

# DEFIANCE COLLEGE

Annual Security Report  
for Calendar Year 2018  
September, 2019

PREPARED BY:

Defiance College

Office of Student Life



# DEFIANCE COLLEGE

## 2019 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT

### 1. Introduction

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Defiance College (“College”) with information on: the College’s security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

Choosing an Institution of Higher Education (IHE) is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the Crime Awareness and Campus Security Act (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This Act required all colleges and universities participating in Title IV student financial aid programs to disclose campus crime statistics and security information. The Act was amended in 1992, 1998, 2000 and 2013. The 1998 amendments renamed the Act the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986.

Commonly known as “The Clery Act”, the legislation requires IHE’s to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. The Clery Act also requires IHE’s to collect statistics on crimes that occur on campus and to report the statistics to the campus community, prospective students and their families and the Department of Education. The primary goal of The Clery Act is to provide students and their families with accurate, complete and timely information on campus safety so they can make an informed comparison of their higher education options. Defiance College’s policies relating to The Clery Act and the institution’s crime statistics are found in this document and on the Defiance College Campus Safety and Compliance web page.

*More information on The Clery Act is available on the Clery Center’s website at [www.clerycenter.org](http://www.clerycenter.org).*

The Clery Act was amended again in 2013 to address growing concerns regarding sexual assault, domestic violence, dating violence and stalking incidents on campuses nationwide. This amendment occurred through the reauthorization of the Violence Against Women Act (VAWA), and more specifically under VAWA’s Campus Sexual Violence Act (or “Campus SaVE Act”) provision, Section 304. This amendment requires expanded crime reporting obligations and the implementation of specific policies, procedures, and training related to sexual violence and intimate partner violence.

### Campus Security Information

**Emergencies:** any campus or off-campus location: **911**

**Non-emergencies:** Student Life (419-783-2437) or Security (419-785-2625).

## **2. Policy for Preparing the Annual Report**

This report is prepared by the Dean of Students in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Copies of the Annual Security Report may be printed in PDF format from Defiance College website <http://www.defiance.edu/student-life/info/campus-safety-and-compliance.html>. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Lisa Marsalek 128 Hubbard Hall 701 N. Clinton St. Defiance, OH 43512 419-783-2587.

Crimes included in the Annual Security Report are those defined by The Clery Act for inclusion and occurring within the geography of the College. The geography of Defiance College includes any buildings and property that are part of the institution's campus, the institution's non-campus buildings and property, public property within or immediately adjacent to and accessible from the campus, and areas within the patrol jurisdiction of the Security Office.

The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

## **3. General Safety and Security Policies**

Campus Security is a support service, charged with enforcing Defiance College policies and regulations while maintaining a safe and secure environment for the campus community. Security for the campus is provided by Continental Secret Service with evening and overnight security personnel and by the Defiance Police Department who provide periodic patrols through the campus 24-hours a day. Defiance College security personnel have the authority to ask individuals for identification and to determine whether they have lawful business at the College. Individuals may be asked to leave campus if they are deemed to be a security threat or a disruption to the campus environment. Campus Security Officers are not police officers and do not maintain legal authority to arrest individuals. They do maintain the authority to detain any individual(s) if the need arises. Security personnel refer criminal matters to the Office of Student Life and local law enforcement as appropriate.

Although Defiance College's jurisdiction is generally limited to conduct which occurs at college sponsored events or on campus property, the College can and does respond to off-campus student-related incidents that occur in close proximity to the campus and cooperates with local law enforcement in these instances. The College cooperates fully with local law enforcement in criminal investigations relating to crimes alleged to have occurred on or near the campus.

The Security office is located in 109 McCann Center and has a close working relationship with the Defiance Police and Fire Departments. If necessary, a Student Life staff member is available to handle situations involving students if immediate attention is needed.

In addition, professional Residence Life staff and student resident assistants (RA's) play a key role in promoting a safe and secure environment in residence facilities. These personnel are responsible for reporting criminal activity in residence facilities and responding to emergency situations that may arise in

residence facilities. Students who are approved for commuter status and live off-campus are under the direct jurisdiction and protection of local law enforcement.

Defiance College maintains a close working relationship with the Defiance Police Department and has a Memorandum of Understanding for the investigation of sexual misconduct cases.

### **Campus Security Authorities**

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- Campus Security at 419-785-2625
- Dean of Students at 419-783-2587
- Assistant Dean of Student Engagement at 419-783-2362
- Director of Residence Life at 419-783-2563
- Director of Student Activities at 419-783-2388
- Director of Athletics at 419-783-2380
- Assistant Athletic Director at 419-783-2341
- Director of Human Resources at 419-783-2360
- Director of Physical Plant at 419-783-2502
- VP for Finance at 419-783-2317
- All athletic coaches
- Faculty/staff advisors to student groups
- All Residence Life staff and student security staff
- All Cabinet members

## **4. Reporting a Crime or Emergency**

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- All crimes occurring on or near College property should be reported immediately to the Campus Security Department or Dean of Students office. The number to contact is 419-783-2625. Security will answer this line during 2nd and 3rd shifts. The Office of Student Life answers this line during normal business hours.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a College staff member will assist in making the report to police.
- Anonymous incident reports can also be made by completing an incident report at <https://www.defiance.edu/communication-information.html>
- To report a crime "off campus" within the Defiance city limits, contact the **City of Defiance Police Department** non-emergency line at 419-784-5050. In the event of an emergency dial 911.

The Defiance College Student Life Office maintains a written Daily Crime Log that records, by the date the crime was reported, any crime that has occurred within the institution's Clery geography and is reported to the Security or Student Life Office. The information contained in the log includes the nature, date, time and general location of each crime. Additionally, the log also contains the disposition of the complaint, if known. Entries are made in the log no later than two days following the report of a crime, unless disclosure of the information is prohibited by law or would jeopardize the confidentiality of the victim. Further, the College may withhold information from the crime log required by the Clery Act if there is clear and convincing evidence that the release of the information would:

- Jeopardize an ongoing criminal investigation or the safety of an individual;
- Cause a suspect to flee or evade detection; or
- Result in the destruction of evidence.

Once the threat of the adverse condition is abated, the College will fully disclose any previously withheld information in the Crime Log.

The public may access the Daily Crime Log for the most recent 60-day period during normal business hours in the Student Life Office in Hubbard Hall. Any portion of the Daily Crime Log older than 60 days will be made available within two business days of a request for public inspection. Requests to inspect the Daily Crime Log may be made by contacting the Student Life Office at 419-783-2437 or in person at 128 Hubbard Hall.

## **5. Confidential Reporting**

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the College's sexual misconduct policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the College without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

The College encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The College does not have pastoral counselors.

### **Confidential Reporting Options**

- Director of Counseling & Accessibility Services, Lynn Braun: 419-783-2548
- Accessibility Services Coordinator and Staff Clinician, Kris Knight 419-783-2445
- Ohio Sexual Violence Helpline 1-888-OHIO-HELP
- Off-campus:
  - Licensed professional counselors
  - Local rape crisis counselors
  - Domestic violence resources,
  - Local or state assistance agencies,
  - Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors (or the Employee Assistance Program for employees) are available to help free of charge and can be seen on an emergency basis during normal business hours.

## **6. Campus Facility Security and Access**

During business hours, the College (excluding certain residence halls) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is limited to key and/or access card, if issued, or by admittance via security personnel or Residence Life staff. The locking and unlocking of campus buildings is handled by security staff following a weekly schedule published by the Conferences and Events office. The hours that buildings are open is dictated by events that are scheduled in each individual building.

The living areas of the residence halls are secured 24 hours a day and can only be entered by using keys (Grand Avenue Apartments and 20 College Place) or by card access (all other residence hall facilities). The lobby areas of McReynolds and Whitney Halls have open access throughout the day and are monitored by student security personnel in the evenings. Students are prohibited from loaning their room keys or student ID cards to others and they are encouraged to report lost or stolen keys and IDs. All residential students are informed at the beginning of each academic year on basic safety precautions including keeping their room door locked and not allowing non-residents to follow them into buildings or other secured areas.

A Security Officer is available from 3pm to 7am daily. Security is responsible for locking campus facilities at night and unlocking the facilities in the morning. During days in which class is in session, all academic buildings will be open for classes and business. Physical Plant employees have access to all campus facilities and are responsible for the maintenance and repair of these facilities.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured
- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone who does not belong to the campus community

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

### **Security Considerations in the Maintenance of Facilities**

Campus Security maintains security of all buildings on campus. College physical plant staff inspect campus facilities and grounds regularly, make repairs and respond to reports of potential safety and security hazards such as broken windows and locks. The Campus Security Department and Residence Life staff work with the Physical Plant staff to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

## **7. Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

Defiance College has programs in place in order to make students and employees aware of not only Security's presence but the available services as well. Security information is disseminated via email at the beginning of each academic year. Residential students receive information on safety and crime prevention at first floor meetings and building meetings. All new students are required to complete an online sexual assault prevention course as well as attend a mandatory training session during Welcome Week. All athletes also attend mandatory in-person training sessions. Both new student and athlete programs discuss safe and positive options for bystander intervention and information on risk reduction. All faculty, staff and student employees receive training on Sexual Misconduct and how to report possible violations as well as how to report any other crimes on campus. Athletics staff members receive additional training on preventing and responding to issues of Sexual Misconduct. On-going awareness programming occurs throughout the year as well. Additionally, training on active shooter situations is provided to students, faculty, and staff each year.

Residence Life Staff are posted on each residence hall floor. These students have been trained in reporting crimes and issues to both Security and law enforcement and are aware of College policies and procedures in dealing with these situations. These students, living among the student population, afford a greater opportunity to identify and report crimes. Additionally, programs are offered to the residents by the Residence Life Staff on various topics including security and crime prevention. Small groups of this staff also actively patrol student housing facilities Sunday through Thursday 8pm to 12am and Friday and Saturday from 8pm to 2am.

The Send Word Now emergency notification system is used to disseminate emergency notification messages to the campus community when emergencies occur. These messages provide information on the emergency and provide information students and employees can use to take responsibility for their own safety and security. Students and employees are automatically enrolled in this program and can update their contact information once a semester.

Defiance College is widely covered by security cameras operated and maintained by the Physical Plant office and monitored by Security. These cameras are placed on the exterior and interior of academic and housing facilities on campus as well in parking lots and common areas. Cameras provide Security and Student Life with the capability to identify potential suspects and act as a physical presence working to deter crime through their presence.

## **8. Monitoring Off Campus Locations of Recognized Student Organizations**

The College does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

## **9. Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **10. Alcohol and Other Drugs Policy**

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the College's activities, unless it is done so in accordance with applicable College policies, and it also enforces the state's underage drinking laws.

The College also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violators of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Drug and Alcohol Abuse Prevention Program**

The College has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. All new students are required to complete an online educational course, *Alcohol Edu*.

### **HEALTH RISKS OF ALCOHOL**

Alcohol consumption causes a number of marked changes in behavior. Even low doses of alcohol can significantly impair judgment and coordination, including that required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also can increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol can cause marked impairments in higher mental functions, severely altering a person's

ability to learn and remember information. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will provide the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics themselves.

### HEALTH RISKS OF CONTROLLED SUBSTANCES

The Department of Education has provided the information on Health Risks of Controlled Substances (see below) outlining health risks associated with cocaine, marijuana and other controlled substances.

