

Ursuline College does not tolerate retaliatory conduct and strictly prohibits retaliation aimed at a person because that person complained of sexual misconduct, testified, provided information, assisted or participated in any manner in a sexual misconduct investigation, proceeding, or hearing under Ursuline College policies or the law. Therefore, any intimidation, threats, coercion, or other 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. 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.

### **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.

There are a number of factors that may limit or negate a person's ability to consent to a sexual act. These factors include, but are not limited to, age, impairment due to the influence of alcohol or drugs (illegal or prescription), an intellectual or other disability, a person's temporary or permanent mental or physical impairment, unconsciousness, fear and/or coercion. In order to find a lack of consent under one of these circumstances, there must be a finding that the victim was unable to consent and a finding that the offender knew or had reason to know the victim was unable to consent. Intoxication of the offender is not an excuse for failure to obtain consent or failure to know of the victim's inability to consent.

### **TITLE IX COORDINATOR**

Ursuline College has designated the following College official to coordinate and oversee its Title IX compliance efforts, to address concerns regarding Title IX, and to investigate and resolve any complaints alleging actions prohibited by Title IX or this policy. Prohibited actions include all forms of sexual

harassment/discrimination and misconduct, including sexual assault, domestic and dating violence, and stalking, as well as retaliation.

Deborah L. Kamat  
Director of Compliance/Title IX & Disability Coordinator  
Office Location: Mullen 211  
Telephone: (440) 484-7027  
Email: [deborah.kamat@ursuline.edu](mailto:deborah.kamat@ursuline.edu)

### **CIVIL RIGHTS INVESTIGATORS**

The College may also designate other qualified and trained staff and faculty members to assist the Title IX Coordinator with investigations or to review and decide appeals. These individuals 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.

Deanne Hurley  
Vice President of Student Affairs  
Office Location: Pilla 205  
Telephone: (440) 646-8320  
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)

Elizabeth Kavran  
Dean, School of Arts and Sciences  
Office Location: Mullen 322  
Telephone: (440) 449-2015  
Email: [ekavran@ursuline.edu](mailto:ekavran@ursuline.edu)

Anne Murphy Brown  
Associate Professor & Director of Legal Studies  
Office Location: Mullen 336  
Telephone: (440) 449-5403

**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 misconduct are strongly encouraged to seek immediate medical attention in order 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 misconduct occurring on or off campus in accordance with the policies of the Offices of Counseling Services and Career 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 criminal justice process, all free of charge.

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

- **Chagrin Counseling Associates** *2.87 mi*  
29325 Chagrin Blvd Suite 102  
Pepper Pike, OH 44122  
[www.chagrincounseling.com](http://www.chagrincounseling.com)  
216.360.4606  
(Offers general counseling services, counseling for challenging life events, depression/anxiety, addiction and other disorders)
- **Circle Health Services of Greater Cleveland** *9.80 mi*  
12201 Euclid Ave  
Cleveland, OH 44106  
216.721.4010  
[www.circlehealthservices.org](http://www.circlehealthservices.org)
- **Cleveland Rape Crisis Center** *21.93 mi*  
The Halle Building  
1228 Euclid Avenue, Ste. 200  
Cleveland, OH 44115  
216.619.6194  
[www.clevelandrapecrisis.org](http://www.clevelandrapecrisis.org)  
or  
Signature Square I  
25201 Chagrin Blvd., Ste. 390  
Beachwood, OH 44122  
(The office is located within Nexis Medical Offices)  
Phone (216) 619-6194  
24 Hour Hotline (216) 619-6192  
Phone or Text (216) 619-6195
- **Family Urgent Care Center** *3.10 mi*  
5195 Mayfield Rd Suite 101  
Cleveland, OH 44124  
440.442.0400
- **Hillcrest Hospital** *2.85 mi*  
6780 Mayfield Rd  
Mayfield Heights, OH 44124  
440.312.4500  
[www.hillcresthospital.org](http://www.hillcresthospital.org)
- **Metro Health Hospital** *20.30 mi*  
2500 Metro-Health Dr

Cleveland, OH 44109  
216.778.7800  
www.metrohealth.org

- **RAINN: Rape, Abuse & Incest National Network:**  
RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline (800-656-HOPE and online.rainn.org). RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice.
- **University Hospitals Chagrin Highlands Urgent Care 4.82 mi**  
3909 Orange Place Suite 101  
Orange Village, OH 44122  
216.896.1800

### **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**

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 Sexual Misconduct to Ursuline College**

Ursuline College strongly encourages all victims and witnesses to promptly report incidents of sexual violence/misconduct to the Title IX Coordinator and the Ursuline College Security Department. The College takes all complaints of sexual misconduct seriously and will work to reach a prompt, impartial, and equitable resolution of the matter.