Controlled Substances—Uses and Effects					
Drugs	Physical dependence	Psychological dependence	Possible effects	Effects of overdose	Withdrawal syndrome
NARCOTICS					
Heroin	High	High	Euphoria Drowsiness Respiratory Depression Constricted pupils Nausea	Slow and shallow breathing Clammy skin Convulsions Coma Possible death	Yawning
Morphine	High	High			Loss of appetite
Codeine	Moderate	Moderate			Irritability
Hydrocodone	High	High			Tremors
Hydromorphone	High	High			Panic
Oxycodone	High	High			Cramps
Methadone and LAAM	High	High			Nausea
Fentanyl and analogs	High	High			Runny nose
Other Narcotics	High-Low	High-Low			Chills and sweating

Controlled Substances—Uses and Effects					
Drugs	Physical dependence	Psychological dependence	Possible effects	Effects of overdose	Withdrawal syndrome
					Watery eyes
DEPRESSANTS					
Chloral Hydrate	Moderate	Moderate	Slurred speech  Disorientation  Drunken behavior without odor of alcohol	Shallow respiration	Anxiety
Barbituates	High-Moderate	High-Moderate		Clammy Skin	Insomnia
Benzodiazepines	Low	Low		Dilated pupils	Tremors
Glutethimide	High	Moderate		Weak and rapid pulse	Delirium
Other Depressants	Moderate	Moderate		Coma  Possible death	Convulsions  Possible death
STIMULANTS					
Cocaine	Possible	High	Increase alertness	Agitation  Increased body temperature  Hallucinations  Convulsions  Possible death	Apathy  Long periods of sleep  Irritability  Depression  Disorientation
Amphetamine/ Methamphetamine	Possible	High	Euphoria		
Methylphenidate	Possible	High	Increased pulse rate and blood pressure		
Other Stimulants	Possible	High	Excitation		
			Insomnia  Loss of appetite		
CANNABIS					
Marijuana	Unknown	Moderate			

Controlled Substances—Uses and Effects					
Drugs	Physical dependence	Psychological dependence	Possible effects	Effects of overdose	Withdrawal syndrome
Tetahydracannabinol	Unknown	Moderate	Euphoria	Fatigue Paranoia  Possible psychosis	Occasional reports of insomnia
Hashish and hashish oil	Unknown	Moderate	Relaxed inhibitions		Hyperactivity
			Increased appetite		Decreased appetite
			Disorientation		
HALLUCINOGENS					
LSD	None	Unknown	Illusions and hallucinations  Altered perception of time and distance	Longer, more intense "trip" episodes  Psychosis  Possible death	Unknown
Mescaline and peyote	None	Unknown			
Amphetamine variants	None	Unknown			
Phencyclidines and analogs	Unknown	High			
Other hallucinogens	None	Unknown			
ANABOLIC STERIODS					
Testosterone (Cypionate, Enanthate)	Unknown	Unknown	Virilization	Unknown	Possible depression
			Acne		
			Testicular atrophy		
			Gynecomastia		
			Aggressive behavior		
			Edema		

## **COLLEGE POLICIES RELATIVE TO ALCOHOL**

Defiance College seeks to provide its students, employees, and the public with a drug-free environment. The College also has an interest in promoting the highest possible standard of health and welfare among its students, faculty and staff. Therefore, it is the policy of Defiance College to discourage the unlawful use of controlled substances and the misuse or abuse of alcohol by its students and employees at any time. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or controlled substances, including illicit drugs, is prohibited on property owned or operated by Defiance College or as part of any of its activities.

As a part of its resolve to develop and uniformly apply a general alcohol policy Defiance College is committed to educating members of the College community about alcohol use and abuse. The College regularly provides a wide variety of alcohol education activities, information resources, and support services for students. The College expects responsible behavior by students of legal age who choose to drink alcoholic beverages and requires an environment free of coercion for those who choose to abstain. Therefore, students must adhere to College guidelines for responsible and legal consumption of alcoholic beverages, which are outlined in [the Defiance College Student Handbook](#).

The College follows all federal, state, and local laws regarding the sale, possession, and consumption of alcoholic beverages. Under Ohio law, it is illegal to sell, provide or serve beer, wine, or liquor to anyone who is under the age of 21. Servers of alcohol and sponsors of social events on campus or a College-sponsored function must be aware of, and comply with, all federal, state, and local laws and with College alcohol policies and procedures. Permission from the Dean of Students to serve alcohol at an event must be obtained prior to the function.

Any student, faculty or staff member found to be in violation of the federal, state and or local laws, or who violates the College's alcohol and other drug policies is subject to College disciplinary procedures and/or referral to the appropriate authorities for legal prosecution, the College disciplinary sanctions that can be applied range from a warning and educational assignments for first-time, underage offenders, to probation and dedicated rehabilitation counseling for repeat offenders and those whose behavior suggest the presence of an alcohol abuse problem. However, depending on the circumstances involved, the College may impose any of the sanctions listed in the Student and Employee Handbooks, up to and including dismissal or termination of employment and registered student organizations that persistently violate regulations will face the loss of College recognition.

## **COLLEGE POLICIES RELATIVE TO DRUGS**

The unlawful manufacture, sale, distribution, use or possession of drugs, except for the use or possession of drugs prescribed by a physician, is prohibited on property owned or operated by Defiance College or as part of any of its activities. The College provides to students full information about the use and effects of all drugs and makes available sources of counseling to those who are using or have used drugs. The following rules have been adopted by the College:

1. Illegal possession or consumption of drugs is a College offense, and a student's failure to abide by the College's drug and alcohol standards of conduct will result in disciplinary action. Depending on the nature of the offense, the College may impose any of the sanctions which are listed in the Student and Employee Handbook up to and including separation from the College and expulsion or termination or employment.
2. The illegal provision, manufacture or merchandising of drugs may result in expulsion or employment termination. Students and employees are reminded that a drug prescribed for one person may be harmful to another and are warned not to offer or provide their own medication to others.

In addition to alcohol, drugs to which these statements and rules apply are currently defined as including, but not limited to:

- Opiates (such as morphine, heroin, codeine, opium, demerol, and paregoric)
- Cocaine
- Gamma-hydroxybutyrate (GHB)
- Methylenedioxymethamphetamine (MDMA, Ecstasy)
- Marijuana
- Hallucinogens (such as LSD, DMT, Mescaline, peyote, and psilocybin)
- Barbiturates (such as nembutal and seconal)
- Tranquilizers (such as benzodiazepines)
- Neuroleptics (such as phenothiazines)
- Amphetamines (such as benzedrine, methedrine, and dexadrine)
- Methamphetamine in any form

### **DISCIPLINARY SANCTIONS**

The penalties for misconduct range from warning to expulsion. Typically, students who have violated the Student Code of Conduct will be assigned Judicial Educator modules to complete followed by a referral to the on campus counselor to develop an individualized education plan. A staff member from Counseling Services will meet with the student and complete an assessment covering alcohol and other drug use history, reason for referral, family and personal history, health concerns, safety issues, and the consequences associated with use. The counselor will also assess the student's readiness for change and establish behavior change goals.

### **ALCOHOL AND DRUG EDUCATION AND REFERRAL SERVICES**

Drug and alcohol counseling and referral services are available through [College Counseling Services](#) at [419.783.2548](tel:419.783.2548). Any student desiring information, referral services, or counseling in a confidential setting need only call. College employees seeking information, counseling, or referral services may call Anthem's Resource Adviser available 24 hours a day at 888.209.7840.

### **FEDERAL AND STATE PENALTIES**

Ohio law includes criminal provisions regarding the unlawful possession, use and distribution of drugs, intoxicating liquors and beer. The ordinances of the City of Defiance include comparable provisions. Ohio law also prohibits: the illegal sale, possession, cultivation, manufacture or trafficking of controlled substances, including but not limited to, cocaine, heroin, amphetamines, methamphetamine of any type or in any form, marijuana, Gamma-hydroxybutyrate (GHB) and Methylenedioxymethamphetamine (MDMA, Ecstasy);, furnishing to, administering to, inducing or causing use of these substances by a juvenile at least two years younger than the offender, or causing the juvenile to commit a drug abuse offense when the offender knows the juvenile's age or is reckless in that regard; administering these substances to any person by force, threat or deception; administering or furnishing these substances by any means with the intent to cause serious harm or if serious harm results, or to cause the other person to become drug dependent; selling or trafficking controlled substances; or illegally assembling or possessing chemicals with the intent to manufacture a controlled substance.

In addition, Ohio law prohibits a person from knowingly providing money or other items of value to another person who then uses such money or items to obtain a controlled substance for the purpose of selling, manufacturing or cultivating such a controlled substance. If the drug involved in the violation is methamphetamine in any form, and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, such offense is a felony of the first degree, which carries a

mandatory prison sentence. It is also unlawful to knowingly distribute illegal anabolic steroids. With few exceptions, these offenses are felonies.

The law also prohibits knowingly obtaining, possessing or using a controlled substance and permitting one's premises or vehicle to be used in the commission of a felony drug abuse offense. These offenses may be either felonies or misdemeanors. The law further prohibits knowingly obtaining, possessing or using hypodermic needles for the unlawful administration of drugs, and the knowing use, possession with the purpose to use, and/or the sale of drug paraphernalia. Ohio law also prohibits the advertisement of illegal drug paraphernalia. These offenses are misdemeanors.

Under Ohio law, a felony conviction may lead to imprisonment or both imprisonment, a fine or both. The maximum prison term for these types of offenses is 10 years. The fine for a first degree felony in Ohio is a basic fine of not more than \$20,000. A misdemeanor conviction may lead to imprisonment for up to 6 months and/or a fine of up to \$1,000. Convictions for some offenses carry mandatory penalties, including the suspension of a driver's or commercial driver's license for a period ranging from 6 months to 5 years. Ohio law also requires that property derived from (directly or indirectly) the proceeds of a felony drug abuse offense and property that was used or intended to be used to facilitate the commission of a felony drug abuse offense is subject to forfeiture.

With regard to beer and intoxicating liquor, Ohio law provides that a person under 21 years of age who orders, pays for, attempts to purchase, possesses or consumes beer or liquor, or furnishes false information in order to effect a purchase, commits a misdemeanor. A person using a false or altered identification card to purchase beer or intoxicating liquors shall be fined not less than \$250 but not more than \$1,000 for a first offense and may be sentenced to a term of imprisonment of not more than 6 months. For a second offense involving the use of a false or altered identification card, the penalties include: a fine of not less than \$500 and not more than \$1,000, a sentence to a term of imprisonment for not more than 6 months; and the possibility of losing a driver's or commercial driver's license for a period not to exceed one year. For a third offense, the penalties include: a fine of not less than \$500 and not more than \$1,000, a sentence to a term of imprisonment for not more than 6 months; community service, and the loss of license is mandatory for at least 90 days and can remain in effect until the offender attains age 21. If a person is convicted of the manufacture, sale, or distribution of false identification cards, then that person is guilty of a felony. Ohio law prohibits the possession of beer or liquor which was not lawfully purchased.

Federal law forbids the illegal possession of controlled substances. A person convicted for the first time of possessing (without the intent to distribute) a controlled substance, other than crack cocaine, may be sentenced to up to 1 year in prison and fined a minimum of \$1,000. A second conviction carries a prison term of at least 15 days but not more than 2 years, and a minimum fine of \$2,500. A third conviction carries a prison term of at least 90 days but not more than 3 years, and a minimum fine of \$5,000. Imprisonment for 5 to 20 years and a minimum fine of \$1,000 apply to persons possessing more than five grams of crack cocaine on the first conviction, three grams on the second, and one gram on subsequent convictions. In addition to the above sanctions, a person convicted of possessing a controlled substance may be punished by forfeiture of property used to possess or facilitate possession or property derived from any proceeds obtained directly or indirectly from the violation, if the offense is punishable by more than one year in prison; forfeiture of any conveyance used to transport or conceal a controlled substance; denial of Federal benefits, such as student loans, for up to one year for a first Federal or State possession conviction and for up to five years for a subsequent Federal or State possession conviction; ineligibility to receive or purchase a firearm; and a civil penalty of up to \$10,000.

Federal law also prohibits illegal trafficking or manufacturing of a controlled substance. If a person violates this section, he is subject to the specified imprisonment, fine or both. Federal trafficking penalties are set forth in the attached chart, marked Appendix B. The penalties set forth in the attached chart can, under certain circumstances, be enhanced by a multiple of two or three if such offenses are committed at or near a public or private school, college or university, or if the drugs were sold to persons under the age of 21. A trafficking offense committed after a person has been convicted of two previous felony drug offenses results in mandatory life imprisonment. In addition, if convicted of a drug trafficking offense, a person will lose Federal benefits (including school loans) for up to 5 years for a first offense, up to 10 years for a second offense, and for life for a third or subsequent offense. Federal law also prohibits the sale of drug paraphernalia. The penalty for violating this law is imprisonment for up to 3 years and a fine. Violation of these laws may also be a violation of College policies and could result in civil liability.

This information is provided as a general summary of the major applicable laws. While it is believed to be accurate at the time of issuance, keep in mind that laws frequently are amended and reinterpreted, that the application of law to specific situations generally requires an analysis of all the facts and circumstances, and that this information therefore should not be substituted for specific legal advice.

#### **PARENTAL NOTIFICATION GUIDELINES FOR ALCOHOL AND CONTROLLED SUBSTANCES VIOLATIONS**

These guidelines are in response to the Higher Education Amendments of 1998. These amendments created an exception to the Family Educational Rights and Privacy Act (FERPA), enabling colleges and universities to notify parents or legal guardians, under certain circumstances, of a student under 21 that uses or possesses alcohol or a controlled substance. This change supports the practice of Defiance College of establishing a collaborative partnership with parents and actively involving them, when appropriate, in addressing student behavior as it related to alcohol and drugs.

Notification of parents is done when the college believes it will help the student. When practicable, conversations normally are held with the student before contact is made with parents in an effort to determine whether such contact is the best course of action.

Factors that are considered when deciding to contact a student's parent or guardian are: A consistent pattern of destructive or harmful behavior; behavior that may affect the student's overall well-being or the well-being of others; behaviors that may jeopardize their ability to remain a student; and/or a situation of imminent danger.

When determining parental notification to be in the best interest of the student, it is the college's philosophy to assist the student in contacting their parent/guardian directly. In most cases, the college will intervene only when a student is unwilling or unable to contact their parent/guardian.

Questions or concerns regarding these guidelines should be directed to the Office of the Vice President for Student Affairs and Dean of Students, 128 Hubbard Hall, 701 N. Clinton St., Defiance, OH 43512; Phone: [419.783.2587](tel:419.783.2587).

## **11. Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Equal Opportunity, Harassment, Discrimination, and Sexual Misconduct Policy: <http://www.defiance.edu/student-life/info/campus-safety-and-compliance.html>

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses; and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

#### **Primary Prevention and Awareness Program:**

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

#### **Crime Definitions**

<b>Crime Type (Ohio Revised Code)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Ohio law does not define the term dating violence.
Domestic Violence (Ohio Rev. Code § 2919.25)	A person is guilty of domestic violence if violating any of the following provisions: (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member; (B) No person shall recklessly cause serious physical harm to a family or household member; (C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.
Stalking (Ohio Rev. Code § 2903.211(A))	The following constitutes "menacing by stalking" under Ohio law: (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on 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; (2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following: (a) Violate division (A)(1) of this section; Urge or incite another to commit a violation of division (A)(1) of this section; (3) No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.

Crime Type (Ohio Revised Code)	Definitions
Sexual Assault	The institution has determined, based on good-faith research, that Ohio law does not define the term sexual assault.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Ohio law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Ohio Rev. Code §2907.02): <ul style="list-style-type: none"> <li>▪ No person shall engage 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) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; (b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person; (c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.</li> <li>▪ No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.</li> </ul> </li> <li>• Fondling: The institution has determined, based on good-faith research, that Ohio law does not define the term fondling.</li> <li>• Incest: The institution has determined, based on good-faith research, that Ohio law does not define the term incest.</li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Ohio law does not define the term statutory rape.</li> </ul>
Other “sexual assault” crimes	<p>Other crimes under Ohio law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>▪ Sexual Battery (Ohio Rev. Code § 2907.03): No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply: (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution; (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired; (3) The offender knows that the other person submits because the other person is unaware that the act is being committed; (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse;</li> </ul>

<b>Crime Type</b> <b>(Ohio Revised Code)</b>	<b>Definitions</b>
	<p>(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person; (6) ...; (7) ...; (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution; (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.</p> <ul style="list-style-type: none"> <li>▪ Unlawful Sexual Conduct with Minor (Ohio Rev. Code § 29.0704): No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.</li> <li>▪ Gross Sexual Imposition (Ohio Rev. Code § 2907.05): <ul style="list-style-type: none"> <li>○ No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies: (1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force; (2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; (3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery; (4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person; (5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.</li> <li>○ 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</li> </ul> </li> </ul>

Crime Type (Ohio Revised Code)	Definitions
	<p>touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.</p> <ul style="list-style-type: none"> <li>Sexual Imposition (Ohio Rev. Code § 2907.06): No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies: (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard; (2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired; (3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact; (4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person; (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.</li> </ul>
Consent (as it relates to sexual activity) (Ohio Rev. Code § 5924.120(A)(3))	"Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person.

### **College Definition of Consent**

The College uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Previous relationships or prior consent cannot imply consent to future sexual acts.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

In order to give consent, one must be of legal age.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

### Risk Reduction

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no intention to victim-blame, with recognition that these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Give thought to sharing your intimate content, pictures, images and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared or disseminated.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON’T MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or

mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.

- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don't abuse that power.
- Do not share intimate content, pictures, images and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### **Bystander Intervention**

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

### **Other Information Covered by the PPAP**

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the College. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- It is the policy of the College to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sexual misconduct as well as the Ohio definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Programs are informed by evidence-based research and/or are assessed for their effectiveness. Examples of programs offered include *Student Health 101* monthly articles, mandatory online training for all new students through Everfi's *Sexual Assault Prevention* Program, mandatory Welcome Week session for all new students, mandatory training for all campus employees, mandatory training for all student athletes and athletic staff, It's On Us Campaign, and the Clothesline Project. Annual Climate Survey data is used to inform ongoing prevention and awareness efforts.
- The Title IX team and investigators receive yearly training focused on adjudicating cases of sex discrimination. First responders, Residence Life, Student Life and Security Staff receive regular, ongoing training focused on working with reporting parties of sex discrimination.

### **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Security at 419-785-2625 or the After Hours Crisis Cell Phone at 419-439-0359 if you are on campus or call 911 if you are off campus. You may also contact the Defiance Police Department at 419-784-5050.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis. The on-campus Advocate can be reached at 419-290-9839.
3. If you are on campus during regular business hours, you may go to Counseling Services located in 201 Defiance Hall. These are confidential resources. After regular business hours, Counseling Services can be reached at 419-290-9839 or in any situation where a victim wishes, local resources are also available and may be able to provide confidential assistance. Defiance County Victim Assistance can be reached 419-782-0911.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).

2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### **Preservation of Evidence & Forensic Examinations**

For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Defiance College Counseling Center can connect victims with a SANE nurse to perform these exams. 419-290-9839.

- ☐ To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
- ☐ Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the health center or hospital, secure them in a clean **paper** bag or clean sheet to avoid contamination.
- ☐ If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### **Security/Law Enforcement & How to Make a Police Report**

- Campus Security 419-785-2625/Office of Student Life 419-783-2437
- Defiance Police Department 419-784-5050 324 Perry St. Defiance, OH 4512
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### **Information about Legal Protection Orders**

In Ohio, victims may obtain a Domestic Violence Protection Order or a Stalking or Sexually Oriented Offense Protection Order, which provides protective relief for victims of domestic violence, stalking, or

sexual assault. Information about Orders of Protection may be found at:

<https://www.womenslaw.org/laws/oh/restraining-orders/stalking-or-sexually-oriented-offense-protection-orders/basic-info/what-1>

A protection order may be obtained by filing a petition with the court. Courts can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 10 days, until a court hearing, and (2) Full Orders of Protection, which may be issued for up to five years. Additional information about the orders may be found at:

<https://www.womenslaw.org/laws/oh/restraining-orders/stalking-or-sexually-oriented-offense-protection-orders/basic-info/what-1>

- A Petition for Order of Protection should be filed for in the Defiance County Court of Common Pleas. The address is: 221 Clinton Street Defiance, OH. The phone number is 419-782-5931. More information is available here: <https://www.defiance-county.com/common-pleas-court/>
- Information about obtaining an Order of Protection in Defiance County can be found here: <https://www.defiance-county.com//common-pleas-court/court-rules.pdf> .
- The clerk of court's office can provide the necessary forms and may assist in completing the forms. Forms may also be found online at: [http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection\\_forms/DVForms/default.asp](http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection_forms/DVForms/default.asp) and [http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection\\_forms/stalkingForms/10.03E.pdf](http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection_forms/stalkingForms/10.03E.pdf) A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.

- Defiance County Victim Assistance, under the direction of the Defiance County Prosecuting Attorney, provides support, information, and advocacy for any victim of crime in Defiance County. Sarah's House is located at: 1114 E. Second Street.. The Victim Advocate phone number is: 419-782-0911. More information may be found at: <https://www.defiance-county.com/sarahs-house/index.php>
- When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The institution will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a "no trespass warning" if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

**Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

*College Resources*

- If you are on campus during regular business hours, you may go to Counseling Services located in 201 Defiance Hall. These are confidential resources. After regular business hours, Counseling Services can be reached at 419-290-9839.
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College's financial aid website can be found at: <http://www.defiance.edu/financial-aid/index.html>

*State/Local Resources*

- ProMedica Defiance Hospital, 419-783-6955
- Maumee Valley Guidance Center, 419-783-6955
- Sarah's House, 419-782-0911
- Legal Aid of Western Ohio, <http://www.lawolaw.org/>

*National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

**Accommodations and Protective Measures:**

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 419-783-2587, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

#### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Equal Opportunity, Harassment, Discrimination and Sexual Misconduct Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

#### **Title IX Coordinator**

**Lisa Marsalek, Vice President for Enrollment Management and Dean of Students**

128 Hubbard Hall, 701 N. Clinton St., Defiance, OH 43512

(419) 783-2587 or [lmarsalek@defiance.edu](mailto:lmarsalek@defiance.edu)

Trained Deputy Title IX Coordinators who can also receive a report are available in the following offices:

**Mary Burkholder, Director of Human Resources**

106 F Defiance Hall, 701 N. Clinton St., Defiance, OH 43512

(419) 783-2360 or [mburkholder@defiance.edu](mailto:mburkholder@defiance.edu)

**Mercedes Clay, Assistant Dean of Student Engagement**

132 Hubbard Hall, 701 N. Clinton, Defiance, OH 43512

(419) 783-2362 or [mclay@defiance.edu](mailto:mclay@defiance.edu)

**Jennifer Walton, Director of Residence Life**

126 Hubbard, 701 N. Clinton St, Defiance, OH 43512

(419) 783-2563 or [jwalton@defiance.edu](mailto:jwalton@defiance.edu)

An electronic form available at <https://www.defiance.edu/communication-information.html> can also be used to file a report.

Defiance College will act on any formal or informal allegation/notice of violation of the policy on Equal Opportunity, Harassment, Discrimination and Sexual Misconduct Policy (“the Policy”) that is received by the Title IX Coordinator or any faculty, staff, or other employee, with the exception of confidential resources, as articulated in the Policy.

The procedures below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, or faculty members. These procedures may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g. vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff handbooks.

These procedures, like the Policy, are global in scope. While they are informed by various laws (such as Titles VI, VII, and IX, as well as state law) and can be used to satisfy these laws, the procedures stand alone as the College’s resolution mechanism for the conduct covered by the Policy, whether state or federal law applies or not. Law sets the floor for these procedures, but the College has determined the resolution mechanisms that are best suited to its community.

**Overview**

Upon receipt of an allegation or notice to the Title IX Coordinator of an alleged violation of the Policy, Defiance College initiates this resolution process, which involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated.

If so, the College will initiate one of three responses: a remedial response because the reporting party does not want to proceed formally; an informal resolution; or a formal resolution including an investigation and an opportunity for a hearing. A formal resolution is thorough, reliable, impartial, prompt, fair, and as private as possible.

The investigation and resolution process determine whether the Policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address its effects.