A “**responsible employee**” (oftentimes referred to as a mandatory reporter) is a College employee who has the authority to take action to redress sexual misconduct or has been given the duty to report incidents of sexual misconduct to the appropriate College officials. At Ursuline, **all** College employees are considered responsible employees and are required to report all incidences of sexual misconduct to appropriate College officials (the Ursuline College Security Department and Title IX Coordinator), unless such employees are specifically designated as confidential reporting resources, as further explained below.

When a victim tells a responsible employee about an incident of sexual misconduct, the victim should anticipate and expect that the responsible employee will convey this information to the appropriate College officials. Upon learning of a complaint of sexual misconduct, the College will take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A responsible employee must report to the appropriate College officials all relevant details of the alleged act of sexual misconduct s/he is aware of– including the names of the victim and alleged perpetrator(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.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations and, if the victim wants to ensure that confidentiality is maintained, the victim should be directed to one of the confidential resources identified below. If the victim still seeks confidentiality but chooses to disclose to the responsible employee what happened despite the warning, the employee should remind the victim 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 victim's request for confidentiality. Responsible employees should not pressure a victim into making a full report if the victim is not ready to do so, nor should they encourage the victim to remain silent about the incident; rather, the employee should honor and support the victim's wishes.

If a victim 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 victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. Sometimes, the College will not be able to honor a victim's request because of the need to provide a safe, non-discriminatory environment for all students and employees.

When weighing a victim'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 alleged perpetrator will commit additional acts of sexual violence or other misconduct, such as:
  - whether there have been other sexual violence/misconduct complaints against the same alleged perpetrator;
  - whether the alleged perpetrator has a criminal record demonstrating a history of violence;
  - whether the alleged perpetrator has a history of engaging in sexual misconduct or inappropriate conduct from a prior school or employer;
  - whether the alleged perpetrator threatened further sexual violence or other misconduct against the victim or others;
  - whether the sexual violence/misconduct was committed by multiple perpetrators or against multiple victims;
- whether the sexual violence/misconduct was perpetrated with a weapon;
- whether the sexual violence/misconduct occurred on campus or other property owned or controlled by the College;
- whether the victim is a minor;
- whether the offender(s) is a member of the Ursuline College community;
- whether the College possesses other means to obtain relevant evidence of the sexual violence/misconduct (e.g., security cameras or personnel, audio recordings, physical evidence).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action against the alleged perpetrator, despite the victim's request.

If the College determines that it cannot honor a victim's request for confidentiality or that no investigation or discipline be pursued, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from harm and will work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

The College recognizes that victims impacted by sexual misconduct 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 victims can speak to 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 Diversity and the Women's Center are not considered responsible employees and can generally talk to a victim without revealing any personally identifying information about an incident to the College. These individuals include: the Assistant Dean for Diversity, Yolanda King; all other counselors and advocates who work or volunteer in the Office for Diversity; and the Co-Directors of the Women's Center, Amy Lechko and Jessica Headley. However, these individuals are mandatory reporters under the College's Harassment and Discrimination Policy.

If you are a victim of sexual misconduct and do not want to pursue action through the Ursuline College system or the criminal justice 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 victim's identity or that the victim has disclosed the incident. While maintaining a victim'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 victim – 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 the Ursuline College Security Department. 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**. These counselors include: the Campus Minister; the College Psychologist, **Anita Culbertson**; licensed professional counselor, **Jennifer Mooney**, and all 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 – if and 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.

A victim who speaks to a professional or non-professional counselor or advocate must understand that if the victim 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 victim 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 victim 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 victim with assistance in filing a complaint, if the victim wishes to do so.

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

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

Sexual violence and misconduct are criminal acts and Ursuline College strongly encourages all victims and witnesses to report incidents of sexual violence/misconduct 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.