**1. Resolution Process**

If at any point in the Resolution Process the evidence indicates that an incident does not rise to the level of discrimination or harassment but could be in violation of other College policies, the Title IX Coordinator

may refer the matter to the appropriate office (e.g. Student Life, Human Resources) for further investigation and resolution.

### **Roles of Resolution Pool Members**

The resolution process relies on a pool of officials (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to campus, prospective students, their parents, and prospective employees. The list of Pool members can be found in the Appendix of this policy. Members of the Pool are trained annually in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake for and initial guidance pertaining to allegations
- To perform or assist with preliminary inquiries
- To investigate allegations
- To serve as a Hearing administrator as decision-makers for allegations and/or sanctions

### **Appointment of Pool Members**

The Title IX Coordinator, in consultation with the President, appoints the pool, which acts with independence and impartiality. While members of the pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the College can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of assignment of roles may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

### **Training of Pool Members**

The Pool members receive annual training. This training includes, but is not limited to: the College’s Discrimination and Harassment Policies and Procedures (including Sexual Misconduct); implicit bias; disparate treatment and impact; reporting, confidentiality, and privacy requirements; applicable laws, regulations, and federal regulatory guidance; how to implement appropriate and situation-specific remedies; how to investigate in a thorough, reliable, and impartial manner; how to uphold fairness, equity, and due process; how evidence is weighed; how to conduct questioning; how to assess credibility; impartiality and objectivity; how to render findings and generate clear, concise, evidence-based rationales; and how to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations. Specific training is also provided for appeals officers, intake personnel, advisors, and chairs. All Pool members are required to attend this annual training.

## **2. Reporting Misconduct**

Any member of the College community (i.e., student, faculty, staff, volunteer), guest, or visitor who believes that the policy on Equal Opportunity, Harassment, Discrimination and Sexual Misconduct has been violated should contact the Title IX Coordinator and/or deputy Coordinators. If the conduct is criminal in nature, any member of the community, including guests and visitors, may contact local police to make a report. It is also possible for employees to notify a supervisor, or for students to notify a Coordinator or faculty member. These individuals will notify the Title IX Coordinator. The College website also includes a reporting form at <https://www.defiance.edu/communication-information.html> which may be used to initiate the resolution process.

**Timeliness** – To promote timely and effective review, the College strongly encourages the Reporting Person and other persons with knowledge of possible violations of this policy to make reports as soon as possible following the occurrence of a sexual assault. A delay in reporting may impact the College’s ability

to gather relevant and reliable information. It may also impact the College's ability to take disciplinary action against a student for has graduate or permanently terminated enrollment.

All employees (except those whom the College has designated as confidential) who receive notice of a potential violation of College harassment or discrimination policies are expected to promptly contact the Title IX Coordinator within 24 hours of becoming aware of a report or incident. Specific information on any allegations received by any party will be reported to the Title IX Coordinator, and every effort will be made to maintain the privacy of those initiating a report.

The College encourages reporting parties to pursue their complaints through both the Defiance College resolution process and through the criminal justice system. The College will provide Reporting Persons with information concerning their options and rights and will assist them in making reports to law enforcement if they wish to do so. The Defiance Police Department, which can be reached at (419) 784-5050, can explain the procedures for pursuing a criminal investigation. The Defiance Police Department will investigate every incident reported to police to determine if a crime has been committed. The decision to file a complaint with the Defiance Police is entirely the victim's choice. Reporting to the police is not necessary for a victim to receive counseling or other supportive services.

**Preservation of Information and Tangible Material** – Preservation of information and tangible material relating to Sexual Assault is essential for both law enforcement and campus disciplinary investigations. Reporting Persons, Responding Persons, witnesses or others reporting possible violations of this policy, are encouraged to preserve all information and tangible material relating to the incident, such as electronic communications (e.g. emails and text messages), photographs, clothing, bedding, and medical information. In the case of medical information, prompt examinations can be crucial.

### **3. Interim Actions and Responsive Measures**

Defiance College will offer and implement appropriate and reasonable responsive, supportive, and/or protective measures to reporting and responding parties upon notice of alleged harassment, discrimination, and/or retaliation.

These interim actions are intended to support both the reporting and responding parties; protect and preserve access to educational and employment programs and activity; address the short-term effects of harassment, discrimination, and/or retaliation; protect the safety of all parties; and prevent further violations.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other health services
- Referral to the Employee Assistance Program
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup
- Altering campus housing situation
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support

- Offering adjustments to academic deadlines, course schedules, etc.

The College will maintain as confidential the supportive or protective measures, provided that confidentiality does not impair the College's ability to provide the supportive or protective measures. Reasonable measures taken will be at no cost to the parties.

The College will use the least restrictive means possible when determining appropriate interim actions to ensure the continued safety and health of the reporting and responding parties and/or the College's community and to ensure as minimal an academic impact on the reporting and responding parties. The College will implement measures that do not unreasonably burden the other party and will regularly re-evaluate the actions to determine the necessity of their continued implementation.

The College may interim suspend a student or student organization, or place an employee on paid or unpaid administrative leave, pending the completion of investigation and resolution procedures when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the College's community may be jeopardized by the on-campus presence/on-going activity of the responding party. The College may implement such measures if, after engaging in an individualized analysis, the College determines that the immediate threat to any member(s) of the College's community justifies removal of the individual.

In all cases in which an interim action/suspension is imposed, the student, employee, or two (2) representatives from a student organization will be given the option to meet with the Title IX Coordinator prior to such action/suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the action/suspension should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), rather an administrative process intended to determine solely whether the interim action/suspension is appropriate. The Title IX Coordinator has sole discretion to implement or stay an interim action/suspension and to determine conditions and duration. Violation of an interim action under this policy will be grounds for discipline which may include expulsion or termination. During an interim action/suspension, a student or employee may be denied access to any or all of the following: College housing/campus/facilities/events.

The College will implement the least restrictive interim actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these measures may include restrictions from classes and/or all other College activities or privileges for which the student/employee might otherwise be eligible. For example, such measures could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of College facilities or equipment, allowing a student to withdraw or take incompletes without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student organizational leadership, or intercollegiate athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the reporting and responding parties.

#### **4. Preliminary Inquiry**

Following receipt of notice or an alleged violation of the College's harassment or non-discrimination policies, the Title IX Coordinator<sup>1</sup> engages in a preliminary inquiry to determine if there is reasonable cause

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<sup>1</sup> If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

to believe the Equal Opportunity, Harassment, Discrimination and Sexual Misconduct policy has been violated. The preliminary inquiry is typically 1-5 days in duration.

This inquiry may also help the Title IX Coordinator determine if the allegations involve violence, threat, pattern, predation, minors, and/or the use of a weapon, in the event that the reporting party has asked for no action to be taken.

In any situation in which violence, threat, pattern, predation, minors, and/or the use of a weapon is **not** evidenced, the Title IX Coordinator may respect a reporting party's request not to pursue the matter through the formal resolution process and will investigate informally only so far as necessary to determine appropriate remedies or refer the matter for alternate resolution options.<sup>2</sup>

If the Title IX Coordinator determines that Title IX is not applicable to allegations of sexual misconduct, but the College still intends to apply these policies and procedures to resolve the misconduct allegations, the Title IX Coordinator will document that it has been determined that Title IX is inapplicable but that College policies and procedures will nevertheless be applied.

### **Compelling Formal Proceedings**

The College reserves the right to initiate formal resolution proceedings without a report or participation by the reporting party when deemed necessary by the Title IX Coordinator, usually to protect the community in situations that evidence a compelling safety risk.

When the College proceeds, the reporting party (or their advisor) may have as much or as little involvement in the process as they wish. The reporting party retains all rights of a reporting party under this process irrespective of their level of participation. Typically, when the reporting party chooses not to participate, the advisor is appointed as proxy for the reporting party throughout the process, acting to ensure and protect the rights of the reporting party. When the Title IX Coordinator believes it is necessary to move the process forward but also knows that credibility will be a key consideration in the formal process, the Coordinator must balance the College's need to move forward without the involvement of the reporting party against the rights of the responding party, who is entitled to a fair process in accordance with these procedures.

When the reporting party wishes to proceed or the College determines it will proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct that the allegation be resolved through one of the following processes, discussed briefly here and in greater detail below:

- Informal Resolution – typically used for less serious offenses and only when the reporting and responding parties agree to informal resolution or the responding party is willing to accept responsibility for a violation. A preliminary inquiry will still typically precede this step.
- Formal Resolution – investigation and a hearing before neutral, impartial decision-makers, subject to appeal and final determination. Remedies to restore those impacted will be implemented upon a finding of policy violation.

### **Discretion to Terminate the Process at Any Time**

The process followed considers the preferences of the parties, but is ultimately determined by the Title IX Coordinator. If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been

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<sup>2</sup> In cases where the responding party is an employee, the College may be less inclined to abide by the reporting party's wishes not to proceed.

violated, the process will end and the parties will be notified.

The reporting party may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances. Other appeal options do not apply.

## **5. Cross-claims**

The College permits the filing of cross-claims but uses the preliminary inquiry, described above, to assess whether the allegations are made in good faith. Cross-claims by the responding party may be made in good faith, but are, on occasion, also made for purposes of retaliation. The College is obligated to ensure that the resolution process is not abused for retaliatory purposes.

Cross-claims determined to have been reported in good faith will be processed using the resolution procedures below. Investigation of such claims may take place after resolution of the underlying allegation, in which case a delay may occur. Cross-claims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When cross-claims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this policy.

## **6. Advisors**

Reporting and responding parties may have an advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available. While it is not advisable to choose as an advisor someone who is also a witness in the process, should a party decide to do so, the potential for bias and conflict-of-interest of the witness can and will be explored by the Hearing Officer/Decision-Maker.

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise and consult with them throughout the resolution process. The parties may choose advisors from inside or outside the College community or proceed without an advisor.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or other decision-makers except during a hearing proceeding, as described below.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation. While the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or quietly by passing notes during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved

discussions, the parties and their advisors should ask for breaks to step out of meetings to allow for private consultation.

Advisors may be given an opportunity to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the College's investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated or replaced by a different advisor.

The College expects that the parties may wish to have the College share documentation and evidentiary information related to the allegations with their advisors. Parties may share this information directly with their advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. The College also provides a consent form that authorizes the College to share such information directly with the advisor. The parties must either complete this form or provide similar documentation consenting to a release of information to the advisor before the College is able to share records with an advisor.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by College. College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects an advisor to adjust their schedule to allow them to attend meetings when planned. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not obligated to use the same advisor throughout. The parties are expected to inform the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to investigators if they change advisors at any time.

Witnesses are not permitted to have advisors in resolution process interviews or meetings.

## **7. Resolution Processes**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with College policy. While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose. The College encourages parties to discuss this with their advisors before doing so.

#### **a. Informal Resolution**

Informal Resolution is used when the parties agree to resolve the matter through conflict resolution, when the responding party accepts responsibility for violating policy or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation. It is not necessary to pursue Informal Resolution first in order to pursue Formal Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Formal Resolution process.

#### **i. Conflict Resolution**

Conflict Resolution is an informal process, such as mediation or restorative practices, by which a mutually-agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate conduct and is encouraged as an alternative to the Formal Resolution process to resolve conflicts. The parties must consent to the use of Conflict Resolution.

Additionally, the Title IX Coordinator determines if Conflict Resolution is appropriate based on the willingness of the parties, the nature of the conduct at issue, and the amenableness of the conduct to Conflict Resolution. In a Conflict Resolution meeting, a trained administrator or third-party facilitates a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a Conflict Resolution process, though the parties may agree to appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the accord may result in appropriate responsive/disciplinary actions.

Conflict Resolution is not the primary resolution mechanism used to address reports of violent conduct of any kind or in other cases of serious violations of policy, though it may be made available after the Formal Process is completed, should the parties and the Title IX Coordinator believe that it could be beneficial. Conflict Resolution is not used as a stand-alone resolution in cases of sexual violence.

#### **ii. Responding Party Admits Responsibility For Alleged Violations**

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits responsibility for all alleged misconduct, the matter is referred to a Decision-maker (an individual selected from the Pool) who renders the determination that the responding party is in violation of College policy and determines appropriate sanctions and/or responsive actions in coordination with other appropriate administrator(s).

The appropriate sanction or responsive actions are promptly implemented in order to effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community.

If the responding party only admits to part of the alleged policy violations, then the Decision-maker finds the responding party in violation for the admitted violations, and the contested allegations will be resolved using Formal Resolution. Any applicable sanctions will be issued upon completion of the Formal Resolution process.

#### **iii. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College.

### **b. Formal Resolution: Step 1 – Investigation**

Formal Resolution can be pursued for any conduct for which the responding party has not accepted responsibility that constitutes conduct covered by the Policy at any time during the process. Formal Resolution starts with a formal investigation.

#### **Notice**

If Formal Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the responding party upon commencement of the formal process. This facilitates the responding party's ability to prepare for the interview and to identify and choose an advisor to accompany them.

Notification will include a summary of the allegations including (if known) the identity of the parties involved, the precise misconduct being alleged, the date and location of the alleged incident(s), the specific policies implicated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.

Updates on this notice may be made as the investigation progresses and more information is available.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent addresses of the parties as indicated in official College records, or emailed to the parties' College-issued email accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The reporting party is typically copied on such correspondence – if copied, an indication of that will be included on the correspondence to the responding party.

#### **Resolution Timeline**

The College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeals, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

#### **Appointment of Investigators**

Once the decision is made to commence a formal investigation, the Title IX Coordinator appoints Pool members to conduct the investigation typically using a team of two investigators, usually within two (2) business days of determining that an investigation should proceed.

#### **Ensuring Impartiality**

The Title IX Coordinator will vet the assigned investigators to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.

#### **Investigation Timeline**

Investigations are completed expeditiously, normally within ten (10) business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### **Delays in the Process and Interactions with Law Enforcement**

The College may undertake a short delay in its investigation (several days to weeks) if circumstances require. Such circumstances include, but are not limited to, concurrent law enforcement activity, the need for language assistance, the absence of parties. The College will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the College will implement interim actions as deemed appropriate.

College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **Steps in the Investigation**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

The investigators typically take the following steps, if not completed already (not necessarily in order):

- Determine the identity and contact information of the reporting party.
- In coordination with campus partners (e.g. the Title IX Coordinator), initiate or assist with any necessary interim actions or remedial measures.
- Identify all policies implicated by the alleged misconduct and notify the reporting and responding parties of the specific policies implicated.
- Assist the Title IX Coordinator with conducting a prompt preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
  - If there is insufficient evidence to support reasonable cause, the inquiry is closed with no further action.
  - If there is sufficient evidence, the formal investigation begins.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the responding party.
- Meet with the reporting party to finalize their interview/statement, if necessary.
- Prepare the initial notice of investigation (NOI) on the basis of the preliminary inquiry. Notice of allegations may be combined with the NOI or provided subsequently. Notice should inform the parties of their right to have the assistance of an advisor of their choosing present for all meetings attended by the party.
- When formal notice of allegations is communicated, provide the parties with a written description of the alleged violation(s), including the parties involved, the date and location of the reported misconduct, a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- If and when additional/material alterations to allegations arise, communicate this promptly to the parties. This notice will provide the parties with a summary of the additions to/alterations of the allegations as well as any changes to the policies implicated.

- Provide the parties and witnesses an opportunity to review and verify the investigator's summary notes from their respective interviews and meetings.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose. Investigators and/or the Title IX Coordinator will provide advanced notice of such meetings, with rare exception.
- Interview all available relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the investigators to ask of the other party and witnesses.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence, copies of which are to be included in an appendix to the report
- Prior to the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) a copy of the draft investigation report.
- Provide the parties with an equal opportunity to inspect and review the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a responsibility determination, so that each party may meaningfully respond to the evidence prior to the conclusion of the investigation.
- Provide each party with a full and fair opportunity (no fewer than 10 days) to respond to the investigation report in writing.
- May choose to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- Incorporate relevant elements of the parties' written responses into the final investigation report, make any changes needed, and finalize the report. The final report is then shared with all parties.
- The responding party, if found in violation, is given an opportunity to accept the findings of the investigation and waive a hearing.
  - If the responding party accepts responsibility for all alleged misconduct and waives a hearing, the investigators will submit the final investigation report, complete with all relevant evidence; the parties' submitted responses; and any subsequent material, documentation, communication, etc.; to the Decision-maker, chosen from the Pool, who has had no prior involvement in the process.
  - The Decision-maker will review all of the material, render a determination of responsibility, and determine appropriate sanctions in coordination with other relevant administrators, if applicable.
- If either party rejects the recommended findings, in whole or in part, the investigator(s) will refer any contested allegations for a hearing.

- The Title IX Coordinator will provide the Decision-maker with a copy of the final investigation report, complete with all relevant evidence, the parties' submitted responses, and any relevant subsequent materials, documentation, communications, etc.

### **Role and Participation of Witnesses**

Witnesses (as distinguished from the parties) who are faculty, students, or staff of the College are expected to cooperate with and participate in the College's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for both parties and all potential witnesses are ideal, circumstances (e.g. study abroad, summer break) may require individuals to be interviewed remotely. Skype™, Zoom™, FaceTime™, WebEx™, or similar technologies may be used for interviews if investigators determine that timeliness or efficiency dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, if deemed appropriate by the investigators, though not preferred.

### **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

### **Evidentiary Considerations in the Investigation**

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding of responsibility does not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the parties or (3) the character of the parties.

### **Admission of Violation**

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits responsibility for all of the alleged misconduct, the matter is directly referred to the Decision-maker, who will make a determination that the individual is in violation of College policy and determine appropriate sanctions and/or responsive actions. These sanction(s) and/or responsive actions are promptly implemented in order to effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community.

### **Referral for Hearing**

Provided that the contested allegations are not resolved through Informal Resolution, the Title IX Coordinator will refer the matter for a hearing within ten (10) days of the conclusion of the investigation, barring unusual circumstances.

**b. Step 2: Decision-maker** - process may divert directly to Decision-maker if all parties opt to waive the hearing. Process may also divert to either faculty and/or student conduct processes for a hearing, if necessary.

The Title IX Coordinator will refer the investigation to a decision-maker from the pool who has not had previous involvement with the allegation. An alternate will sit in throughout the process if needed or at the discretion of the decision maker.

Those who have served as investigators will be witnesses in the hearing of the allegation and therefore may not serve as Decision-makers. Those who are serving as advisors for either party may not serve as Decision-makers in that matter. The hearing will convene at a time determined by the Decision-Maker.

### **Evidentiary Considerations**

Any evidence that the Decision-maker believes is relevant and credible may be considered, including an individual's prior misconduct history, as well as evidence indicating a pattern of misconduct. When prior misconduct is related to the current allegations, the prior misconduct may be considered at the findings stage of the process; unrelated prior misconduct (e.g. alcohol abuse) will only be considered during sanctioning. The Decision-maker may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

While previous conduct violations by the responding party are not generally admissible as information supporting the current allegation, the investigator(s) may supply the Decision-maker with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the responding party may be considered in determining the appropriate sanction, because the College uses a progressive discipline system.

The Decision-maker renders a determination based on the preponderance of the evidence, i.e., whether it is more likely than not that the responding party violated policy.

If all parties opt to waive the hearing, the Title IX Coordinator will refer the matter to the Decision-maker.

#### **i. Notice of Hearing**

Ten days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Decision-Maker will send a letter of notice to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Decision-Maker may reschedule the hearing.
- Notification that the parties may have the assistance of an advisor of their choosing at the hearing (See Section on "Advisors" above).

Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the sixty (60) day goal for resolution.

#### **ii. Pre-Hearing**

The Decision-Maker, after consultation with the parties as necessary, will provide the names of witnesses who will be participating in the hearing, all pertinent documentary evidence, and the investigation report between the parties at least ten (10) days prior to the hearing. Any witness scheduled to participate in the

hearing must have been interviewed first by investigators unless all parties consent to the witness' participation in the hearing.

The parties will be given the name of the Decision-maker at least ten (10) days in advance of the hearing. All objections to any Decision-maker must be raised in writing and submitted to the Title IX Coordinator as soon as possible. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation.

Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

The Decision-maker, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing. Otherwise, all parties will have the opportunity to present witnesses at the hearing, to present facts and arguments in full, and to question witnesses and party(ies) during the hearing. Procedures below describe the questioning mechanisms permitted.

#### **Alternative Hearing Options**

If a party or parties prefer not to attend the hearing in person, the parties should request alternative arrangements from the Decision-Maker at least two (2) days prior to the hearing. The Decision-Maker can arrange to use technology to allow remote testimony without compromising the fairness of the hearing.

#### **iii. Hearing Procedures**

Hearings will usually be convened 10-14 days from the completion of the investigation and will be conducted in private. The Decision-maker has the authority to hear all allegations of discrimination, harassment, sexual misconduct and retaliation and may also hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, Discrimination and Sexual Misconduct.

Participants will include the Decision-maker, the investigator(s) who conducted the investigation, the reporting and responding parties (or three (3) organizational representatives when an organization is the responding party), advisors to the parties, and any called witnesses.

#### **Investigator Presents the Report**

The Decision-Maker explains the procedures and introduces the participants.

The investigator(s) will then present the report of the investigation and will be subject to questioning by the parties and the Decision-maker. The investigator(s) will be present during the entire hearing process, but not during deliberations. The investigators' analysis and/or recommendation(s) are not admissible at the hearing. The investigators, advisors, and parties will refrain from discussion of the investigation's recommended findings, analysis, or credibility assessments. If such information is introduced, the Decision-Maker will disregard it. Once the investigator(s) present their report and are questioned, the parties may provide relevant information in turn and the Decision-maker will permit questioning of and by the parties and witnesses.

### **Participation in Hearing**

The reporting and responding parties have the right to be present at the hearing. If, despite being notified of the date, time, and location of the hearing, any party is not in attendance, the hearing may proceed as described below. Neither party is required to participate in the hearing in order for the hearing to proceed. Investigators will be present, unless the Decision-maker permits an absence under extenuating circumstances.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the College's investigation and the Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

### **Questioning**

There are three options for questioning:

- The default is to permit full questioning of investigators, parties, and witnesses by the advisors to each party and the Decision-maker. If a party or witness does not submit to cross-examination at the hearing, the decision-maker must not rely on **any statement** of that party or witness in reaching a determination regarding responsibility.
- If all parties assent in advance, an alternative questioning approach can be approved by the Decision-Maker. The parties are able to submit written questions of the other party(ies), witnesses, and investigators to the Decision-maker. Questions may be submitted in advance of the hearing or during the hearing proceeding itself. The Decision-maker may also pose their own questions during the hearing. If this approach is selected, parties and/or advisors may not pose live questions directly.
- If all parties assent in advance, a third questioning option can be approved by the Decision-Maker permitting the parties to pose all questions to other parties, witnesses, and investigators directly.

The Decision-Maker has absolute discretion to determine which questions are relevant to the determination and may decline to pose or permit certain questions.

The rationale for all questions submitted in writing by the parties which are rejected and/or *not* posed by the Decision-maker will be explained in writing to the party who submitted the question(s) within two (2) days of the conclusion of the hearing proceeding.

The Decision-Maker may also direct that certain live questions, once posed, are not appropriate and should not be answered. The Decision-Maker is responsible for ensuring that neither abusive nor inappropriate questioning occurs.

The Decision-Maker may consult with legal counsel, when needed, to help to assess the appropriateness of specific questions. If any party or advisor is disrespectful of or disruptive to the proceedings, the Decision-Maker will take actions they deem appropriate to impose appropriate decorum.