Pepper Pike Police Department  
28000 Shaker Blvd.  
Pepper Pike, Ohio 44124

For emergencies, dial 911. If dialing from a campus phone, you must dial 9-911. For non-emergency calls to all divisions or personnel of the Pepper Pike Police Department, use the business line at (216) 831-8500 and the operator will direct your call.

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, either as a Complainant or a third party witness, 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 INTERIM MEASURES**

Upon learning of sexual misconduct, the College may implement academic or work accommodations and other interim measures as may be appropriate for the individuals involved or the Ursuline College community at large. Such accommodations and interim measures may be implemented at any time (before or after receiving a formal report/complaint, during the investigation, or upon resolution of the matter) and may include among other things: separation of the parties and/or witnesses, no-contact orders, modified work or class schedules, alternative housing arrangements for students, providing the victim with an escort to ensure the safe travel between buildings and classes on campus, restrictions on team activities and participation in campus life, a requested leave of absence, interim suspension of the accused pending resolution of the complaint, and any other measures that may be deemed appropriate under the specific circumstances at issue. Many of these accommodations and interim measures are available to the parties regardless of whether an individual chooses to report sexual misconduct to the police or file a formal complaint with the College. Interim measures may also become permanent depending upon the outcome of an investigation. The College will attempt to minimize any adverse effects on the victim when implementing interim measures.

In certain instances, the College may need to report an incident to law enforcement authorities. 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**

Upon notification of a complaint alleging a violation of this Policy on Sexual Misconduct, an investigation into the matter will be conducted in a prompt, fair, 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 serve both as the fact-finder and decision-maker. The objectives of the investigation and decision-making process is to: (1) determine whether the alleged conduct occurred; (2) if yes, determine if the conduct constitutes a violation of this policy; (3) if yes, 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 President of the College for review. The President of the College or the President's designee (if so appointed) will promptly review the matter and issue a timely, written decision.

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

Ursuline College expects all members of the College community to cooperate fully in the investigation and disciplinary procedures. The College recognizes that an individual may be reluctant to participate in the process; nevertheless, any student or member of the faculty or staff who refuses to cooperate in an investigation may be subject to discipline, depending on the particular circumstances.

The College also understands that there may be circumstances in which a complainant wishes to limit her/his participation in an investigation. The complainant retains this right and typically will not be subject to discipline for failure to participate. However, the designated investigator(s) may be required to move forward with an investigation, absent the complainant's participation in the process. In such situations, it may be difficult to ascertain the facts and evidence necessary to reach a just resolution.



If a respondent chooses not to answer any or all questions in an investigation or refuses to participate for any reason, s/he may choose to do so. However, the designated investigator(s) will continue with the investigation process, findings will be reached with respect to the alleged conduct, and the College will issue sanctions, if appropriate. The College will not, however, draw any adverse inference from a respondent's silence.

In order to protect the integrity of the investigation and disciplinary processes, all parties and witnesses are expected to maintain the confidentiality of information shared, received, disclosed or revealed during the overall process. However, confidentiality is not required if disclosure is mandated by law, or if disclosure is necessary to report a crime or violation of law, or to engage in concerted activity regarding the terms or conditions of employment, or in relation to the right of a student respondent or complainant to re-disclose the outcome of an investigation under FERPA and/or the Campus Crime Statistics Act (the Clery Act).

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

The investigative process is initiated when the Title IX Coordinator receives a complaint or a report of a violation of this policy. The Title IX Coordinator and/or one or more of the College's Civil Rights Investigators 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:

- If it is determined that the complaint/report, even if substantiated, is outside the scope of this policy or would not rise to the level of a policy violation, the complaint/report may be dismissed or addressed pursuant to another policy (if applicable), or referred to another office or College official for appropriate review and resolution.
- If it is determined that the complaint/report, if substantiated, would constitute a violation of this policy, the appropriate interim measures will be determined and a formal investigation will be initiated.

#### **FORMAL INVESTIGATION**

The following procedures shall apply during a formal investigation:

1. Initial statements (preferably written) describing the incident(s) in question shall be obtained from both the complainant and the respondent and, upon request, each party's statement (or summary thereof prepared by the investigator) shall be shared with the other party, except to the extent any statement contains privileged, confidential, or FERPA-protected information, which shall be determined solely by the College.
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. Interviews shall be conducted of 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.
4. Parties and witnesses may be interviewed more than once in order to gather all relevant information and evidence.
5. 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.
6. Due to the nature of most sexual misconduct allegations, the parties will be interviewed separately and neither the complainant nor respondent will be permitted to directly question one another. The parties

will not be required to be present together at any point during the process, and informal resolution through face-to-face mediation will not be available.

7. No questions or evidence pertaining to the complainant's prior sexual conduct with anyone other than the respondent shall be allowed, and evidence of a prior consensual dating or sexual relationship between the parties shall not by itself imply consent or preclude a finding of sexual misconduct.
8. All investigations will be conducted under a preponderance of the evidence standard, meaning, the investigator(s) will determine whether it is more likely than not that the respondent violated the Sexual Misconduct Policy.
9. 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 or decision-making processes.
10. 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. If an official recording has been made, the parties may request permission to listen to the recording at the conclusion of the investigation and prior to filing an appeal. The initial investigator(s) will determine the conditions under which persons will have access to the recording in order to preserve confidentiality. At no point will either party be given a copy of the recording.
11. The investigator(s)' written notes shall not be accessible to either party and shall be deemed confidential.
12. The investigation shall be completed as promptly as possible. Generally, investigations will be completed within 60 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 60 days, the investigator(s) will notify the complainant and the respondent.
13. Once the investigation has been completed, the investigator(s) will issue a written report detailing the results of the investigation and whether any sanctions or other corrective measures will be imposed, as appropriate and in compliance with FERPA. The respondent shall not be informed of all remedies offered to the complainant unless they specifically relate to the respondent, such as a no contact order or no trespass order.
14. The complainant and the respondent shall be informed in writing of the results of the investigation at the same time. For employees, the respondent's supervisor also will be notified of the results of the investigation.

## **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, but are not limited to: 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.

### **APPEAL PROCEDURES**

Upon receipt of the investigator(s)' final written report, each party shall have fourteen (14) consecutive days within which to file a written appeal of the decision with the President of Ursuline College. The President shall then assign the appeal to one or more of the College's Civil Rights Investigators for review. The person(s) reviewing the appeal (the "Appeal Panel") shall not be the same person(s) who issued the final written report and investigated the complaint. The Appeal Panel's job shall be to review the pertinent evidence presented and to determine whether the decision initially reached by the investigator(s) was arbitrary and capricious. The Appeal Panel's determination shall be final and binding. This process will be followed regardless of whether legal proceedings are pending.

### **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 considered **on-campus** and part of the College's Clery Act geography: the Wasmer Gallery, Fritzsche Center (including Daley Hall and the Kitchen/Prep Areas, Service Elevator, Storage Room and Loading Dock), Fritzsche and Pilla parking lots, the Labyrinth, Klyn Hall, the Chapel of the Most Holy Trinity, the Mary Beaumont Dining Room, 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 2016, 2017 & 2018**

CRIMINAL OFFENSE	YEAR	Location: ON- CAMPUS PROPERTY	Location: ON-CAMPUS STUDENT HOUSING FACILITIES <sup>1</sup>	Location: NON- CAMPUS	Location: PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	2016	0	0	0	0
Murder/Non-Negligent Manslaughter	2017	0	0	0	0
Murder/Non-Negligent Manslaughter	2018	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0
Manslaughter by Negligence	2017	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0
Rape	2016	0	0	0	0
Rape	2017	1	1	0	0
Rape	2018	0	0	0	0
Sodomy	2016	0	0	0	0
Sodomy	2017	0	0	0	0
Sodomy	2018	0	0	0	0
Fondling	2016	0	0	0	0
Fondling	2017	0	0	0	0
Fondling	2018	1	1	0	0
Incest	2016	0	0	0	0
Incest	2017	0	0	0	0
Incest	2018	0	0	0	0
Statutory rape	2016	0	0	0	0
Statutory rape	2017	0	0	0	0
Statutory rape	2018	0	0	0	0
Robbery	2016	0	0	0	0
Robbery	2017	0	0	0	0
Robbery	2018	0	0	0	0
Aggravated Assault	2016	0	0	0	0
Aggravated Assault	2017	0	0	0	0
Aggravated Assault	2018	0	0	0	0
Burglary	2016	0	0	0	0
Burglary	2017	0	0	1	0
Burglary	2018	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0
Motor Vehicle Theft	2017	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.