### **Evidence Presented at the Hearing**

Formal rules of evidence do not apply. Any evidence that the decision-maker believes is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The Decision-Maker is responsible for addressing any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence, and may disregard evidence lacking in credibility or that is improperly prejudicial. The Decision-Maker will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

Unless the Decision-Maker determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the parties (though there may be a limited exception with respect to pattern, the sexual history between the parties, or where evidence regarding the reporting party's sexual history is offered to prove that someone other than the responding party engaged in the reported misconduct), if relevant, (3) or the character of the parties. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators may supply the Decision-maker with information about previous findings to consider as possible evidence of pattern and/or predatory conduct.

There will be no observers in the hearing unless an exception is granted by the Decision-Maker. The Decision-Maker will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker or the parties involved, and then be excused.

In hearings involving more than one responding party or in which two (2) or more reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each responding party to be conducted separately, if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each responding party.

Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Decision-makers, the parties, their advisors and appropriate administrative officers of the College will be allowed to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **Deliberation and Decision-making**

The Decision-maker will deliberate in closed session to determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The Decision-maker will base the determination(s) on a preponderance of the evidence (i.e. whether it is more likely than not that the responding party committed each alleged violation).

When there is a finding of responsibility on one or more of the allegations, the parties will then be invited to submit a statement to the Decision-maker for consideration in determining an appropriate sanction(s). The reporting party may submit a written statement describing the impact of the conduct and expressing a preference about the sanction(s) to be imposed. The Decision-maker may – at their discretion – consider the reporting party’s preference, but it is not binding.

The responding party may submit a written statement explaining any factors that they believe should mitigate or otherwise be considered in determining the sanction(s) imposed. The Decision-Maker will ensure that each of the parties has an opportunity to review any statement submitted by the other party(ies).

The Decision-maker will review the impact statements and will recommend the appropriate sanction(s). The Decision-maker, will then prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, the information used in support of its recommendation, and any information the Decision-maker excluded from its consideration and why. The report should conclude with any sanctions. This report typically should not exceed three (3) pages in length and must be submitted to the Title IX Coordinator within two (2) days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Using the deliberation report, the Title IX Coordinator will prepare a letter of outcome and will share the letter, including the final determination and applicable sanction(s), within three (3) days of receiving the Decision-maker’s deliberation report. The letter of outcome will be shared with the parties without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties’ College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

The letter of outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties, and witnesses, site visits, methods used to obtain evidence, and hearings held. The letter will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the reporting party designed to ensure access to the College’s educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law. The notification will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any appeals options that are available.

## **ii. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- The responding party’s disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the Decision-maker
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment

- and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the reporting party and the community
- The impact on the parties

The sanctions will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by outside authorities.

### Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- 1) **Warning:** An official written notice that the student has violated College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College.
- 2) **Restitution:** Compensation for damage caused to the College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- 3) **Fines:** Reasonable fines may be imposed. Fines are specified to include: \$100 for intentionally or negligently activating a fire alarm.
- 4) **Community/College Service Requirements:** For a student or organization to complete a specific supervised Community/College service.
- 5) **Loss of Privileges:** The student will be denied specified privileges for a designated period of time.
- 6) **Confiscation of Prohibited Property:** Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Dean of Students (or designee).
- 7) **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- 8) **Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 9) **Restriction of Visitation Privileges:** May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
- 10) **College Housing Probation:** Official notice that, should further violations of Residence Life or College policies occur during a specified probationary period, the student may immediately be removed from College/housing. Regular probationary meetings may also be imposed.
- 11) **College Housing Reassignment:** Reassignment to another College housing facility. Residential Life personnel will decide on the reassignment details.
- 12) **College Housing Suspension:** Removal from College housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to College housing may be specified. Under this sanction, a student is required to vacate College housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for College housing, the student must gain permission

from the Director of Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all Defiance housing during the suspension.

- 13) **College Housing Expulsion:** The student's privilege to live in, or visit, any College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- 14) **College Probation:** The student is put on official notice that, should further violations of College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- 15) **Eligibility Restriction:** The student is deemed "not in good standing" with the College for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students and terms of this conduct sanction may include, but are not limited to, the following:
  - a) Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College; or
  - b) Ineligibility to represent the College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- 16) **College Suspension:** Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students. During the suspension period, the student is banned from property, functions, events and activities without prior written approval from the Dean of Students. This sanction may be enforced with a trespass action as necessary.
- 17) **College Expulsion:** Permanent separation from the College. The student is banned from property and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
- 18) **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending or as a sanction if the student is found responsible for an alleged violation.
- 19) **Revocation of Degree:** The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation, or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- 20) **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- 1) One or more of the sanctions listed above and/or
- 2) Deactivation, de-recognition, loss of all privileges (including status as a College registered group/organization), for a specified period of time.

### Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, sexual misconduct and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*

- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### **d. Withdrawal or Resignation While Charges Pending**

**Students:** The College does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination. Should a student decide to leave and/or not participate in the resolution process, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to College unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

**Employees:** Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator and Director of Human Resources will reflect that status, and any College responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

#### **e. Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within 3 days of the delivery of the written letter of outcome to the parties. Any party may appeal the findings and/or sanctions, but appeals are limited to the below grounds.

A three-member appeals panel chosen from the Campus Judicial Committee Pool will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously.

##### **Appeal Grounds:**

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the submitted appeal request.
- The sanctions imposed fall outside the range of sanctions the College has designated for this offense and the cumulative record of the responding party.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that one or more of the appeal grounds has been met, and the other party or parties may, but is not obligated, to show the grounds have not been met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) days of receiving a copy of the appeal, and/or bring their own appeal on separate grounds within the original appeal timeframe. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. Any response or appeal request will be shared with each party.

When the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original Decision-maker merely because they disagree with its finding and/or sanctions.
- The Appeals Panel may consult with the Title IX Coordinator on questions of procedure or rationale for clarification, if needed.
- Appeals granted based on new evidence should normally be remanded to the original investigators and/or Decision-maker for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.
- Sanctions imposed as the result of the formal or informal resolution processes are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute extraordinary circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days from the hearing of the appeal or remand. The letter of outcome for the appeal will be shared with the parties without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.
- The letter of outcome for the appeal will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. The letter will also include information that this is a final result.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases where a procedural [or substantive] error cannot be cured by the original Decision-maker (as in cases of bias), the appeals panel may recommend a new hearing with a new Decision-maker. The results of a remand to a Decision-maker cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

- In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### **f. Long-Term Remedies/Actions**

Following the conclusion of the resolution process and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment or discrimination, remedy its effects, and prevent its reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing arrangements
- Permanent alteration of work arrangements for employees
- Provision of campus escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the College to the responding party.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the College's ability to provide these services.

#### **g. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All responding parties are expected to comply with the assigned sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by the sanctions/actions imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/ actions, including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **8. Records**

In implementing this policy, records of all allegations, investigations, formal and informal resolutions, and hearings will be kept indefinitely by the Title IX Coordinator in the Title IX database. The College will also retain all materials used to train Title IX Coordinators, investigators, and decision-makers.

### **9. Statement of the Rights of the Parties**

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials;

- The right to timely written notice of all alleged violations, including the identity of the parties involved, the precise misconduct being alleged, the date and location of the alleged misconduct, the implicated policies and procedures, and possible sanctions;
- The right to timely written notice of any material adjustments to the allegations (e.g. additional incidents or allegations, additional reporting parties, unsubstantiated allegations) and any attendant adjustments needed to clarify potential policy violations implicated.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible;
- The right to not have any personally identifiable information released to the public, without consent provided, except to the extent permitted by law;
- The right to be treated with respect by College officials;
- The right to have College policies and procedures followed without material deviation;
- The right to not be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right to not be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College law enforcement and/or other College officials;
- The right to be informed of available interim actions, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other student services, both on campus and in the community;
- The right to an College-implemented no-contact order (or a no-trespass order against a non-affiliated third party) when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others;
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, need occur before this option is available. Such actions may include, but are not limited to:
  - Changing an on-campus student's housing to a different on-campus location
  - Assistance from College staff in completing the relocation
  - Changing an employee's work environment (e.g. reporting structure, office relocation)
  - Transportation accommodations
  - Visa/immigration assistance
  - Arranging to dissolve a housing contract and a pro-rated refund
  - Exam, paper, and/or assignment rescheduling or adjustment
  - Taking an incomplete in, or a withdrawal from, a class (may be retroactive)
  - Transferring class sections
  - Temporary withdrawal/leave of absence (may be retroactive)
  - Campus safety escorts
  - Alternative course completion options

- The right to have the College maintain such actions for as long as necessary and for protective measures to remain private, provided privacy does not impair the College's ability to provide the accommodations or protective measures;
- The right to be fully informed of relevant College policies and procedures as well as the nature and extent of all alleged violations;
- The right to receive a detailed notice of investigation, once the College has decided to pursue a formal investigation, which contains the identity of the parties involved, the date and location of the alleged incident, the specific misconduct alleged, and the policies implicated by the alleged misconduct;
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible;
- The right to ask the investigator(s) and Decision-maker to identify and question relevant witnesses, including expert witnesses;
- The right to provide the investigator(s) or Decision-maker with a list of questions that, if deemed relevant and appropriate by the investigator(s) or Decision-maker, may be asked of any party or witness;
- The right to not have irrelevant prior sexual history or character admitted as evidence;
- The right to know the relevant evidence obtained, and to respond to that evidence on the record;
- A fair opportunity for the parties to provide the investigator(s) with their account and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least 10 days to review the report prior to the hearing;
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record;
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, where relevant;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports of alleged Policy violations addressed by investigators, Title IX Coordinators, and Decision-makers who have received relevant annual training;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings, interviews, and/or hearings that are closed to the public;
- The right to petition that any College representative in the process be recused on the basis of demonstrated bias and/or conflict of interest;
- The right to have an advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process;
- The right to the use of the preponderance of the evidence standard to make a finding after an objective evaluation of all relevant evidence;
- The right to be present for all testimony given and evidence presented during any resolution-related hearing;
- The right to submit an impact statement in writing to the Decision-maker following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed in a written notice of outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation

of how credibility was assessed), delivered without undue delay between the notifications to the parties;

- The right to be informed in writing of when a decision by the College is considered final and any changes to the sanction that occur before the decision is finalized;
- The right to be informed of the opportunity to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College;
- The right to a fundamentally fair resolution as defined in these procedures.

### **Disabilities Accommodation in the Equity Resolution Process**

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at the College. Anyone needing such accommodations or support should contact the Accessibility Services Coordinator or Human Resources if employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

### **Publicly Available Recordkeeping:**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do **so by contacting the Lisa Marsalek, Dean of Students at 419-783-2587. State registry of sex offender information may be accessed at the following link:** <https://www.defiance-county.com/dco/>

## **12. Timely Warnings**

Defiance College provides Timely Warnings to the campus community of any crime that presents a serious and/or continuing threat to the safety of students or employees. The campus community will receive notification from the Dean of Students via email and sometimes the institution's Send Word Now emergency notification system.

The purpose of a timely warning is to provide information that will aid in the prevention of similar crimes by enabling people to protect themselves. Timely warnings will be issued as soon as the pertinent information is available. If the College determines there is a serious or continuing threat, the Jeanne Clery

Act requires Defiance College to issue timely warnings for serious crimes such as murder, robbery, aggravated assault, burglary, motor vehicle theft, rape and certain hate crimes if the crime occurred on campus, on property owned or controlled by the college, or on public property that is immediately adjacent to campus such as streets and sidewalks that border campus. Though not required by the Clery Act, the College may at times also issue timely warnings for other types of crime if they pose an ongoing threat to the campus community. The Dean of Students or his/her designee will determine on a case by case basis whether a timely warning will be issued.

Timely warnings will generally contain the following information:

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

Some information may be withheld if providing that information could risk compromising law enforcement efforts. Additionally, the names and other identifying information of victims are confidential and never included in Timely Warning notifications

**ANYONE WITH INFORMATION WARRANTING A TIMELY WARNING SHOULD CONTACT THE DEAN OF STUDENTS AT 419-783-2437 OR CAMPUS SECURITY AT (419-785-2625).**

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

### **13. Emergency Response**

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

#### **Reporting of an Emergency on Campus**

Students, staff and visitors are encouraged to notify Campus Security at 419-785-2625 or Office of Student Life at 419-783-2437 of any emergency or potentially dangerous situation.