CRIMINAL OFFENSE	YEAR	Location: ON- CAMPUS PROPERTY	Location: ON-CAMPUS STUDENT HOUSING FACILITIES <sub>1</sub>	Location: NON- CAMPUS	Location: PUBLIC PROPERTY
Motor Vehicle Theft	2018	0	0	0	0
Arson	2016	0	0	0	0
Arson	2017	0	0	0	0
Arson	2018	0	0	0	0

VAWA Offenses	YEAR	Location: ON-CAMPUS PROPERTY	Location: ON-CAMPUS STUDENT HOUSING FACILITIES <sup>2</sup>	Location: NON- CAMPUS	Location: PUBLIC PROPERTY
Domestic Violence	2016	0	0	0	0
Domestic Violence	2017	0	0	0	0
Domestic Violence	2018	0	0	0	0
Dating Violence	2016	0	0	0	0
Dating Violence	2017	0	0	0	0
Dating Violence	2018	0	0	0	0
Stalking	2016	1	0	0	0
Stalking	2017	3	0	0	0
Stalking	2018	4	0	0	0

Arrest and Disciplinary Referrals	YEAR	Location: ON- CAMPUS PROPERTY	Location: ON-CAMPUS STUDENT HOUSING FACILITIES <sup>3</sup>	Location: NON- CAMPUS	Location: PUBLIC PROPERTY
Arrests: Weapons, carrying, possession, etc.	2016	0	0	0	0
Arrests: Weapons, carrying, possession, etc.	2017	0	0	0	0
Arrests: Weapons, carrying, possession, etc.	2018	0	0	0	0
Disciplinary referrals: carrying, possessing, etc.	2016	0	0	0	0
Disciplinary referrals: carrying, possessing, etc.	2017	0	0	0	0
Disciplinary referrals: carrying, possessing, etc.	2018	0	0	0	0
Arrests: Drug Abuse Violations	2016	1	1	0	0
Arrests: Drug Abuse Violations	2017	0	0	0	0
Arrests: Drug Abuse Violations	2018	0	0	0	0

<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.

<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.



Arrest and Disciplinary Referrals	YEAR	Location: ON-CAMPUS PROPERTY	Location: ON-CAMPUS STUDENT HOUSING FACILITIES <sub>3</sub>	Location: NON-CAMPUS	Location: PUBLIC PROPERTY
Disciplinary referrals: Drug Abuse Violations	2016	0	0	0	0
Disciplinary referrals: Drug Abuse Violations	2017	0	0	0	0
Disciplinary referrals: Drug Abuse Violations	2018	0	0	0	0
Arrests: Liquor Law Violations	2016	0	0	0	0
Arrests: Liquor Law Violations	2017	0	0	0	0
Arrests: Liquor Law Violations	2018	1	1	0	0
Disciplinary referrals: Liquor Law Violations	2016	4	4	0	0
Disciplinary referrals: Liquor Law Violations	2017	1	1	0	0
Disciplinary referrals: Liquor Law Violations	2018	0	1	0	0

For calendar years 2016 and 2017, 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. For calendar year 2018, Ursuline College received one report of sexist graffiti in on-campus property.

**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, including any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime. Count one offense per victim. Deaths caused by negligence, suicides, accidental deaths, fetal deaths, traffic fatalities, and justifiable homicides are excluded. Assaults with attempt to murder and attempts to murder should be classified as aggravated assault.
2. ***Negligent Manslaughter:*** the killing of another person through gross negligence. Deaths to persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are excluded.

**B. Sexual Assault** - Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Include attempted Sexual Assaults, but do not include any Sexual Assaults other than the four types of Sexual Assaults described below:

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. Fondling is recognized as an element of the other sex offenses. Therefore, count Fondling only if it is the only sex offense.
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. Note: Remember, if force was used or threatened, or the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape.

**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. Essential elements of a robbery include: (1) commission in the presence of a victim (usually the owner or person having custody of the property); (2) victim is directly confronted by the perpetrator; (3) victim is threatened with force or put in fear that force will be used; and (4) involves a Theft or Larceny.

**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.

**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.) Do not classify as a Burglary: thefts from automobiles, whether locked or unlocked; shoplifting; and thefts from coin-operated machines.

**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, or personal property of another kind.

## 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.
- 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**: 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** – is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse but 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.
- 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.