Anyone on campus can call 9-1-1 for local jurisdiction emergency responders. If 9-1-1 is called first, the Defiance College community member should still inform Defiance College Security/Student Life by calling 419-785-2625 or 419-783-2437 immediately afterward. To call 9-1-1 from a campus phone you must dial 9, then 9-1-1. Calling 9-1-1 does not guarantee a College response. Outside responders do not always notify the College of a 9-1-1 call generated on campus.

Instances of significant infectious disease or other public health hazards must be reported to the Dean of Students at 419-783-2437 or the 24 hour After Hours Crisis Phone at 419-439-0359.

Instances of threatening behavior are taken seriously at Defiance College. If the situation is immediately dangerous, call the police. If the person exhibiting the behavior is faculty or staff, human resources should be contacted next at 419-783-2360. If the person is a student, then Student Life at 419-783-2347 should be contacted next.

Once an emergency is reported Defiance College will activate its emergency response plan that outlines how the institution will;

### **Respond to an Emergency**

Emergencies are broken into two categories: spontaneous and anticipated. For most spontaneous emergencies on campus there will be a multi department internal response and an external response from local public safety officials. Examples of spontaneous emergencies include fire alarms, hazardous materials spills, natural gas leaks or reports of armed persons on campus.

When notified of an emergency on campus local municipal dispatchers will send the appropriate first responders. First responders to spontaneous emergencies at Defiance College can include but are not limited to; Defiance College security staff, physical plant staff, residence life staff, student life staff, Defiance City police staff, Defiance City fire department staff, and local municipal emergency medical staff.

In instances of public health emergencies, which can be spontaneous or anticipated, College student life and athletic training staff may be considered first responders. For behavioral emergencies, College counseling services staff, student life staff, human resources staff or CARE team assessment committee members may be called to respond.

A good example of an anticipated emergency is approaching severe weather. In these instances a pre-determined group of trained emergency leaders (e.g. vice presidents, and critical department heads such as physical plant, residence life, public relations and athletics) will confer and activate portions of the response plan as needed.

According to the College's plan, the response protocols for any type of crisis (spontaneous or anticipated) on campus are;

- Gain and maintain situational awareness; (assess risk to life safety)
- Establish command (leadership structure) to direct, control and coordinate response actions;
- Develop Incident Action Plan; (includes public safety actions such as evacuation, lockdown, or shelter in place if necessary)
- Activate and deploy appropriate resources and systems;
- Manage and share information and intelligence including dissemination of emergency public information when required or appropriate;
- Re-evaluate Incident Action Plan; and
- Demobilize

A crisis on campus can range from a critical I.T. server failure to a severe weather emergency such as a tornado. The first step in all responses is to determine the risk to health and safety of the community. As soon as Defiance College has confirmed that a significant emergency or dangerous situation exists, the College will; take into account the safety of the campus community, determine what information to release about the situation, and begin the notification process.

### **Confirming a “Significant Emergency” or “Dangerous Situation”**

Confirmation means that an institution official (or officials) has verified a legitimate emergency or dangerous situation exists. Examples of a significant emergency at Defiance College include approaching tornado, explosions, large fires or large hazardous chemical spills. Responders and administrators on campus who are trained to confirm a significant emergency exists include; the President of the College and senior administrative staff, Defiance College Security staff, student life staff, residence life staff, physical plant staff, and municipal emergency service providers (e.g. firefighters, emergency medical personnel and law enforcement). Confirmation of an emergency will most often be through rapid analysis by a minimum of at least two sources.

On arrival the incident commander will use physical evidence at the scene as well as information gained by witnesses, victims, etc. to determine if there is a potential for continued harm to persons. This information will be shared with local response officials (e.g., fire department or emergency medical technicians) and other Defiance College response departments on the scene. A determination of a significant emergency shall be made rapidly using the combined knowledge and experience of all response agencies involved. Occasionally, during complex or novel emergencies, on scene personnel may choose to consult with the Dean of Students or Director of Physical Plant to aid in the confirmation process. These senior level emergency decision makers are available on a 24 hour, 7 day a week basis via cell phone. It is not necessary to consult all of the above mentioned decision makers prior to a confirmation. This process, although lengthy in its description typically takes place in a matter of minutes. Local responders from the City of Defiance that respond to campus emergencies will always have final authority to determine if a significant emergency to the community exists.

For anticipated emergencies such as severe weather, threats of terrorism or contagious disease outbreaks the President’s Office, Office of Student Life or Physical Plant will have authority to make a determination of a significant emergency. This process is usually slower and may require consultation with other Vice Presidents or an outside agency such as the Federal Bureau of Investigation or the local public health department prior to making a confirmation. In cases of disease outbreak, chemical exposure or other bio hazards confirmation may require sampling and outside testing which can also slow the process down. Further, the CARE team (behavioral intervention team) may also identify and confirm a significant emergency by analyzing information provided through multiple sources. More information on the CARE team information can be found at <http://www.defiance.edu/student-life/info/care.html>

### **Immediately Notify the Campus Community Upon Confirmation of a Significant Emergency**

Upon confirmation of a significant emergency or dangerous situation the College official in charge of the crisis or, the official working with local safety authorities (Incident Commander or Liaison to a Unified Command with outside officials) shall, without delay, take into account the safety of persons that may be affected by the hazard and initiate Defiance College’s emergency notification process. The only reason the institution would not immediately issue a notification for a significant emergency or dangerous situation is if in the professional judgment of a responsible authority (e.g., campus safety leadership, municipal law enforcement official, fire department official, federal authority such as F.B.I., or other professional public safety leaders), doing so will compromise efforts to; assist a victim, contain the emergency, or otherwise mitigate the emergency.

At Defiance College emergency notification may come from a single source, such as a fire alarm, which typically only uses visual (strobes) and audio alerting (horns) and does not deliver detailed action instructions, or through one or more systems that can deliver voice, text, visual alerts, or audio alerts. The primary emergency notification systems on campus are; Send Word Now system which delivers time-sensitive information to students, faculty and staff simultaneously via multiple paths including phone calls,

SMS text messages, and email, and fire alarm systems. Additional emergency notification options include email, web banners, television and radio broadcasts, weather radios, social media (e.g. Facebook), and even traditional person-to-person alerting. In most instances of significant emergencies the College will attempt to coordinate messaging utilizing at least (2) systems.

An important note on severe weather notification: Defiance College receives severe weather alerts from the National Weather Service (NWS) via several delivery methods. Defiance College will not repeat all severe weather alerts. Further, Defiance College cannot deliver information faster than the NWS can. It is highly recommended that students, faculty and staff sign up to receive National Weather Service Alerts for the Defiance area via email and mobile service at <http://www.weather.gov/subscribe>. In addition there are several smart phone applications that are designed to customize weather alerting on any mobile device.

The College official in charge of the response (incident commander) shall determine which system or systems are to be utilized and;

#### **What Segment of the Campus Community Will Receive a Notification**

The College's emergency notification plan does not require the entire community to be notified during a significant emergency. The official in charge of the emergency shall determine which segment of the population is at risk and notify the at risk population only. This decision of who is at risk is made based on analyzing the available information at the scene, utilizing emergency response guides and pre-plans, or relying on a combination of training and experience from past exercises and emergencies. The initial notification decision will be re-evaluated continuously by on scene personnel and College leadership. As the incident continues, additional segments of the community may require emergency notification. As an example, a chemical spill in a building may initially be determined to be a risk to health and safety of only the occupants of a single floor of a building. In this situation, only person(s) on the floor would be notified. The occupants of the floor would then be evacuated and floor access would be restricted to only emergency response personnel. As the incident continues if new hazard information emerges or the physical hazard expands the entire building may be notified and evacuated. The College may also choose to provide information on the event at a later time to the entire community in a non-emergency format.

The Incident Commander in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

#### **The Content of Emergency Messages**

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Some emergency alerts will not have content. For example fire alarms utilize audio tones or visual alerts such as strobes. The College will not deliver an emergency notification that contains content until there is sufficient information available to be specific and actionable.

For example, once an emergency is confirmed by responders, the Incident Commander is then tasked with gathering information about the dangerous situation. Examples of information that might be obtained before an alert is sent is relative location, the cause of the danger, suspect descriptions (if applicable), and protective action instructions. At a minimum an alert with text or voice content should contain the location, nature of the dangerous situation and protective action to be taken by populations at risk.

There are typically one of three common protective actions the at risk population may be asked to take;

**Evacuation;** Evacuation is the process of emptying a building of all occupants. Some of the buildings on campus, such as the residence halls, have detailed evacuation plans. Occupants of buildings that do not have a detailed evacuation plan will follow the general evacuation procedures. It is the responsibility of all students, faculty and staff to become familiar with the evacuation procedures.

**Shelter in Place;** Shelter in place is a safety action that is used when the areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances. In these cases it is usually safer to stay indoors because evacuation may expose persons to danger. As an example, sheltering in place may be used during the initial stages of an earthquake when falling debris and other dangers may be present outside. It is the responsibility of all students, faculty and staff to become familiar with the general shelter in place procedures.

**Lockdown;** Lockdown is a form of sheltering in place. It is a tool used by emergency responders during situations such as a report of an armed intruder on campus when it may be more dangerous to evacuate a classroom or office of a building than to keep occupants inside. During a lockdown occupants shall attempt to secure the space they are in by locking doors or using furniture to bar entry.

Current students and employees can view the Defiance College Crisis Response Plan and appropriate measures to take in the event of an emergency on MyDC. Employees can find it under the Employee Tab/Document Repository. Students will find it on the Student Tab/Student Life/Handouts

First responders will also attempt to control entry/exit and movement within a facility and may remotely lock doors through use of technology in an attempt to keep people safe. It is the responsibility of all students, faculty and staff to become familiar with the lockdown procedures.

Other examples of less common or rare emergency actions that may be ordered can include quarantines or mass prophylaxis. Detailed instructions for these types of emergency actions will be given during implementation.

Emergencies are dynamic and circumstances associated with a dangerous situation may change rapidly. The emergency notification system will be used to provide updates on a crisis when new information that affects public safety is obtained and the incident commander or Crisis Response Team approves the release.

Once the emergency notification process is initiated and carried out by first responders the responsibility for additional emergency public information will then pass to Defiance College's public relations and marketing department. The department will work with responders and College leadership to ensure delivery of subsequent timely, factual information during the remainder of the response and recovery. This includes responsibility for sending an "all clear" message to the community when there is no longer an immediate danger and it is appropriate to do so. Not every incident will include an "all clear" message.

### **The Institution Initiates the Emergency Notification System**

A summary of the process for initiating the emergency notification system is as follows;

- A report of an emergency or impending emergency is received through the reporting avenues listed above or another source;
- Initial notification is made to the appropriate first responders (spontaneous emergency) or the proper Crisis Response team members (e.g., CARE team, Cabinet, physical plant) for anticipated emergencies;
- Responders, teams or committees described above will assess and confirm risks to health and safety as described in previous sections;
- After confirmation of a significant spontaneous emergency or dangerous situation the incident

commander will delegate the responsibility to notify or personally notify the next level of College response.

- After confirmation of a significant spontaneous emergency or dangerous situation, without delay, the incident commander will delegate the responsibility to notify or if able to do so, personally activate emergency public notifications. Most often the Dean of Students will send the initial messages. Other examples of sources on campus with authority to initiate and access systems to deliver an emergency message include the President and Cabinet, computer services staff, physical plant, and public relations and marketing staff.

### **List of Organizational Titles Responsible for Emergency Response and Notification**

Outside organizations whose staff can confirm there is a significant emergency or dangerous situation on campus includes but is not limited to; Defiance Police Department, Defiance Fire Department, the Federal Bureau of Investigation, and the Defiance County Health Department.

Titles of staff at Defiance College who can confirm a significant emergency or dangerous situation exists include; The President of the College, Vice President for Finance and Management, Vice President for Student Affairs/Dean of Students, Vice President of Academic Affairs, Defiance College Security, Director of Physical Plant, Director of Counseling and Accessibility Services, and the Director of Residence Life. Additional staff not listed above may be trained as appropriate to expand this list.

As mentioned above the person or person(s) in charge of the emergency (incident commander(s)) determine the appropriate segment or segments of the campus community to receive a notification. Incident commander(s) at Defiance College can be an official from any of the above listed external organizations that can confirm an emergency on campus or any of the Defiance College staff positions listed above. The Incident Commander(s) also determine the content of the message.

Members of the campus community can initiate alerts such as fire alarms by activating them locally (pull stations). Many of the other notification systems are powered by website or local software that requires password access. At the request of the Incident Commander(s) the following staff can activate additional warning systems; Computer Services staff and Director of Public Relations and Marketing.

### **What The Procedures are for Disseminating Information to the Larger Community**

The College has a Crisis Response Team that consists of individuals from the Office of Public Relations and Marketing and members of the Cabinet. One of the responsibilities of this group in an emergency is to ensure timely, accurate flow of information to the larger community when appropriate. The Dean of Students will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of Incident Commander or Dean of Students, the College's Director of Marketing and Public Relations will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

The College activates its outside public information procedures on a case-by case basis. The decision to notify can be affected by, but is not limited to, the following factors; the type of emergency, the involvement of the media, privacy of person(s) involved, the number of people affected by the event. For example, the larger community may not be notified if a fire occurs in an administrative building without injuries and very little disruption to the daily operation of the College (In this instance the appropriate emergency notification to the building occupants would still be made via the fire alarm or other emergency notification system).

The decision to not notify the larger community is typically made by Crisis Response Team.

The Director of Public Relations and Marketing will serve as the Public Information Officer (PIO). When the larger community is to be notified the PIO will coordinate with local media to disseminate information outside of the campus community through traditional methods such as television news broadcasts. The PIO may also disseminate information to other organizations like the American Red Cross who can repeat messages through their media channels.

The College can also activate a live operator emergency call center to distribute information. When activated the number of the call center is broadcast through the media and other avenues and persons such as parents can call in to get up to date information and ask questions. Defiance College will also post updates on the home webpage [www.defiance.edu](http://www.defiance.edu) as well as on social media sites such as Facebook. You can follow Defiance College on FB here:

<https://www.facebook.com/defiancecollege>

### ***Methods for Issuing Timely Warnings and Emergency Notifications***

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

Method	Sign-Up Instructions
Emergency Notification System - Send Word Now	Automatically enrolled. Self-updates available at the beginning of each semester.
emails	N/A

### **Testing & Documentation**

Defiance College promotes its emergency response procedures year round through public education efforts such as; reviews of procedures at student and staff orientations, and other media avenues. At least once a year, the College tests its primary emergency notification systems (SMS messaging, mass email) in conjunction with promoting the institutions emergency procedures. The test is scheduled and publicized to the campus community beforehand through multiple media communications. Tests may not include all subscribing members of the service. Fire alarms are tested as required by fire code. The College also tests its emergency management plan, emergency evacuation procedures, emergency communications policy and supporting technology annually in the form of a functional exercise. College staff may also participate in several smaller exercises and conduct additional tests of emergency policy, procedures and technology.

The Dean of Students maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

## **14. Missing Student Policy**

If a residential student has not been seen on campus for more than 24 hours and acquaintances do not know where the student may be, the Dean of Students (418-783-2437) and campus security (419-785-2625) should be notified immediately.

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the College only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24

hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

A student who wishes to designate a confidential contact may do so by completing this section on the Housing Agreement form.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the College will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the College will also notify that student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

## 15. Crime Statistics

The statistical summary of crimes for this College over the past three calendar years follows:

	On Campus			On Campus Housing			Non Campus			Public Property		
Crime	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	2	2	1	2	1	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	1
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0	0	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0

Arrest - Liquor Law Violation	1	0	0	1	0	0	0	0	0	0	3	0
Arrest - Drug Abuse Violation	0	2	1	0	1	1	0	0	0	0	1	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	2	0	0
Disciplinary Referral - Liquor Law Violation	2	14	9	2	13	9	0	0	0	1	0	0
Disciplinary Referral - Drug Abuse Violation	7	1	1	6	1	1	0	0	0	1	0	0
Disciplinary Referral - Weapon Violation	0	0	1	0	0	1	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	1	0	1	1	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

#### **Hate crimes:**

**2018:** No hate crimes reported.

**2017:** No hate crimes reported.

**2016:** No hate crimes reported.

Crimes unfounded by the College:

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

Data from law enforcement agencies:

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the College's Clery Geography.

## 17. Annual Fire Safety Report

### Housing Facilities and Fire Safety Systems

The College maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

**Campus:** Defiance College, 701 N.Clinton St. Defiance OH 43512

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Grand Ave. Apartments, 180 Grand Ave.				X	X		0
Jacket Suites, 895 Webster Street	X		X	X	X	X	1
20 College Place, 20 College Place				X	X		0
Whitney Hall, 881 Webster Street	X		X	X	X	X	2
McReynolds Hall, 701 Webster Street	X			X	X		2

### Policies on Portable Appliances, Smoking and Open Flames

Defiance College regulates portable electric appliances, smoking, and open flames in on-campus housing and fire safety policies and procedures. See the [Student Handbook](#) for more information. The College further reserves the right to direct residents to remove from their room any hazardous materials. The final decision regarding removal of such materials will be made by the Director of Residence Life after review by the Hall Directors. Items may be confiscated and held in the Residence Life office if they violate hall fire safety and/or jeopardize security and community living. The College reserves the right to make

periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

### ***Portable Electrical Appliances***

The use of personal electrical appliances is limited because of sanitation, safety, and electrical concerns. The following appliances **are prohibited** in residence hall rooms: air conditioners (special approval only), toaster ovens, George Foreman grills, hot plates, commercial food preparation apparatus, space heaters, sun-lamps, halogen lamps/lights/ light bulbs, and electric blankets. Small microwaves and refrigerators of the proper size are allowed (not in excess of 4.5 cubic feet). Microwave ovens are restricted to a maximum electrical capacity of 900 watts. All approved appliances must bear the UL (Underwriters Lab) seal of approval. All other appliances are subject to the discretionary judgment of the Director of Residence Life. When additional electrical outlets are needed in a student room, **FUSED SURGE PROTECTOR STRIPS MUST BE USED INSTEAD OF STANDARD ELECTRICAL EXTENSION CORDS.**

### ***Open Flames and Flammable Storage***

Candles used for decorative purposes are prohibited. Candles and other devices with open flames, as well as incense, are prohibited. Additionally, fireworks and flammable liquids, such as propane, gasoline, petroleum-based solvents, paint thinners, and similar flammable materials may not be stored in residence halls.

Grills that utilize charcoal, lighter fluid or propane gas are prohibited in the residence halls. Use of a grill can take place in the Quad area between Whitney and McReynolds Hall with prior permission from the Office of Residence Life. All barbecue grills must be attended at all times and must be kept a safe distance from the buildings and vehicles. Hot coals must be doused with water when cooking is complete and not to be disposed of on the ground.

### ***Smoking***

The use of tobacco products, e-cigarettes and vaping devices is prohibited in all campus buildings and campus-owned vehicles. Smoking is also prohibited on all outdoor areas of campus, except parking lots. Those who choose to smoke on Defiance College property must do so in parking lots and dispose of all trash appropriately.

### **Fire Evacuation Procedures**

In the event of a fire, the College expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave.

### ***Students in On-Campus Housing***

When a fire alarm sounds, the following should be observed:

- Close windows, turn off lights and electrical equipment and close and lock door if time allows.
- Walk; do not run, to the nearest exit. If the closest exit is blocked by fire or smoke, find an alternative exit. If requested, accompany and assist persons with disabilities or injuries who appear to need assistance.
- After exiting, get away from the building and follow directions from the Residence Life staff, Security staff and/or Fire Department officials.
- Do not re-enter the building until the authorization is given by the Fire Department.

Failure to follow fire safety guidelines, including transmittal of a false fire alarm, tampering with smoke/heat detection devices, fire extinguishing equipment, or failure to evacuate during a fire alarm is prohibited. Violators may be subject to fines, campus judicial action, and/ or prosecution.

### ***Campus Employees***

It is important for employees to familiarize themselves with the procedures of fire reporting.

1. **Safety of the People.** Evacuate people as readily as possible. Close doors to isolate the fire. A person with an ambulatory disability should move to the opposite end of the building near a stairway and away from the fire, and wait for firefighters to arrive. Exit strategies should be discussed with supervisors.
2. **Send the Alarm.** Call the Fire Department, 9-911, and relay all information pertaining to the fire (i.e., location, floor, room, building, etc.). If the building is equipped with the fire pull boxes, break the glass, and pull the bar.
3. **Notify Others in the Area.** Use any alarm provided for this purpose. Move out to a safe area to give firefighters a clear field.
4. **Assist Campus Police or Firefighters.** Relate to them what is burning (i.e., special chemicals, radiation hazards) or any other pertinent information.

### **Fire Education and Training Programs**

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire and inform them of the College's fire safety policies. Information distributed includes maps of each facility's evacuation route and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a "buddy" assigned to assist him or her.

Defiance College promotes campus fire safety on an ongoing basis through various safety education and training programs. Residence hall staff receive orientation to the operations and locations of the fire alarm system, as well as a review of their roles during a fire or fire drill. The resident assistants and hall directors receive general fire safety and fire extinguisher training from the Defiance Fire Department and during fall training. Students receive a general orientation to the fire systems present in the building during the first week of the residents' arrival. Staff also review evacuation and emergency procedures with residents. Residence hall students participate in one fire drill during both the fall and spring semesters.

### ***Fire Drills***

One fire drill is conducted at the beginning of the fall semester and one fire drill is also conducted at the beginning of the spring semester. All residents must leave the building when the alarm sounds for the drill. Failure to do so will result in disciplinary action.

### ***Grand Avenue Apartments***

Apartment residents receive information regarding fire safety and evacuation from the Resident Assistant at the beginning of the academic year.

### ***20 College Place***

House residents receive information regarding fire safety and evacuation from the Hall Directors at the beginning of the academic year.

### ***Fire Alarm System***

Each residence hall is equipped with a building fire alarm system, and each student room has a smoke detector. In accordance with state law, when the building alarm sounds, all residents are required to leave the building. Residents cannot re-enter a building until permitted by hall staff. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

### **Grand Avenue Apartments**

All apartments have smoke detectors. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

### **20 College Place**

The house has smoke detectors. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

### ***Suppression System***

#### ***Whitney Hall and Jacket Suites***

A sprinkler system is provided for additional safety in the event of a fire. Residents must be careful not to damage, tamper with, cover, or hang items from the sprinkler heads or an accidental discharge of water may result. In addition, residents may not store personal items within 18 inches of any sprinkler head.

### ***Fire Safety and Prevention***

- Know every regular and emergency exit from the building you are in. Know how to activate the alarm system and what it sounds like. Know the location of fire extinguishers and how to operate them.
- Arrange room contents with fire safety in mind. Maintain clear and unobstructed access to your room door, from both the outside and the inside, at all times.
- Do not overload electrical outlets.
- Do not use broken, frayed, or cracked electrical cords.
- Do not suspend lamps or lights by their own cords.
- Do not allow excess clutter or flammable materials to accumulate.

### **Reporting Fires**

The College is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Dean of Students at 419-783-2587. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements**

Defiance College continually evaluates the fire protection system in residential facilities. Upgrades to the system occur through replacements or building renovations. Current planning and education include:

- Informational and interactive programs for students to learn about fire safety.
- Surprise and scheduled fire safety checks.

### **Fire Statistics**

#### **2018**

No fires were reported in 2018.

#### **2017**

No fires were reported in 2017.

#### **2016**

No fires were reported in 2016.